

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

COMMITTEE ON EDUCATION

Minutes of Meeting
Monday, February 8, 2010
House Hearing Room 3 -- 2:00 p.m.

Chairman Crandall called the meeting to order at 2:38 p.m. and attendance was noted by the secretary.

Members Present

Mrs. Barto
Mr. Court
Mr. Hendrix
Mr. Meyer

Mr. Schapira
Ms. Waters
Mr. Williams

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

Members Absent

None

Committee Action

HB2128 – DPA S/E (8-2-0-0)
HB2129 – DPA S/E (8-0-0-2)
HB2200 – ~~DP~~ FAILED (1-9-0-0)
HB2227 – DPA (9-0-0-1)
HB2235 – DP (6-4-0-0)
HB2261 – DPA (8-0-0-2)

HB2311 – ~~DP~~ FAILED (2-8-0-0)
HB2323 – DISC. & HELD BY CHAIR
HB2556 – HELD
HB2587 – DP (10-0-0-0)
HB2613 – DPA (8-1-1-0)

CONSIDERATION OF BILLS

HB2556 – schools; ADE; reduction; reform – HELD S/E
S/E: same subject

Chairman Crandall announced that HB2556 will be held.

HB2235 – school personnel; employment information; investigations – DO PASS

Vice-Chairman Goodale moved that HB2235 do pass.

Marc Flamm, House Majority Intern, explained that HB2235 requires the Arizona Department of Education (ADE) to maintain a confidential database of information on certificated persons who are under investigation for alleged immoral or unprofessional conduct to be made available to schools and school districts (Attachment 1). In response to questions, he related that there is a

database at ADE that includes the names of persons who have been found guilty of these acts. Schools and school districts are required to check this database annually for every certificated employee and before offering employment to a certificate holder.

Representative John Kavanagh, sponsor, stated that a few months ago he read about a teacher under investigation for a questionable act with a student at one school who was working at another school, so it was determined that there are some problems in the system connecting people with information. During a stakeholder meeting, agreement was reached on three amendments to ensure that any time a school district plans to hire a teacher, the existing database should be checked to make sure there is no ongoing investigation. The bill also extends the requirement to charter schools.

Chairman Crandall expressed concern that the database is used before presumption of guilt and the fact that every certificated teacher has to be checked against the database every year.

Mr. Kavanagh stated that the bottom line is if a teacher is removed from a classroom in one school district because of an allegation, other school districts need to know about it.

Chairman Crandall said he would like to see the bill crafted to apply to only those circumstances.

Vince Yanez, Executive Director, State Board of Education (SBE), stated that he did not plan to speak on the bill, but offered to answer questions.

Mr. Meyer asked if an employment lawyer was involved in drafting the language because school districts cannot comment to other school districts on employer issues, which would be a potential violation of an employee's rights. Employees are often taken out of a classroom until an investigation is completed, and they are often found innocent and placed back in the same classroom. He is worried about putting the state at risk if the bill is not crafted appropriately.

Mr. Yanez said he believes there are provisions that allow schools currently to share personnel information in certain circumstances. Also, this database already exists and schools check it every day to view the status of current teachers and employees in terms of fingerprint and certificate status. The fact that someone is under investigation is currently public record, which is known by not only school districts but whoever asks. This bill allows the SBE to share investigative reports or interviews with a prospective employer, which is the basic change.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2235 but did not speak:

Art Harding, Legislative Liaison, Arizona Department of Education

Vice-Chairman Goodale announced the names of those who signed up as neutral on HB2235 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Jennifer Loreda, Arizona Education Association

Vice-Chairman Goodale announced the names of those who signed up in opposition to HB2235 but did not speak:

Michael Smith, Associate, Arizona School Administrators

Seth Apfel, representing self
Bryan Ginter, representing self
Rhonda Ball, teacher, representing self

Mr. Kavanagh noted that ADE and SBE representatives were at the stakeholder meeting and all agreed that the amendments crafted for the Floor are acceptable. He asked the Members to move the bill forward.

Question was called on the motion that HB2235 do pass. The motion carried by a roll call vote of 6-4-0-0 (Attachment 2).

HB2587 – school districts; unification assistance – DO PASS

Vice-Chairman Goodale moved that HB2587 do pass.

Zach Tretton, Majority Research Analyst, explained that HB2587 allows a new unified school district to increase the revenue control limit (RCL) and the district support level (DSL) over a three-year period (Attachment 3).

Representative Andy Tobin, sponsor, stated that a few superintendents got together with board members and administrators on this, knowing it will reduce administration, but put more money in the classroom.

Tim Carter, Yavapai County School Superintendent, spoke in support of HB2587. He related that the Cottonwood Oak Creek School District and the Mingus Union High School District boards asked the superintendents to find ways to save costs specifically in the area of administration so those dollars could go directly into the classroom, which triggered discussions about unification. The caveat is that the savings must be used to equalize salaries since the Cottonwood Oak Creek School District salary and benefit package is below that of the Mingus Union High School District. The first year would be minimal transitional costs and three percent of the RCL in the second and third years, which would be about \$1 million and just about what is needed to equalize salaries. It is anticipated that savings in the first year would be about \$400,000 by combining the services of the two districts, and in three years a savings of \$1.2 million, which it is believed can be maintained through further reductions as the district continues its operations.

Barbara U'Ren, Superintendent, Cottonwood Oak Creek School District, in support of HB2587, stated that the governing boards are interested in finding ways to get more dollars into the classroom. The superintendents have been working together and believe that some administrative costs can be captured that can be used in the classroom.

Tim Foist, Superintendent, Mingus Union High School, spoke in support of HB2587. He stated that this needs to be done for the community and students. The dollar savings alone from joining two administrative systems into one allows close to \$350,000 to be put back into the classrooms. He added that many schools in the state within 20 miles of each other can do the same.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2587 but did not speak:

Allison Bell, Arizona Chamber of Commerce & Industry

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Jennifer Loreda, Arizona Education Association

Vice-Chairman Goodale announced the names of those who signed up as neutral on HB2587 but did not speak:

Michael Smith, Associate, Arizona School Administrators

Vice-Chairman Goodale announced the names of those who signed up in opposition to HB2587 but did not speak:

Bryan Ginter, representing self

Question was called on the motion that HB2587 do pass. The motion carried by a roll call vote of 10-0-0-0 (Attachment 4).

HB2311 – university funding equalization plans – ~~DP~~ FAILED

Vice-Chairman Goodale moved that HB2311 do pass.

Marc Flamm, House Majority Intern, explained that HB2311 requires the Arizona Board of Regents (ABOR) and universities under the jurisdiction of ABOR to develop five-year equalization plans to normalize state funding for universities (Attachment 5).

Mr. Williams asked if ABOR is attempting to resolve this issue internally.

Chairman Crandall stated that ABOR and several other groups were just awarded a Lumina Foundation grant with the purpose of moving not only in this direction, but even broader to more affordability and accessibility.

Mr. Hendrix, sponsor, stated that the funding formula for state universities is based on a few factors, one of which is calculation of projected growth. Most of the calculation is based on full-time equivalents (FTE) for students attending universities. Over the years, the growth portion of the formula has not been funded, so as a result, universities with the smallest growth receive the least FTE funding. This bill requires a financial analysis to determine disparities.

Christine Thompson, Assistant Executive Director for Government Affairs, Arizona Board of Regents (ABOR), opposed HB2311. She stated that adequate funding for the state universities is a top priority for the ABOR, but that does not necessarily mean equal funding for the institutions. In September 2009, the ABOR was awarded a grant from the Lumina Foundation to develop new system architecture for expanded baccalaureate opportunities at a lower cost for students and the state, so equal funding is something that ABOR is planning to move away from. Each institution has distinct programs, mix of students, more or less expensive programs, and delivery methods may be different at one institution than another, that may have been funded by the Legislature over time, so to divide that by all FTE is not an equitable comparison. She added that she can provide information to Mr. Hendrix from an Interim Committee on Equitable Funding for the Institutions.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2311 but did not speak:

Tom Dorn, Lobbyist, East Valley Chambers of Commerce Alliance

Eric Emmert, East Valley Chambers of Commerce Alliance

Vice-Chairman Goodale announced the names of those who signed up in opposition to HB2311 but did not speak:

Greg Fahey, Associate Vice President, University of Arizona

Mitch Menlove, Arizona State University

Lori Lustig, Tucson Metropolitan Chamber of Commerce

Christy Farley, Executive Director, Northern Arizona University

Bryan Ginter, representing self

Charlene Ledet, Special Assistant, State Relations, University of Arizona

Question was called on the motion that HB2311 do pass. The motion carried by a roll call vote of 2-8-0-0 (Attachment 6).

HB2323 – universities; advisory boards – DISC. & HELD BY CHAIR S/E
S/E: unified school districts; bond proceeds

Vice-Chairman Goodale moved that HB2323 do pass.

Vice-Chairman Goodale moved that the Hendrix 21-line S/E amendment to HB2323 dated 2/4/10 (Attachment 7) be adopted.

Zach Tretton, Majority Research Analyst, explained that the S/E amendment to HB2323 allows the Higley Unified School District to exceed the 10 percent debt limitation and use the proceeds from bonds that were previously authorized for the repair or reconstruction of Power Ranch Elementary School (Attachment 8).

Mr. Hendrix, sponsor, asked John Kaites to explain the bill.

John Kaites, Higley Unified School District, spoke in favor of the S/E amendment to HB2323. He said the idea is to help the school district in the midst of a statewide financial crisis where money is not available from the School Facilities Board (SFB) or at the county level. The school district has money sitting on the sidelines to borrow from in order to do the necessary repairs at the Power Ranch Elementary School. Some language can be added to make sure that if the school district uses the money, anything that is recovered by a lawsuit against the contractor of the school would replace the money borrowed from taxpayers or limit the amount to the specific cost to repair the school. He provided pictures of the problems at the school (Attachment 9).

Dr. Denise Birdwell, Superintendent, Higley Unified School District, spoke in favor of the S/E amendment to HB2323. She related that the school is only seven years old and the district is a rapidly growing district, so many schools were built quickly to facilitate the needs of the community. This particular school has had cosmetic repairs that need to be done year after year and the floor continues to move.

Tony Malaj, Higley Unified School District, related that cracks have been appearing in the stucco since the school was built, but the noticeable movement has taken place from 2008 until now. The school district is pursuing litigation against everyone involved with the project.

Spencer Smith, Attorney, Higley Unified School District, advised that litigation has not yet commenced because an expert report is needed to discover the cause, which is likely to be moisture trapped underneath the building. The cracking is getting worse, which is very common with these types of claims. It is difficult to predict how long the litigation will last.

Justin Olson, Senior Research Analyst, Arizona Tax Research Association, testified in opposition to the S/E amendment to HB2323. He submitted that this bill will set a precedent that the reduction in the debt limit can be overlooked with a bill at the Legislature. There may be real problems at this school that need to be addressed, but by allowing a single school district to exceed the debt limit that is part of the package of Students FIRST sets up the state for problems based on the constitutional nature of the school financing system.

Vice-Chairman Goodale announced the names of those who signed up in support of the S/E amendment to HB2323 but did not speak:

Ken Quartermain, Lobbyist, Higley Unified School District

Mike Lavalley, Managing Director, Stone & Youngberg LLC

Michael Smith, Associate, Arizona School Administrators

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

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Jennifer Loreda, Arizona Education Association

Sam Polito, Tucson area school districts

Vice-Chairman Goodale announced the names of those who signed up in opposition to the S/E amendment to HB2323 but did not speak:

Bryan Ginter, representing self

Chairman Crandall commented that legal action is lengthy, expensive and not fun, and if this is passed, there is no guarantee that taxpayers will not be footing the bill twice. He will hold the bill so further work can be done on the language.

Vice-Chairman Goodale withdrew the motion that the Hendrix 21-line amendment to HB2323 dated 2/4/10 (Attachment 7) be adopted.

Vice-Chairman Goodale withdrew the motion that HB2323 do pass.

HB2128 – technical correction; private schools – DO PASS AMENDED S/E S/E: omnibus; JTEDs

Vice-Chairman Goodale moved that HB2128 do pass.

Vice-Chairman Goodale moved that the Crandall 63-page S/E amendment to HB2128 dated 2/3/10 (Attachment 10) be adopted.

Zach Tretton, Majority Research Analyst, explained that the S/E amendment to HB2128 makes various changes relating to joint technological education districts (JTED) (Attachment 11).

Vice-Chairman Goodale moved that the Crandall 24-line amendment to the S/E amendment to HB2128 dated 2/5/10 (Attachment 12) be adopted.

Mr. Tretton explained that the amendment to the S/E amendment contains the following provisions (Attachment 12):

- Refers to how JTEDs are funded and adds language from HB2127, which was previously heard in the Committee which stipulates that the sum of daily attendance and the sum of fractional student enrollment for a student enrolled in both a member school district and a JTED course provided at a community college or facility owned and operated by a JTED that is not located on site of a member school district cannot exceed 1.75
- Requires a school district and the JTED to determine the apportionment of the daily attendance and student enrollment per pupil except that the amount of apportionment cannot exceed 1.0 for either entity.
- Adds two additional requirements for a JTED program to be taught by an instructor who is certified to teach career and technical education and that the program has a defined pathway to career and postsecondary education.

Greg Donovan, Superintendent, Western Maricopa Education Center (West-MEC), spoke in favor of the S/E amendment to HB2128. He said in 2006, the Legislature passed HB2700 which assisted in defining the role of JTEDs in Arizona. This bill contains clarifying provisions in order to better serve students.

Justin Olson, Senior Research Analyst, Arizona Tax Research Association (ATRA), opposed the S/E amendment to HB2128. He expressed concern that moving from JTED programs based on a course level to a program level could expand the number of courses a satellite program can teach under the banner of a JTED course and receive additional funding, which he was told can be clarified with a Floor amendment. Also, a student should be able to take elective courses at the JTED program with the JTED still receiving the .75 funding but additional elective credits should not be funded at the school district level.

Vice-Chairman Goodale announced the names of those who signed up in support of the S/E amendment to HB2128 but did not speak:

Art Harding, Legislative Liaison, Arizona Department of Education

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

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

Sam Polito, representing JTED Consortium

Stan Barnes, East Valley Institute of Technology

Doris N. Flax, Education Director, League of Women Voters of Arizona

Gini McGirr, Legislative Chair, League of Women Voters of Arizona

Diane McCarthy, West-MEC

Gretchen Jacobs, Attorney, Consortium of Arizona JTEDs

Ron Lee, representing self

Joel Todd, VTE JTED

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association
Alan Storm, Superintendent, Pima County JTED
Aaron Ball, Executive Director of Program Development, Pima County JTED
Chester Crandell, Superintendent, Northern Arizona Vocational Institute of Technology
Tina Norton, Chief Financial Officer, Pima County JTED
Bryan Ginter, representing self

Mr. Meyer stated that a school district that is a member of a JTED must have the approval of the JTED board and the other school districts involved with the JTED in order to get out of the JTED, but school boards should have the ability to choose a different path. He has not talked to all of the stakeholders, but he would like to work with Chairman Crandall on an amendment for the Floor.

Question was called on the motion that the Crandall 24-line amendment to the S/E amendment to HB2128 dated 2/5/10 (Attachment 12) be adopted. The motion carried.

Vice-Chairman Goodale moved that the Crandall 63-page S/E amendment to HB2128 dated 2/3/10 (Attachment 10) as amended be adopted. The motion carried.

Vice-Chairman Goodale moved that HB2128 as amended do pass. The motion carried by a roll call vote of 8-2-0-0 (Attachment 13).

HB2261 – community college boards; expansion – DO PASS AMENDED

Vice-Chairman Goodale moved that HB2261 do pass.

Marc Flamm, House Majority Intern, explained that HB2261 requires that counties with populations over 3 million elect two additional Community College District Governing Board members and reduces board members' terms from six to four years (Attachment 14).

Vice-Chairman Goodale moved that the Crandall five-page amendment to HB2261 dated 2/4/10 (Attachment 15) be adopted.

Mr. Flamm explained that the amendment to HB2261 restores board members' terms to six years for counties with populations of less than 3 million people and reduces the number of signatures required on nomination petitions required for a community college district candidate from one-half of one percent of total voter registration in the precinct to one-quarter of one percent, to a maximum of 400 signatures (Attachment 15).

Chairman Crandall stated that several groups are involved in the Maricopa Community College system. It has had a board of five members for six-year terms for many years but he would like to expand the board to seven members for four-year terms to take it to a higher level.

Jim Simpson, Professor, Maricopa Colleges Faculty Association, spoke in favor of HB2261. He stated that the Maricopa Community College District is one of the largest in the nation and serves 250,000 students across 10 different colleges, yet it is represented by a five-member

governing board, so it seems appropriate to broaden and obtain better representation on the board. Most elected officials other than U.S. Senators serve two to four years, so it seems appropriate to reduce the terms to four years. As for the reduction in the number of signatures necessary to get on the ballot, not many people want to serve in these positions so there is no reason to make it difficult.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2261 but did not speak:

Gretchen Kitchel, Senior Public Affairs Representative, Pinnacle West Capitol Corporation
Russell Smoldon, Lobbyist, Salt River Project
Justin Olson, Senior Research Analyst, Arizona Tax Research Association
Dana Paschke, Faculty Associate, Maricopa Community College District
Liz Warren, Faculty, South Mountain Community College; Maricopa Community Colleges Faculty Association

Vice-Chairman Goodale announced the names of those who signed up as neutral on HB2261 but did not speak:

Patricia Hill, Legislative Liaison, Maricopa Community Colleges
Mark Barnes, Arizona Community College President's Council

Vice-Chairman Goodale announced the names of those who signed up in opposition to HB2261 but did not speak:

Bryan Ginter, representing self

Question was called on the motion that the Crandall five-page amendment to HB2261 dated 2/4/10 (Attachment 15) be adopted. The motion carried.

Vice-Chairman Goodale moved that HB2261 as amended do pass. The motion carried by a roll call vote of 8-0-0-2 (Attachment 16).

HB2129 – education; meetings; technical correction – DO PASS AMENDED S/E
S/E: Arizona online instruction; reform

Vice-Chairman Goodale moved that HB2129 do pass.

Vice-Chairman Goodale moved that the Crandall six-page S/E amendment to HB2129 dated 2/4/10 (Attachment 17) be adopted.

Marc Flamm, House Majority Intern, explained that the S/E amendment to HB2129 clarifies distinctions between part-time and full-time students participating in the Arizona Online Instruction Program (Attachment 18).

Chairman Crandall, sponsor, noted that some comprehensive reform was done last year to online learning, extending it statewide. The S/E clarifies up language where the phrases part-time and full-time are used. Since there are different funding levels, it is necessary that all parties know what the terms mean.

Kristen Boilini, Arizona Distance Education Association, spoke in favor of the S/E amendment to HB2129. She stated that there are currently seven online charter schools, with many expected to come online as the State Board for Charter Schools works through the process of giving out charters. She said she has been and will continue to work with ADE on these changes, noting that kindergarten still needs to be addressed.

Discussion followed concerning funding for students who take online courses while enrolled in a school district.

Vice-Chairman Goodale announced the names of those who signed up as neutral on the S/E amendment to HB2129 but did not speak:

Michael Smith, Associate, Arizona School Administrators

Vice-Chairman Goodale announced the names of those who signed up in support of the S/E amendment to HB2129 but did not speak:

Barbara Meaney, Arizona Connections Academy

Rip Wilson, Arizona Virtual Academy/K12 Schools

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Question was called on the motion that the Crandall six-page S/E amendment to HB2129 dated 2/4/10 (Attachment 17) be adopted. The motion carried.

Vice-Chairman Goodale moved that HB2129 as amended do pass. The motion carried by a roll call vote of 8-0-0-2 (Attachment 19).

HB2613 – tax credit; schools; classroom materials – DO PASS AMENDED

Vice-Chairman Goodale moved that HB2613 do pass.

Marc Flamm, House Majority Intern, explained that HB2613 allows contributions made to public schools for textbooks, classroom technology or instruction materials to be claimed under the public school tax credit for taxable years ending before December 31, 2013 (Attachment 20).

Vice-Chairman Goodale moved that the Crandall eight-line amendment to HB2613 dated 2/4/10 (Attachment 21) be adopted.

Mr. Flamm explained that the eight-line amendment to HB2613 contains the following provisions (Attachment 21):

- Adds tutoring programs to the list of programs and materials that may be supported by school tax credits in taxable years ending before December 31, 2013.
- Requires tutoring programs to be added to the public school donation reports that categorize the total amount of fees and contributions during the previous calendar year.
- Defines tutoring programs as school-sponsored tutoring programs that are provided for students in the subject area in which the student is performing at or below grade level and that select and compensate tutors based on policies developed by the school district governing board.

Question was called on the motion that the Crandall eight-line amendment to HB2613 dated 2/4/10 (Attachment 21) be adopted. The motion carried.

Vice-Chairman Goodale moved that the Crandall six-line amendment to HB2613 dated 2/5/10 (Attachment 22) be adopted.

Mr. Flamm explained that the six-line amendment to HB2613 specifies that extracurricular activities (ECA) do not include any senior trips or events that are recreational, amusement or tourist activities, except for educational and culturally relevant activities to which a student or a school is invited to participate (Attachment 22).

Question was called on the motion that the Crandall six-line amendment to HB2613 dated 2/5/10 (Attachment 22) be adopted. The motion carried.

Chairman Crandall, sponsor, stated that some programs were eliminated at the Arizona Department of Education (ADE) due to recent cuts to education, including tutoring programs. The intent of this bill is to give some flexibility to school districts by allowing these funds to be used for educational purposes. The bill also includes some additional reporting requirements.

Michael Smith, Associate, Arizona School Administrators, opposed HB2613. He indicated that when tax credits were initiated for public schools, the deal was that private schools would have tax credits for scholarships and the public school tax credit program would be for extracurricular activities because the state has the constitutional responsibility to provide academic support to public school districts. It does not appear that this is a temporary measure. Also, as the state is grappling with budget issues, if tax credits are used to backfill a state obligation there will be serious problems because tax credits work for districts that can mount marketing efforts and have the resources to solicit the credits. Those without that capacity or resources do not get the tax credits. Additionally, he is worried that if some school districts are successful, the state may decide to never fund soft capital because school districts are doing so well this way.

John Kaites, Educational Finance Reform Group, testified in support of HB2613 and the two amendments. He referred to page 1, lines 10 through 12, pointing out that it states this is a temporary measure that ends on December 31, 2013. He said the bill is intended to allow school districts to use money in the classroom that is currently in accounts but will not be spent on ECA.

Chairman Crandall stated that some school districts have ECA money that was designated for a specific purpose, but more money was raised than was needed so it is now in limbo. He would like to run an amendment in COW to allow use of that money.

Mr. Meyer said schools that are most able to raise these funds are the more affluent schools, so perhaps a better solution would be let these and other tax credits flow into the General Fund to pay teachers because the Governor's cut to soft capital next year will result in school districts' laying off teachers.

Mr. Schapira opined that this is a terrible precedent to set but these are desperate times so school districts should be allowed flexibility with funds.

Ms. Waters submitted that a school district has no flexibility to help the schools that need it, which Chairman Crandall said he would be glad to discuss.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2613 but did not speak:

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

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Sam Polito, Tucson Area School Districts

Scott Thompson, Dysart Unified School District

Ken Quartermain, Lobbyist, Educational Finance Reform Group

Allison Bell, Arizona Chamber of Commerce & Industry

Doris N. Flax, Education Director, League of Women Voters of Arizona

Marcus Dell'artino, Chandler Unified School District

Gini McGirr, Legislative Chair, League of Women Voters of Arizona

Vice-Chairman Goodale announced the names of those who signed up in opposition to HB2613 but did not speak:

Jennifer Loreda, Arizona Education Association

Bryan Ginter, representing self

Question was called on the motion that HB2613 do pass. The motion carried by a roll call vote of 8-1-1-0 (Attachment 23).

HB2227 – schools; teacher contracts; acceptance – DO PASS AMENDED

Vice-Chairman Goodale moved that HB2227 do pass.

Christa Powers, Majority Staff Intern, explained that HB2227 reduces the amount of days a teacher has to accept a contract for the ensuing year from 30 days to 10 business days from the date of the written contract (Attachment 24).

Vice-Chairman Goodale moved that the Hendrix seven-page amendment to HB2227 dated 2/5/10 (Attachment 25) be adopted.

Ms. Powers explained that the amendment contains the following provisions (Attachment 25):

- Increases the amount of days a teacher has to accept a contract from 10 business days to 15 business days.
- States that the amount of days a teacher has to accept a contract starts from the day of the teacher's receipt of the written contract.
- Reduces the amount of days a governing board has to give notice to a teacher of its intention to suspend or dismiss from 30 days to 10 days from the date of the service of the notice.
- Reduces the amount of days a school district must allow a teacher to correct inadequate classroom performance from 85 days to 60 days after giving notice of adequacy.

- Reduces the amount of days a teacher must file a written request for a hearing after receiving notice that there is cause for dismissal from 30 days to 10 days.

Mr. Hendrix, sponsor, stated that the amendment extends the time frame for acceptance of a contract by a teacher from 30 days to 15 days and makes some minor corrections.

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association (ASBA), spoke in favor of HB2227. She stated that the bill contains some technical corrections requested by the ASBA to ensure that school districts have absolute certainty as far as what happens if teachers are not performing by streamlining some time frames in order for teachers to show performance and children to not have to suffer under those conditions.

Question was called on the motion that the Hendrix seven-page amendment to HB2227 dated 2/5/10 (Attachment 25) be adopted. The motion carried.

Vice-Chairman Goodale moved that HB2227 as amended do pass.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2227 but did not speak:

Michael Smith, Associate, Arizona School Administrators

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

Vice-Chairman Goodale announced the names of those who signed up as neutral on HB2227 but did not speak:

Jennifer Loreda, Arizona Education Association

Vice-Chairman Goodale announced the names of those who signed up in opposition to HB2227 but did not speak:

Jerry Spreitzer, Arizona Federation of Teachers

Rhonda Ball, teacher, representing self

Bryan Ginter, representing self

Question was called on the motion that HB2227 as amended do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 26).

HB2200 – school finance; average daily attendance – ~~DP~~ FAILED

Vice-Chairman Goodale moved that HB2200 do pass.

Zach Tretton, Majority Research Analyst, explained that HB2200 deletes the definition and statutory references of *average daily membership* (ADM) and replaces it with a modified definition of *average daily attendance* (ADA) (Attachment 27).

Representative Carl Seel, sponsor, stated that in looking at the current budget challenge, one of the solutions in reducing overhead is to change the conversion of ADM to an ADA on the 100th day of the current year, so he asked ADE to produce a document showing the effect of that

change, which is a net savings of \$302 million that is structural and not just one-time (Attachment 28).

Mr. Schapira opined that this bill will punish students who show up at school every day.

Mr. Meyer commented that this means students must attend school when they are sick because that is the vast majority of absences.

Mr. Seel responded that there are probably accommodations for excused absences.

Charles Essigs, Director of Government Relations, Arizona Association of School Business Officials, testified in opposition to HB2200. He submitted that every charter school and school district will lose money unless there is perfect attendance, which he has never seen. Many special education programs will be nailed because students who are severely disabled have more health problems than an average student. This is a very flawed program that will penalize school districts. In response to a question, he stated that there is a penalty in statute when absences reach a certain level, but with all of the classifications of school districts and annual progress that is measured, school districts have tremendous incentive to make students attend every day.

Yousef Awwad, Director of School Finance, Arizona Department of Education (ADE), explained that the \$302 million is not purely ADA, but also includes extending the school year to 180 days, which accounts for about \$100 million.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2200 but did speak:

Art Harding, Legislative Liaison, Arizona Department of Education

Vice-Chairman Goodale announced the names of those who signed up in opposition to HB2200 but did not speak:

Michael Smith, Associate, Arizona School Administrators

Chester Crandell, Superintendent, Northern Arizona Vocational Institute of Technology

Sam Polito, representing Tucson Area School Districts

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Jennifer Loreda, Arizona Education Association

Bryan Ginter, representing self

Question was called on the motion that HB2200 do pass. The motion failed by a roll call vote of 1-9-0-0 (Attachment 29).

Without objection, the meeting adjourned at 5:20 p.m.

Linda Taylor, Committee Secretary
February 22, 2010

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