

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

COMMITTEE ON EDUCATION

Minutes of Meeting
Monday, April 5, 2010
House Hearing Room 3 -- 2:00 p.m.

Chairman Crandall called the meeting to order at 2:26 p.m. and the secretary called the roll.

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

SB1039 – DPA S/E (10-0-0-0)
SB1040 – DPA S/E (9-1-0-0)
SB1186 – DPA S/E (10-0-0-0)
SB1188 – DP (10-0-0-0)

SB1280 – DP (9-0-0-1)
SB1282 – DP (10-0-0-0)
SB1284 – DP (10-0-0-0)
SB1404 – DPA S/E (6-4-0-0)

CONSIDERATION OF BILLS

**SB1039 – restructuring; school report cards – DO PASS AMENDED S/E
S/E: AOI; charter schools; processing fees**

Vice-Chairman Goodale moved that SB1039 do pass.

Vice-Chairman Goodale moved that the Crandall 13-page strike-everything amendment to SB1039 dated 3/26/10 (Attachment 1) be adopted.

Zach Tretton, Majority Research Analyst, explained that the strike-everything amendment to SB1039 (Attachment 1) requires the State Board for Charter Schools (SBCS) to establish and administer the Charter Arizona Online Instruction Processing Fund for the processing of contract amendments for charter schools participating in Arizona Online Instruction (AOI) (Attachment 2).

Chairman Crandall stated that this is an idea from charter school operators who want to provide AOI and are willing to pay a fee to provide resources to expedite the processing of contract amendments, which cannot currently be done quickly due to budget cuts to the SBCS and the Arizona Department of Education (ADE).

Jeff Sawner, Vice President, Educational Options, Incorporated, spoke in favor of the strike-everything amendment to SB1039. He expressed support for charging a fee for this service, which is optional for charter schools. He added that it will offer opportunities for many more students all over the state.

Deanna Rowe, Executive Director, State Board for Charter Schools (SBCS), spoke in favor of the strike-everything amendment to SB1039. She advised that the SBCS is working with the State Procurement Office on a Request for Quote in order to determine the amount of the fee. It is anticipated that there will be 60 amendments, which is the reason for the need to charge a fee to process the documents. In response to questions, she stated that based on other contract work, the fee could be \$1,000 on the high end, and the intention is to follow the current 60 to 90 business days' turnaround time for processing.

Tom Dorn, representing Educational Options, in favor of the strike-everything amendment to SB1039, testified that he worked with the SBCS on this legislation. Charter schools are eager to pay the fee to allow the application process to move forward, knowing that school districts are already approving applications for AOI.

Chairman Crandall noted that an emergency clause will be added in Committee of the Whole.

Vice-Chairman Goodale announced the names of those who signed up in support of the strike-everything amendment to SB1039 but did not speak:

Gary Bae, Director of Public Affairs, Leona Group Charter Schools; Arizona Virtual Academy
Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association
Heather Bernacki, Government Relations Associate, ReSolutions Education Services Provider
Jay Kaprosy, Senior Government Relations Advisor, Learning Matters

Question was called on the motion that the Crandall 13-page strike-everything amendment to SB1039 dated 3/26/10 (Attachment 1) be adopted. The motion carried.

Vice-Chairman Goodale moved that SB1039 as amended do pass. The motion carried by a roll call vote of 10-0-0-0 (Attachment 3).

SB1186 – postsecondary institutions; common course numbering – DO PASS AMENDED

S/E

S/E: same subject

Vice-Chairman Goodale moved that SB1186 do pass.

Vice-Chairman Goodale moved that the Crandall two-page strike-everything amendment to SB1186 dated 4/1/10 (Attachment 4) be adopted.

Zach Tretton, Majority Research Analyst, explained that the strike-everything amendment to SB1186 (Attachment 4) requires the community college districts and universities under the jurisdiction of the Arizona Board of Regents (ABOR) to develop and implement a shared course numbering system (Attachment 5).

Erin Hertzog, Government Affairs Director, Arizona Students' Association (ASA), spoke in favor of the strike-everything amendment to SB1186. She stated that a considerable number of students are having serious transfer issues with the current system. Many states have pursued a common course numbering or shared course numbering system that streamlines the transfer credit process by transparently identifying what courses are direct equivalents. Over 30 states have some form of common course numbering system which vary in scale; this legislation opens the possibility for whatever methodology is the most cost effective and makes the most sense for Arizona.

Christine Thompson, Assistant Executive Director for Government Affairs, Arizona Board of Regents (ABOR), spoke in favor of the strike-everything amendment to SB1186. She stated that this language is a consensus among the community colleges, universities and the ASA. The intent is to review the current transfer articulation system and determine what type of numbering system will help students. In response to a question, she related that there is no penalty in the strike-everything amendment if a program is not developed, but this is something in which the ABOR is tremendously interested.

Vice-Chairman Goodale announced the names of those who signed up in support of the strike-everything amendment to SB1186 but did not speak:

Michael Racy, lobbyist, Pima Community College

Ashley Wilcox, Government Affairs Intern, ASA

Patricia Hill, Legislative Liaison, Maricopa Community Colleges

Christy Farley, Executive Director, Northern Arizona University

Greg Fahey, Associate Vice President, University of Arizona

Alisa Lyons, Arizona Community College Presidents' Council

Elma Delic, Chair, ASA

Daniel Hernandez, Jr, ASA

Kelley Dupps, ASA

David Lopez-Negrete, University of Arizona Law Student, Voter, representing self

Ali Smart, Organizing Director, ASA, representing self

Lauren Talkington, Board Member, ASA, representing self

Andrew Clark, representing self

Daniel Hatch, Director for Arizona State University West, ASA, representing self

Billy Holmes, representing self

Esteban Carroza, representing self

Sandra Gentsch, representing self

Question was called on the motion that the Crandall two-page strike-everything amendment to SB1186 dated 4/1/10 (Attachment 4) be adopted. The motion carried.

Vice-Chairman Goodale moved that SB1186 as amended do pass. The motion carried by a roll call vote of 10-0-0-0 (Attachment 6).

SB1188 – school district monies; annual estimate – DO PASS

Vice-Chairman Goodale moved that SB1188 do pass.

Marc Flamm, House Majority Intern, explained that SB1188 adds the Property Tax Oversight Commission (PTOC) to the list of those whom a county school superintendent must report the estimated amount of monies each school district needs for the upcoming year (Attachment 7).

Senator John Huppenthal, sponsor, stated that this measure is from the Arizona Tax Research Association (ATRA) and county school superintendents who noticed that procedures were not being followed that resulted in inaccuracies. The bill adds some checks to make the system work better.

Jennifer Schuldt, Senior Research Analyst, Arizona Tax Research Association (ATRA), in favor of SB1188, stated that the intent is to provide oversight to calculation of property tax rates by school districts. Currently, the counties, cities and community colleges have constitutional levy limits and those calculations are forwarded to the PTOC for review. This bill asks that the same procedure be put in place for school districts. In response to whether the PTOC has the resources to review additional calculations, she advised that the PTOC does not have to do anything with the information once it is received.

Senator Huppenthal related that by forwarding the information to the PTOC, it will be available in one place so ATRA and others will be able to check it. It is currently a laborious process to collect the information.

Charles Essigs, Director of Government Relations, Arizona Association of School Business Officials, stated that he is opposed to one part of the bill, which he worked on with a representative from ATRA in the Senate. It is Subsection A3, which requires the county school superintendent to provide to the PTOC the projected ending cash balance adjusted for encumbrances and payables as certified by the president of the school district governing board. He said that function is done near the end of July or August when many governing board presidents will be on vacation, so he requested an amendment to add “OR DESIGNEE.” He pointed out that school districts send raw numbers to Maricopa County where the tax rate is calculated and returned to the school districts to review and verify.

Vice-Chairman Goodale announced the names of those who signed up in support of SB1188 but did not speak:

Farrell Quinlan, State Director, National Federation of Independent Business

Vice-Chairman Goodale announced the names of those who signed up in opposition to SB1188 but did not speak:

Sam Polito, Tucson Area School Districts

Vice-Chairman Goodale announced the names of those who signed up as neutral on SB1188 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Question was called on the motion that SB1188 do pass. The motion carried by a roll call vote of 10-0-0-0 (Attachment 8).

SB1280 – home schooled pupils; scholarships – DO PASS

Vice-Chairman Goodale moved that SB1280 do pass.

Marc Flamm, House Majority Intern, explained that SB1280 mandates that universities under the Arizona Board of Regents (ABOR) publish and disclose information related to merit-based scholarships awarded to students from public, private, charter and home schools (Attachment 9).

Senator John Huppenthal, sponsor, stated that over the last 10 years attempts have been made to create an environment in which home-schooled pupils are treated fairly relative to other students. Since many scholarships for universities are grade-based and home-schooled students are not necessarily grade-based, this legislation outlines a method for home-schooled pupils to follow score levels for all students who received scholarship awards to determine how to change the system so it is fairer to home schooled pupils. The universities are willing to publish the information so it is readily available.

Carol Shippy, Arizona Families for Home Education, spoke in favor of SB1280. She stated that she hopes the report will be broken out by type of students based upon the category of school, meaning public, private, charter and home school, so the numbers are not aggregated together. In response to a question, she indicated that the ABOR and universities are neutral on the bill.

Derek Davis, home-schooling parent, representing self, spoke in favor of SB1280. He related that while searching for a merit scholarship when his daughter entered Arizona State University, he discovered that the information available to home-school parents is obscure in terms of determining what levels of scoring is required. This bill requires universities to report the criteria after scholarships are awarded for the previous year and make the information available at a single place, hopefully the ABOR website, to allow home-school parents and anyone else to see that the universities are in compliance with Section 15-1646 in terms of being fair and equitable to home schooled pupils, as well as the rest of the student base.

Vice-Chairman Goodale announced the names of those who signed up in support of SB1280 but did not speak:

Deborah Sheasby, Legal Counsel, Center for Arizona Policy

Vice-Chairman Goodale announced the names of those who signed up as neutral on SB1280 but did not speak:

Christine Thompson, Assistant Executive Director for Government Affairs, ABOR

Question was called on the motion that SB1280 do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 10).

SB1282 – affiliated charter schools – DO PASS

Vice-Chairman Goodale moved that SB1282 do pass.

Marc Flamm, House Majority Intern, explained that SB1282 allows the State Board of Education (SBE) or the State Board for Charter Schools (SBCS) to approve a charter if the proposed sponsor determines that the applicant is applying to operate as a separate charter holder, and allows charter schools to grant enrollment preference and reserve capacity to pupils under certain conditions (Attachment 11).

Senator John Huppenthal, sponsor, conveyed that the Tempe Preparatory Charter School had to develop two charter schools on its site. The high school was chartered through a bond pool that, unfortunately, had many members who were unstable financially, so when the junior high was set up, it was done as a separate legal entity, but the charter school wants to be able to allow students leaving sixth, seventh and eighth grades to go to the high school. There is also a reform element to stop abuses that were happening with schools subdividing into smaller schools and picking up the small school weight with two entities.

Deanna Rowe, Executive Director, State Board for Charter Schools (SBCS), in response to questions, clarified provisions of the bill.

Question was called on the motion that SB1282 do pass. The motion carried by a roll call vote of 10-0-0-0 (Attachment 12).

SB1040 – schools; achievement profiles; MAP – DO PASS AMENDED S/E
S/E: teacher and principal evaluations

Vice-Chairman Goodale moved that SB1040 do pass.

Vice-Chairman Goodale moved that the Crandall seven-page strike-everything amendment to SB1040 dated 3/29/10 (Attachment 13) be adopted.

Zach Tretton, Majority Research Analyst, explained that the strike-everything amendment to SB1040 (Attachment 13) requires the State Board of Education (SBE) to establish and maintain a model framework for a teacher and principal evaluation instrument that uses quantitative data on student academic progress for at least 50 percent of the evaluation outcomes (Attachment 14).

Vice-Chairman Goodale moved that the Crandall two-line amendment to the strike-everything amendment to SB1040 dated 4/1/10 (Attachment 15) be adopted.

Mr. Tretton explained that the Crandall two-line amendment to the strike-everything amendment to SB1040 removes “AT LEAST” which means the quantitative data on student academic progress will be 50 percent of the evaluation outcomes.

Question was called on the motion that the Crandall two-line amendment to the strike-everything amendment to SB1040 dated 4/1/10 (Attachment 15) be adopted. The motion carried.

Vice-Chairman Goodale moved that the Young Wright six-line amendment to the strike-everything amendment to SB 1040 dated 4/1/10 (Attachment 16) be adopted.

Mr. Tretton explained that the Young Wright six-line amendment to the strike-everything amendment to SB1040 adds language requiring the SBE, in developing a model framework, to consider courses that do not rely on quantitative data, including but not limited to art, music, dance, theater, physical education and culinary arts, and changes the word *instrument* to *framework* to conform with the rest of the bill (Attachment 16).

Ms. Young Wright stated that school district personnel believe the amendment will be of assistance in developing a fair evaluation.

Chairman Crandall remarked that whatever evaluation process is established has to be fair to the person evaluated and endorsed the amendment.

Senator John Huppenthal, sponsor, discussed studies relating to gain data and endorsed the amendments. He related the need for Arizona schools to be in the position of having this data that he hopes will be used with good judgment in decision making.

Mr. Meyer submitted that quantitative data can be collected on the courses mentioned in Ms. Young Wright's amendment.

Senator Huppenthal stated that local control should be allowed as much as possible, so if a school district has quantitative data in the 50 percent for those courses, it can be used in the evaluation process.

Ms. Young Wright responded that she does not intend to suggest that a school district cannot utilize something it is already using.

Question was called on the motion that the Young Wright six-line amendment to the strike-everything amendment to SB 1040 dated 4/1/10 (Attachment 16) be adopted. The motion carried.

Vice-Chairman Goodale moved that the Crandall seven-page strike-everything amendment to SB1040 dated 3/29/10 (Attachment 13) as amended be adopted.

Jeff Winkler, Advocacy Director, Stand for Children, testified in support of the strike-everything amendment to SB1040. He stated that no topic is more relevant to the success of students today than the quality of the teacher in the classroom. Teacher evaluation should be respectful of the great job teachers do every day, but needs to be tempered with accountability measures and acknowledgement that teacher evaluation is just one piece in the system that will ensure teacher effectiveness. The strike-everything amendment allows 20 months for the SBE to consider the framework and put it into place. Race to the Top will provide the incentive to do this, but ultimately, it must be done because it will improve instruction for students in the classroom.

Andrew Morrill, Vice President, Arizona Education Association (AEA), stated that the AEA is opposed to the strike-everything amendment to SB1040, but perceives opportunities for meaningful data on student learning in a number of systemic ways, such as classroom instruction and shaping and improving the performance of students. Locking this into 50 percent is still too

restrictive. Race to the Top did not specify 50 percent, but used the word significant. Also, the strike-everything amendment looks only at evaluation as the mechanism for improving teacher quality, which is not enough. Training of evaluators must be required and there should be a full investment in professional development.

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association (ASBA), spoke in support of the strike-everything amendment to SB1040. She indicated that the ASBA is supportive of taking a more intense look at teacher and principal evaluations. The impetus began around the conversation of Race to the Top. People are in the field to look at best practices that she hopes will be brought forward to the SBE through this legislation. She added that she would like to see an appeals process for school districts that already have an evaluation process in place that can be evaluated by the SBE, which she discussed with Senator Huppenthal.

Michael Smith, Associate, Arizona School Administrators, spoke in favor of the strike-everything amendment to SB1040. He commented that he particularly appreciates the concept of a framework because one size fits all would be problematic. He is working with the ASBA to identify parameters that work for everybody. This does include principals and establishes new groundwork on how site principals are to be evaluated.

Vice-Chairman Goodale announced the names of those who signed up in support of the strike-everything amendment to SB1040 but did not speak:

Elizabeth Boyd, teacher, representing self
Jennifer Frick, representing self
Monique Martinez-Ortiz, principal, representing self
Griselda Estrella, representing self
Naomi Bell, representing self
Gilberto Arroyo, representing self
Carla Ramirez, representing self
Michelle Arreola, teacher, representing self
Kathy Munoz, teacher, representing self
Leticia Marquez, representing self
Leesa Irwin, teacher, representing self
Tom Irwin, teacher, representing self
Emily Irwin, representing self
Adriana Marx, representing self
Luis Avila, representing self
Rosalie Hirano, representing self

Vice-Chairman Goodale announced the names of those who signed up in opposition to the strike-everything amendment to SB1040 but did not speak:

Jennifer Loreda, Arizona Education Association

Question was called on the motion that the Crandall seven-page strike-everything amendment to SB1040 dated 3/29/10 (Attachment 13) as amended be adopted. The motion carried.

Becky Hill, Stand for Children, spoke in favor of the strike-everything amendment to SB1040. She endorsed the Crandall two-line amendment, which brings data to the table in a significant

way but recognizes that some subjective measures at the local level need to be taken into account. She said she supports the first half of Ms. Young Wright's six-line amendment because the SBE should consider courses and teachers that do have the data available for evaluations which will probably have to be done in the course of decision making anyway, but she is concerned about listing which courses and grades should be excluded because that decision should be made by the SBE in cooperation with local school districts.

Mr. Meyer remarked that the Scottsdale School District worked diligently to address some of the issues Mr. Morrill pointed out, as well as incorporating standards into courses and figuring out how to evaluate instruction in those courses with data. He submitted that it is important to ensure that other school districts are not restricted in getting to those numbers.

Ms. Young Wright indicated that she is willing to work on the language.

Mr. Meyer asked what Mr. Morrill considers significant. Mr. Morrill responded that he defines significant as the use of quantitative data of the same weight as any other component of an evaluation. Discussion followed.

Vice-Chairman Goodale moved that SB1040 as amended do pass. The motion carried by a roll call vote of 9-1-0-0 (Attachment 17).

SB1284 – school finance revisions – DO PASS

Vice-Chairman Goodale moved that SB1284 do pass.

Marc Flamm, House Majority Intern, explained that SB1284 makes technical and conforming changes to update statutes pertaining to school finance and allows the Arizona Department of Education (ADE) to apply changes to state law that affect school finance formulas on the effective date of those changes unless otherwise specified by law (Attachment 18).

Senator John Huppenthal, sponsor, stated that SB1284 enables ADE to remain functional and deal with a statutorily impossible situation.

Chairman Crandall commented that he heard from several school districts about the Classroom Site Fund. An estimate is developed by the Joint Legislative Budget Committee on how much school districts can spend. In the past, the majority of school districts spent based on that estimate, and as a result, are suffering a deficit. The Legislature stated that the deficit needs to be repaid next year; however, the amount is significant for some school districts, so he will offer an amendment on the Floor to allow repayment over a few years.

Art Harding, Legislative Liaison, Arizona Department of Education (ADE), spoke in support of SB1284. He indicated that a review of the school finance statutes revealed that some changes need to be made. The bill contains technical changes and allows ADE to implement more changes as soon as possible as opposed to mid-year.

Yousef Awwad, Director of School Finance, Arizona Department of Education (ADE), offered to answer questions.

Charles Essigs, Director of Government Relations, Arizona Association of School Business Officials, spoke in favor of SB1284. He noted that the change in Section 15-901.5 means that when a law is passed for the next school year, it is applicable back to the beginning of the school year, which is appropriate in the majority of instances. He is concerned that something may come along that should not be applicable at the start of the year, which could be addressed with the wording *notwithstanding*; otherwise, the bill is needed and will correct many problems.

Vice-Chairman Goodale announced the names of those who signed up as neutral on SB1284 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Question was called on the motion that SB1284 do pass. The motion carried by a roll call vote of 10-0-0-0 (Attachment 19).

SB1404 – JTEDs; annual report information.(now: ADE; product evaluation) – DO PASS
AMENDED S/E
S/E: eighth grade; citizenship exam

Vice-Chairman Goodale moved that SB1404 do pass.

Vice-Chairman Goodale moved that the Crandall four-page strike-everything amendment to SB1404 dated 4/1/10 (Attachment 20) be adopted.

Christa Powers, Majority Staff Intern, explained that the strike-everything amendment to SB1404 (Attachment 20) requires school districts and charter schools to provide pupils in grade eight with a test that consists of questions from the civics portion of the naturalization test provided by the United States Citizenship and Immigration Services (USCIS) until the pupil obtains a passing score (Attachment 21).

Vice-Chairman Goodale moved that the Crandall three-line amendment to the strike-everything amendment to SB1404 dated 4/1/10 (Attachment 22) be adopted.

Ms. Powers explained that the Crandall three-line amendment to the strike-everything amendment to SB1404 clarifies that the test is written and requires ADE to post the answers, in addition to the questions, on its website (Attachment 22).

Senator John Huppenthal, sponsor, stated that the strike-everything amendment to SB1404 relates to a citizenship test that must be passed by people becoming American citizens. The questions and answers will be known in advance, and a sample test will be pulled that must be passed. The questions contain core information that every citizen should know and it is knowledge every eighth grader can obtain.

Chairman Crandall asked if it will be a high stakes test.

Senator Huppenthal responded that he would like it to be high stakes, but that is negotiable. Discussion followed.

In response to questions, Senator Huppenthal related that feedback from many sources is that students do not have this basic knowledge, and many people believe that the overwhelming focus on math, reading and writing skills has taken away this knowledge base that could aid in reading and writing skills. When and how the testing will be done should be a local control issue. He said he believes the test can be integrated with existing social studies or history classes without undue expense.

Michael Smith, Associate, Arizona School Administrators, opposed the strike-everything amendment to SB1404. He stated that the state invested a huge amount of time and effort into developing standards of expectation for fifth, sixth and seventh graders and questioned if the civics portion is aligned to state standards for civics. Also, with the questions and answers posted on the school district website, an eighth grader who is computer literate can write those down, so he suggested a checkbox students can check to show agreement. He added that he does not believe much cost will be involved because the questions and answers will be available. Any eighth grader who does not pass the test can take it again and again until he/she discovers where the answers are to pass the test.

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association (ASBA), opposed the strike-everything amendment to SB1404. She related concerns about funding and alignment of the test with civic standards. She said the impetus behind the legislation is good but more work is needed to ensure students are educated and good citizens moving out of the school system.

Senator Huppenthal remarked that the culture of the country, its history and passing on to the next generation what America is all about is serious business. Norm reference testing has not worked very well as a motivation for change, but this is an approach that will not cost the budget a lot of money like developing a new norm-referenced test, and it is potentially expandable. In response to questions, he stated that there currently is not an Arizona's Instrument to Measure Success (AIMS) test for history and the state does not have the money to develop such a test. This is a creative approach to see what kind of energy is stimulated among history and social studies teachers and obtain a few years' worth of data to see if outcomes improve.

Question was called on the motion that the Crandall three-line amendment to the strike-everything amendment to SB1404 dated 4/1/10 (Attachment 22) be adopted. The motion carried.

Vice-Chairman Goodale moved that the Crandall four-page strike-everything amendment to SB1404 dated 4/1/10 (Attachment 20) as amended be adopted. The motion carried.

Vice-Chairman Goodale announced the names of those who signed up in opposition to the strike-everything amendment to SB1404 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

Vice-Chairman Goodale moved that SB1404 as amended do pass. The motion carried by a roll call vote of 6-4-0-0 (Attachment 23).

Without objection, the meeting adjourned at 5:06 p.m.

Linda Taylor, Committee Secretary
April 16, 2010

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