

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – Second Regular Session

COMMITTEE ON EDUCATION

Minutes of Meeting
Monday, January 23, 2012
House Hearing Room 3 -- 2:00 p.m.

Chairman Goodale called the meeting to order at 2:04 p.m. and attendance was noted by the secretary.

Members Present

Mrs. Carter	Mrs. Pancrazi	Mrs. Yee, Vice-Chairman
Mr. Crandell	Mr. Pierce	Mrs. Goodale, Chairman
Mr. Fillmore	Ms. Proud	
Mr. Meyer	Mrs. Tovar	

Members Absent

None

Committee Action

HB2171 - DPA (10-0-0-0)	HB2578 - DPA (10-0-0-0)
HB2180 - DPA (8-1-0-1)	HCM2006 - DPA (9-1-0-0)

CONSIDERATION OF BILLS

HB2171 - school; hot line; clearinghouse; repeal - DO PASS AMENDED

Vice-Chairman Yee moved that HB2171 do pass.

Virginia Carico, Majority Intern, explained that HB2171 repeals statute that contains the Public School Information Hot Line Program and the School Safety Clearinghouse Program, both of which are expired (Attachment 1).

Vice-Chairman Yee moved that the two-line Goodale amendment to HB2171 dated 1/20/12 (Attachment 2) be adopted.

Ms. Carico advised that the amendment repeals statute that contains the Arizona Instrument to Measure Standards (AIMS) Intervention and Dropout Prevention Program and Instructional Technology Systems Pilot Program, both of which are expired (Attachment 2).

Representative Kate Brophy McGee, sponsor, related that this is a housekeeping measure to eliminate laws that are no longer needed or expired. She assured Mr. Meyer that she does not intend to use the bill later as a vehicle for legislation that is not fully vetted.

Vice-Chairman Yee announced the names of those who signed up as neutral on HB2171 but did not speak:

Aiden Fleming, Legislative Liaison, Arizona Department of Education

Vice-Chairman Yee announced the names of those who signed up in support of HB2171 but did not speak:

Elizabeth Hatch, Mesa Public Schools

Question was called on the motion that the two-line Goodale amendment to HB2171 dated 1/20/12 (Attachment 2) be adopted. The motion carried.

Vice-Chairman Yee moved that HB2171 as amended do pass. The motion carried by a roll call vote of 10-0-0-0 (Attachment 3).

HB2180 - schools; pilot; outcome-based funding - DO PASS AMENDED

Vice-Chairman Yee moved that HB2180 do pass.

Vice-Chairman Yee moved that the 10-line Crandell amendment to HB2180 dated 1/20/12 (Attachment 4) be adopted.

Brooke White, Majority Research Analyst, explained that the Joint Legislative Study Committee on Outcome-Based Education Funding met over the interim and adopted recommendations and performance outcomes; HB2180 reflects those recommendations. The bill establishes a voluntary four-year outcome-based funding pilot program, allows school districts and charter schools to submit applications to the State Board of Education (SBE) to participate in the pilot program and makes an unspecified appropriation (Attachment 5). The amendment removes the unspecified appropriation amount, and requires the Arizona Department of Education (ADE) to estimate the annual cost of the program and request a separate line item appropriation in the budget estimate (Attachment 4).

Mr. Crandell, sponsor, related that he believes the meetings over the summer resulted in a good bill to test funding, not on seat time and enrollment, but by placing responsibility back on school districts to produce outcomes, in a way that is fair to everyone. There appears to be concern about low-income students not being at the same level as everyone else; however, the voters passed First Things First a few years ago based on the premise that every child will be prepared to attend kindergarten and ready to participate in the K-12 system. If First Things First is doing what it claims, there should not be any concern about those children. If it is not, there should be a review of where that money is being spent, and have it redirected to be used for education to deal with those who are not at the expected level.

Mr. Crandell added that online education is having a difficult time adjusting because of the current seat time requirements. The concept in this bill is based on performance so students can

move at their own pace. The pilot program will provide the chance to work out any problems and, in the future, this could be presented as the funding mechanism for the entire state.

In response to questions, Mr. Crandell indicated that he talked to a few rural schools, and one of the business managers of an urban school district is interested in participating in the pilot program; the bill allows a school or total school district to participate. The application process is not yet in place so school personnel do not know exactly what is involved, but there will be less regulation, which he said he believes will be attractive to school districts. Discussion ensued about the following:

- specifics of providing funding based on student outcomes
- elimination of bond and capital override funding for participating schools
- involvement by the universities in assessment development
- data component of the pilot program
- ability of participating school districts to opt out of the pilot program
- potential fiscal impact to the state and the appropriation
- whether a parent can opt a student out of the pilot program
- impact on children with disabilities

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association (ASBA), spoke in support of HB2180. She expressed appreciation for inclusion of ASBA on the Interim Committee and opined that outcome-based funding is the wave of the future. She endorsed having a pilot program so problems can be addressed and data can be collected. In response to a question, she indicated that she does not believe this concept is currently being used elsewhere. It is similar to Move On When Ready and other programs that are outcome-based.

Vice-Chairman Yee announced the names of those who signed up in support of HB2180 but did not speak:

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

Elizabeth Hatch, Mesa Public Schools

Sabrina Vazquez, Arizona School Administrators

Mark Lane, representing self

Vice-Chairman Yee announced the names of those who signed up as neutral on HB2180 but did not speak:

Vince Yanez, Executive Director, State Board of Education

Vice-Chairman Yee announced the names of those who signed up in opposition to HB2180 but did not speak:

Seth Apfel, representing self

Bob Rosenberg, eLearning System for Arizona Teachers and Students (eSATS), spoke in favor of HB2180. He stated that the funding mechanism in this bill fits with eSATS system design to transform K-12 education statewide from the 19th Century agrarian model to a 21st Century nation- and world-leading model. The outcome-based concept transforms the economic

incentive from making sure the student is seated in the classroom to ensuring that the student is learning while seated in the classroom, which is more appropriate.

Theodore Kraver, eLearning System for Arizona Teachers and Students (eSATS), in favor of HB2180, cited a quip, “We are funding the wrong end of the child.”

Aiden Fleming, Legislative Liaison, Arizona Department of Education (ADE), spoke in favor of HB2180. He stated that “out of the box” approaches are a specialty of Superintendent of Public Instruction John Huppenthal. In regard to the funding mechanism, he said ADE is looking at the same issues mentioned by the Members and is interested in seeing the pilot program in action.

Question was called on the motion that the 10-line Crandell amendment to HB2180 dated 1/20/12 (Attachment 4) be adopted. The motion carried.

Vice-Chairman Yee moved that HB2180 as amended do pass. The motion carried by a roll call vote of 8-1-0-1 (Attachment 6).

HB2578 - school facilities board; revisions - DO PASS AMENDED

Vice-Chairman Yee moved that HB2578 do pass.

Stephanie Jaffa, Assistant Majority Research Analyst, explained that HB2578 makes various technical and updating changes to the statutes related to the School Facilities Board (SFB) (Attachment 7).

**Mrs. Carter moved that HB2578 be amended as follows:
Page 3, line 2, strike “gross” insert “NET”**

Chairman Goodale related that the verbal amendment is necessary because the intent was to exchange “gross” for “NET”, which was missed in one instance.

**Question was called on the motion that the verbal amendment be adopted.
The motion carried.**

Dean Gray, Executive Director, School Facilities Board (SFB), appeared in favor of HB2578. In response to a question, he related that when a school district sells a piece of property, if the state participated in the purchase of that property, those monies will be returned to the state. The SFB also sometimes builds portions of a school on a site, and if the school district sells the site, the state will be able to recover the proportional cost of the school building the SFB originally funded. The SFB does not have any jurisdictional authority over charter schools.

Amber Peters, School Facilities Board (SFB), in favor of HB2578, explained the need to change “gross” to “NET” for purposes of calculating square footage in the SFB database.

Vice-Chairman Yee announced the names of those who signed up in support of HB2578 but did not speak:

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

Elizabeth Hatch, Mesa Public Schools

Mark Minter, Executive Director, Arizona Builders' Alliance

Vice-Chairman Yee announced the names of those who signed up as neutral on HB2578 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Aiden Fleming, Legislative Liaison, Arizona Department of Education

Vice-Chairman Yee moved that HB2578 as amended do pass. The motion carried by a roll call vote of 10-0-0-0 (Attachment 8).

HCM2006 - schools; traditional American holidays; recognition - DO PASS AMENDED

Vice-Chairman Yee moved that HCM2006 do pass.

Vice-Chairman Yee moved that the seven-line Goodale amendment to HCM2006 dated 1/20/12 (Attachment 9) be adopted.

Stephanie Jaffa, Assistant Majority Research Analyst, explained that HCM2006 requests public schools to observe traditional American holidays (Attachment 10). The amendment specifies that public schools are encouraged to recognize and celebrate traditional American holidays and that the celebration of these holidays can include classroom learning that enhances the understanding of the history of the holidays and the holidays of other cultures and countries (Attachment 9).

Representative Peggy Judd, sponsor, stated that there are many small school districts in her district where celebrating holidays matters. Many school districts struggle with what is permissible to celebrate and say in the classroom. She had a conversation earlier with an elementary school principal who was looking forward to legislation, such as this resolution.

Mrs. Pancrazi noted that this is not required, to which Representative Judd agreed.

Mr. Meyer asked the definition of "traditional American holidays" and questioned if the bill violates the constitutional provision relating to separation of church and state. Representative Judd replied that the definition is up to the school district and she does not believe the bill violates the constitutional provision.

Ms. Proud stated that a 1963 Supreme Court ruling allows religion to be taught in the classroom, but not devotion or prayer, so she does not believe this is a constitutional violation.

Mr. Meyer said this is currently done by school districts so taxpayer dollars will be spent to send a letter to school districts stating it is permissible when it is already done. Ms. Proud responded that a news reporter in her office said his stepson was not allowed to discuss Christmas in the classroom because the school district determined that it is not a holiday and cannot be celebrated,

so some school districts do not allow American holidays to be celebrated. Mr. Meyer noted that the student has the right to contest that and surmised that the school district is probably in violation of that student's rights.

Vice-Chairman Yee announced the names of those who signed up in support of HCM2006 but did not speak:

Jessie Armendt, representing self

Vice-Chairman Yee announced the names of those who signed up in opposition to HCM2006 but did not speak:

Seth Apfel, representing self

Vice-Chairman Yee announced the names of those who signed up as neutral on HCM2006 but did not speak:

Aiden Fleming, Legislative Liaison, Arizona Department of Education

Question was called on the motion that the seven-line Goodale amendment to HCM2006 dated 1/20/12 (Attachment 9) be adopted. The motion carried.

Vice-Chairman Yee moved that HCM2006 as amended do pass. The motion carried by a roll call vote of 9-1-0-0 (Attachment 11).

Without objection, the meeting adjourned at 3:17 p.m.

Linda Taylor, Committee Secretary
January 26, 2012

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