

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – Second Regular Session

COMMITTEE ON EDUCATION

Minutes of Meeting
Monday, March 5, 2012
House Hearing Room 3 -- 2:00 p.m.

Chairman Goodale called the meeting to order at 3:18 p.m. and attendance was noted by the secretary.

Members Present

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

Members Absent

None

Committee Action

SB1035 - DP (9-0-0-1)	SB1253 - DPA (9-0-1-0)
SB1066 - NOT ASSIGNED	SB1258 - DP (9-0-0-1)
SB1168 - DP (9-0-0-1)	SB1424 - DPA (9-0-0-1)
SB1185 - DP (8-0-0-2)	

CONSIDERATION OF BILLS

SB1066 - schools; governor's community service citation - NOT ASSIGNED

Chairman Goodale announced that SB1066 was not assigned to the Committee; however, testimony will be taken.

Chairman Goodale stated this bill was ushered through the Legislature by Senator David Schapira at the request of a constituent, Jevin Hodge.

Jevin Hodge, representing self, stated that this bill will formally honor students who complete 200 or more hours of community service throughout their high school tenure. The goal is to keep students in school by providing students with an achievement to strive for, while serving the community and state. Community service hours will also look outstanding on university applications. Additionally, this award will eliminate the negative connotation associated with community service.

In response to questions, Mr. Hodge indicated that he and many other students in his high school perform 200 hours of community service annually. Students would be accountable for determining the number of community service hours and would have someone else sign a document verifying the community service hours, which could be completed individually or as part of a group. He said he was recently accepted at George Washington University where he was told his hours of community service were a major factor in his acceptance.

Juel Hodge, representing self, lauded her grandson's efforts, which keep him very busy.

SB1035 - schools; athletics; heat safety - DO PASS

Mr. Meyer moved that SB1035 do pass.

Virginia Carico, Majority Intern, explained that SB1035 requires school boards to implement policies and procedures related to heat safety for students participating in district-sponsored athletic activities (Attachment 1).

Mrs. Pancrazi commented that several school districts in the state implemented heat index requirements for sports, but it is often done after an incident occurs.

Mr. Fillmore asked if school districts will have to hire an outside entity to comply with this requirement rather than establish procedures, and whether there will be a cost.

Chairman Goodale surmised there will be collaboration between the Arizona Interscholastic Association (AIA) and the Arizona School Boards Association to develop a policy; it is not the intent for school districts to hire someone. She indicated that she was amazed to find most school districts do not have a heat policy despite being located in the desert.

Dena Thorp, representing self, related that she contacted Senator Linda Gray after her son came home from football practice last year when there were 17 record-setting heat days. He was outside every one of those days in full gear running for two hours. She asked the coaches about the heat policy and was told there is no policy; it is up to the schools. She went online and found that the Chandler School District is the only school district with a heat policy, but it cannot correctly calculate the heat index. She asked the Members to recognize that this is the Sonoran Desert and to do what is fair for the children.

Mrs. Pancrazi noted that a young man in Yuma was flown to Barrow Neurological Institute after practicing in the heat last year; he is physically okay now, but will never be the same mentally.

Ms. Thorp cited other states that have heat standards. Fire departments, police departments, elementary schools and the National Football League have heat standards, but there are no heat standards for high school athletes who are no more resistant to being "baked" than anyone else; they can be hydrated and still die.

Senator Linda Gray, sponsor, stated that she became dehydrated while biking in Colorado over the summer. She said it is important for athletic directors, coaches and parents to understand when children reach the point of danger.

Mr. Crandell acknowledged that this issue needs to be addressed. He noted that the bill requires guidelines to be developed in consultation with a statewide private entity, but does not require adoption by the governing board as policy. Senator Gray responded that it is included under the general powers and duties of the governing board to prescribe and enforce policies and procedures. This is similar to the concussion bill passed last year.

In response to a question, Senator Gray indicated that the bill applies to any athlete. It does not include private schools; it was meant to include charter schools and any AIA-sponsored sport. If those are not included, an amendment will be necessary.

Vice-Chairman Yee announced the names of those who signed up in support of SB1035 but did not speak:

Chuck Schmidt, Associate Executive Director, Arizona Interscholastic Association

Mark Mignella, Arizona Interscholastic Association

Barry Aarons, Lobbyist, Arizona Interscholastic Association

Pat VanMaanen, representing self

Tim Carter, Arizona Association of County School Superintendents

Jennifer Bonnett, Arizona Public Health Association

Sabrina Vazquez, Arizona School Administrators

Laura Magnus, Arizona Interscholastic Association

Vice-Chairman Yee announced the names of those who signed up as neutral on SB1035 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Question was called on the motion that SB1035 do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 2).

SB1168 - education; federal funds; technical correction(now: dropout recovery program; changes) - DO PASS

Vice-Chairman Yee moved that SB1168 do pass.

Stephanie Jaffa, Majority Assistant Research Analyst, explained that SB1168, retroactive to June 30, 2011, makes various changes to the section of statute related to dropout recovery programs (Attachment 3).

Senator Rich Crandall, sponsor, stated that competency-based dropout recovery legislation was passed last year. As programs were implemented, the Arizona Department of Education (ADE) requested changes in order to make the programs workable, which are included in this bill. He noted that the original legislation exempted dropout recovery students from the calculation of letter grades A through F, which is removed in this legislation. He liked the exemption because there is no incentive for school districts to recruit students who drop out if the school district is penalized in its grading system for those students. He would like to see that language reinstated on the Floor.

Mr. Crandell questioned why online school districts are excluded and endorsed reinstating the exemption mentioned by Senator Crandall. Senator Crandall responded that with their 365-day

model, online schools did not fit well with the school districts. Also, online schools are statewide and have no boundaries, whereas these program providers find and recover students who drop out within a school district. This concept may not work for charter schools so the programs are beginning in district schools only.

Vice-Chairman Yee announced the names of those who signed up as neutral on SB1168 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Vice-Chairman Yee announced the names of those who signed up in support of SB1168 but did not speak:

Sam Polito, Tucson Area School Districts

Ron Lee, representing self

Question was called on the motion that SB1168 do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 4).

SB1253 - elementary school districts; JTEDs; withdrawal - DO PASS AMENDED

Vice-Chairman Yee moved that SB1253 do pass.

Brooke White, Majority Research Analyst, explained that SB1253 is an emergency measure that allows an elementary school district to withdraw from a joint technical education district (JTED) (Attachment 5).

Vice-Chairman Yee moved that the Goodale two-line amendment to SB1253 dated 2/29/12 (Attachment 6) be adopted.

Ms. White explained that the amendment clarifies that an elementary school district cannot change its Qualifying Tax Rate (QTR) for the remainder of the year after withdrawing from a JTED (Attachment 6).

Senator Rich Crandall, sponsor, stated that three west side elementary school districts belong to the West-MEC JTED and pay associated taxes, but are not able to participate in the program. The high school also does not participate in West-MEC. The school districts asked to change the law to allow withdrawal from the JTED by a vote of the school board and a vote of the people.

Mr. Crandell speculated that the bill may not be specific enough to the three school districts with this unique situation. Senator Crandall replied that he is willing to offer an amendment stating “only those whose high school district does not participate either” to prevent any unintended consequences.

Mr. Crandell questioned the need for a vote of the people if elected officials agree to withdraw from the JTED. Senator Crandall responded that it is the same requirement to opt into a JTED. He is not opposed to eliminating the requirement for a vote of the people, except there is the potential that opting out could be done at the whim of a school board.

Mr. Crandell stated that in this situation where taxes will be lowered, he cannot see paying for a special election when the school board members are elected by the people. Senator Crandall responded that he is willing to discuss that just for this situation, in order to save money.

Marvene Lobato, Superintendent, Fowler Elementary School District, in favor of SB1253, testified that the governing board asked voters to approve the school district becoming a member of West-MEC in 2002. West-MEC allocated the school district approximately \$30,000 annually for a few years to support vocational education on site at one of the middle schools. In 2005, legislation was passed that prohibited West-MEC and other JTEDs from funding programs in grades lower than high school but, for approximately six years, taxpayers in the school district have paid a tax to support West-MEC when the students have not received any benefit. Under the current law, the process to withdraw from West-MEC is lengthy. SB1253 allows the governing board to decide if it wants to ask taxpayers to approve withdrawal from West-MEC, which is identical to how the school district voted to join West-MEC.

In response to a question, Mr. Crandell related that the high schools that serve the elementary school districts do not belong to the West-MEC district, so the high school students do not receive services from West-MEC unless tuition is paid.

Ms. Lobato added that two of the school districts, besides Fowler, do not have a feeder high school district that belongs to a JTED. Three students over the last seven years who live in the Fowler Elementary School District participated in West-MEC.

Greg Donovan, Superintendent, West-MEC, opposed SB1253. He stated that he does not believe people should be charged for services that are not received; however, a resolution to this situation could be as simple as changing the rules back so seventh and eighth grades can be served through JTEDs at no cost to the state. He pointed out that 97 percent of the secondary tax in the Fowler Elementary School District is derived from business and industry that support West-MEC. This is not a huge expense to the communities; for the average homeowner in the Fowler Elementary School District it is less than \$4 per year. He added that the Tolleson Union High School District has begun a serious and concerted effort to reach out to the community to join West-MEC, so this would become null for Pendergast Elementary School District and Fowler Elementary School District anyway, but it still does not solve the issue for the Cartwright Elementary School District that feeds into the Phoenix Union High School District. He added that businesses want to see more opportunities for career pathways and job training for young people in school.

Chairman Goodale asked if services can be provided to junior high and elementary schools from the money that West-MEC currently receives for the JTED program. Mr. Donovan replied that some changes would have to be made, but it can be done.

Vice-Chairman Yee announced the names of those who signed up in opposition to SB1253 but did not speak:

Diane McCarthy, West-MEC

Vice-Chairman Yee announced the names of those who signed up as neutral on SB1253 but did not speak:

Chris Kotterman, Deputy Director of Government Relations, Arizona Department of Education
Sam Polito, representing self

Question was called on the motion that the Goodale two-line amendment to SB1253 dated 2/29/12 (Attachment 6) be adopted. The motion carried.

Vice-Chairman Yee moved that SB1253 as amended do pass. The motion carried by a roll call vote of 9-0-1-0 (Attachment 7).

SB1185 - school resource officer; duty; obstruction(now: school safety program; requirement) - DO PASS

Vice-Chairman Yee moved that SB1185 do pass.

Stephanie Jaffa, Majority Assistant Research Analyst, explained that SB1185 requires the addition of a dispute resolution process to the service agreement between a school district or charter school and the law enforcement agency that provides services to the school district or charter school (Attachment 8).

Senator Linda Gray, sponsor, related that a school district lost the grant for a School Resource Officer (SRO) so the officer went to a different school district and arrested a student for disorderly conduct where he was told by the principal's office that is not done at the school. The SRO resigned and the school district lost a good SRO. In order to figure out how to handle situations in which there is conflict, a stakeholder meeting was held with the Arizona Department of Education and this language was developed. She was told at the meeting that a school principal told an SRO to arrest someone, but the officer responded that he did not have enough information, so the problem works both ways. If there is conflict, the bill provides a resolution.

In response to a question, Senator Gray advised that the SRO is given a grant by ADE and has to work with the principal at the school, so there could continue to be conflict. The SRO could have gone ahead and arrested the person, but quit because he believed he could not do the job according to the oath he took.

Vice-Chairman Yee announced the names of those who signed up in support of SB1185 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association
Sabrina Vazquez, Arizona School Administrators

Question was called on the motion that SB1185 do pass. The motion carried by a roll call vote of 8-0-0-2 (Attachment 9).

SB1258 - third grade promotions; requirements; exceptions - DO PASS

Vice-Chairman Yee moved that SB1258 do pass.

Virginia Carico, Majority Intern, explained that SB1258 removes the current good cause exemptions to retaining a third-grade student whose reading score falls far below the third-grade level and allows the promotion of a student with a disability under certain conditions (Attachment 10).

Chris Kotterman, Deputy Director of Government Relations, Arizona Department of Education (ADE), stated that he is generally in support of the bill, especially the language relating to special education students and directing the State Board of Education (SBE) to develop intervention and remedial strategies. He expressed concern about removal of the exemption for English Language Learner (ELL) students who have less than two years with ELL. With that provision removed, it is feared that ELL students are not prepared to pass the Arizona Instrument to Measure Standards (AIMS) test and may be retained and subjected to the provisions of the bill, in addition to having to perform the Structured English Immersion (SEI) model curriculum, which may get the state in trouble with the Office of Civil Rights. ADE is redesigning the Arizona English Language Learner Assessment (AZELLA) for deployment in a few years to remediate concerns and raise the standard of instruction for ELLs; ADE would not like that effort endangered. He responded to questions concerning the number of students impacted by the bill.

Senator Rich Crandall, sponsor, stated that he is willing to offer an amendment regarding ELL students, especially younger students, so they are not unfairly penalized. Discussion followed.

Vice-Chairman Yee announced the names of those who signed up in support of SB1258 but did not speak:

Sydney Hay, A Plus Arizona - Every Child Can Learn

Tim Carter, Arizona Association of County School Superintendents

Susan Cannata, Attorney, Special Education Administrators Association of Arizona

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

Eva Hamant, representing self

Sam Polito, Tucson Area School Districts

Jonathan Butcher, Education Director, Goldwater Institute

Vice-Chairman Yee announced the names of those who signed up as neutral on SB1258 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Seth Apfel, representing self

Question was called on the motion that SB1258 do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 11).

SB1424 - charter schools; charters; renewals; revocations - DO PASS AMENDED

Vice-Chairman Yee moved that SB1424 do pass.

Brooke White, Majority Research Analyst, explained that SB1424 establishes a performance framework for charter school sponsors, makes changes to statute relating to charter renewal and revocation and establishes the New Charter Application Processing Fund (Attachment 12).

Vice-Chairman Yee moved that the Goodale six-line amendment to SB1424 dated 3/2/12 (Attachment 13) be adopted.

Ms. White explained that the amendment removes the provision allowing charter revocations for failing to meet the provisions in the performance framework (Attachment 13).

Senator Rich Crandall, sponsor, stated that the Arizona Charter School Association brought the bill forward, which is supported by the State Board for Charter Schools, because the major item that will hurt charter schools in the market is poor performing charter schools; this bill allows for revocation of those schools.

Jay Kaprosy, Senior Government Relations Advisor, Arizona Charter Schools Association, in favor of SB1424, clarified that the amendment is technical in nature and allows for consistency in oversight of charter schools by having revocation within charter contracts. In response to questions, he indicated that over the last year, 22 charter schools were closed. When a charter school is recognized as poor performing, the period of time before closure occurs depends on the circumstances.

Vice-Chairman Yee announced the names of those who signed up in support of SB1424 but did not speak:

Becky Hill, Stand for Children

Deanna Rowe, Executive Director, State Board for Charter Schools

Katie Whitchurch, Director of Government Relations, Arizona Chamber of Commerce and Industry

Eileen Sigmund, President, Arizona Charter Schools Association

Question was called on the motion that the Goodale six-line amendment to SB1424 dated 3/2/12 (Attachment 13) be adopted. The motion carried.

Vice-Chairman Yee moved that SB1424 as amended do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 14).

Without objection, the meeting adjourned at 5:05 p.m.

Linda Taylor, Committee Secretary
April 4, 2012

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