

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-first Legislature –Second Regular Session

COMMITTEE ON EDUCATION

Minutes of Meeting
Monday, February 17, 2014
House Hearing Room 3 -- 2:00 p.m.

Vice-Chairman Coleman called the meeting to order at 2:43 p.m. and roll call was taken by the secretary.

Members Present

Mr. Allen	Mr. Meyer	Mr. Pierce J
Mr. Boyer	Ms. Miranda	Mr. Coleman, Vice-Chairman
Mrs. Carter	Ms. Otondo	Ms. Goodale, Chairman

Members Absent

None

Committee Action

HB2036 – DPA FAILED (3-5-0-1)	HB2543 – DPA (8-0-0-1)
HB2144 – DPA (8-0-0-1)	HB2605 – DP (9-0-0-0)
HB2150 – DPA (6-2-0-1)	HB2636 – DP FAILED (4-5-0-0)
HB2316 – DP (6-3-0-0)	HB2637 – DPA (8-0-0-1)
HB2485 – DPA (6-3-0-0)	HB2645 – DP (8-0-0-1)
HB2539 – DPA (8-0-0-1)	HB2662 – DPA (6-2-0-1)

CONSIDERATION OF BILLS

HB2485 – technology-based language development software – DO PASS AMENDED

Chairman Goodale moved that HB2485 do pass.

Aaron Wonders, Majority Research Analyst, explained that HB2485 requires the Arizona State Board of Education (SBE) to award a contract to an educational technology provider for language development and literacy software and appropriates \$12 million in fiscal years 2015, 2016 and 2017 for payment (Attachment 1). The Coleman two-page amendment to HB2485 dated 02/13/14 (Attachment 2) contains the following provisions:

- Converts the bill into a three-year pilot program in which the SBE selects up to ten school districts and up to five charter schools that apply

- Removes the annual audit from the Office of the Auditor General and requires a Joint Legislative Budget Committee (JLBC) annual review of the pilot program
- Removes the annual report requirement and requires a report that recommends whether the Legislature should consider expanding the pilot program as a permanent statewide program
- Adds a delayed repeal from and after December 30, 2018
- Inserts a blank appropriation rather than the \$12 million appropriation

Chairman Goodale remarked that for many years, the state has been enmeshed in English Language Learner (ELL) programs in schools and teachers are acclimated to those lesson plans. She asked if this will augment those programs or if it is something totally different. Mr. Wonders replied that he understands it is a new program that can be used.

Representative Rick Gray, sponsor, thanked Vice-Chairman Coleman for the amendment. He indicated that this is a computer-based software program. One of the benefits is that every child is evaluated at each level and can grow at their own learning pace. In response to questions, he agreed that with the amendment, this is voluntary. It is a pilot program for three years. It was originally for K-6 schools in Arizona at \$12 million annually, but the funding is removed with the amendment; the amount will depend on how much is appropriated in the budget. The bill does not select the company; it requires a request for proposal (RFP).

Senator Lynn Pancrazi, representing self, in favor of HB2485, said she has been teaching for 30 years and she is always skeptical about new programs; however, she went to Utah and saw students totally engaged in a software program. These software programs take 30 minutes each day and help students pass the Arizona English Language Learner Assessment (AZELLA) in two years instead of three. In response to a question, she indicated that any program selected will align to the Common Core Standards or it will not be purchased. The programs are interactive.

Stacey Morley, Arizona Department of Education, expressed a neutral position on HB2485. She clarified that the bill does not alleviate any charter school or school district from maintaining the Structured English Immersion (SEI) model required in statute for all ELL students; some school districts are using the software witnessed by Representative Gray and Senator Pancrazi as part of the SEI model. She has heard incredible things about this and other software packages. The only concern is the possibility of mandating adoption of these programs statewide in a local control state like Arizona.

Ms. Miranda asked if this would be considered a statewide intervention. Ms. Morley replied that it would not because it is a pilot program and voluntary, but if the Legislature and Governor's Office mandated this software for all schools, it would be.

Jeremy Cowdrey, Imagine Learning, in favor of HB2485, explained that Imagine Learning is a software provider; in 2008, it was one of a dozen vendors that applied for the RFP in Utah and was awarded the contract as a pilot program. At the end of the first year, the Chairman of the Education Committee was going to eliminate the program from the budget, but state superintendents testified that it is an amazing program that makes a difference in the lives of children. These software programs are available to enhance and augment what is already taking place in the classroom. He would like the opportunity to bid on this; it is a competitive RFP that

does not single out any provider. He noted that 600 schools are now participating in the program in Utah and responded to questions about the program.

Juan Mendez, representing self, spoke in favor of HB2485. He indicated that this kind of technology allows students to have instant feedback before moving on to learn the next objective. Their level of engagement changes with instant feedback that can be used to better themselves.

Vice-Chairman Coleman announced the names of those who signed up as neutral on HB2485 but did not speak:

Chris Kotterman, Lobbyist, Arizona Department of Education

Mark Lane, representing self

Vice-Chairman Coleman announced the names of those who signed up in support of HB2485 but did not speak:

Jason Arias, representing self

Abigail Broderick, representing self

Warde Nichols, Imagine Learning

James Candland, Imagine Learning

Gary Bae, The Leona Group Arizona, LLC

Michael Miller, representing self

Juan Escamilla, representing self

Vice-Chairman Coleman announced the names of those who signed up in opposition to HB2485 but did not speak:

Doreen Zannis, representing self

Chairman Goodale moved that the Coleman two-page amendment to HB2485 dated 02/13/14 (Attachment 2) be adopted. The motion carried.

Chairman Goodale moved that HB2485 as amended do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 3).

HB2316 – schools; local control; student privacy – DO PASS

Chairman Goodale moved that HB2316 do pass.

Aaron Wonders, Majority Research Analyst, explained that HB2316 prohibits the Arizona Department of Education (ADE), the Arizona State Board of Education (SBE) and the Superintendent of Public Instruction from adopting federally-mandated educational standards, curricula or instructional approaches (Attachment 4).

Mr. Pierce, sponsor, stated that several constituents expressed concern about student privacy and the continued "creep" toward eliminating local control. HB2316 is based on what was done in Maine by the Governor through an executive order. The intent is to ensure decisions are made at the most local level and student privacy is protected, which has been problematic in some instances. He related concern about testing methods that are being used to teach students. For example, a biology homework assignment asked students to identify the father of a baby based

on a series of blood types from different males. The implication is that the mother sleeps around and does not know which person is the father. He and others are concerned about this kind of social engineering to normalize this type of behavior. The last portion of the bill addresses that and he plans to work more on the language.

Mrs. Carter asked if the definition of *psychometric information* is in statute. Mr. Pierce replied that language was part of the drafting process that he did not specifically request, but if it is vague, he is willing to address it.

Chairman Goodale said there are federal guidelines under the Family Educational Rights and Privacy Act (FERPA) regarding the release of student information. She asked if this bill aligns with those. Mr. Pierce responded that the bill stipulates that student data must be collected in accordance with federal standards.

Mr. Meyer asked who will determine the accepted moral, civic and ethical value. Also, he questioned where a parent will make a complaint and what will happen next. Mr. Pierce responded that he believes the general complaint mechanisms for any issues will apply, i.e., to the local school board with appeal to the Superintendent of Public Instruction. He is amenable to working with ADE on that.

Wesley Harris, representing self, in support of HB2316, said one of the four pillars of the waiver for *No Child Left Behind (NCLB)* is the sharing of 400 points of data to be collected on every student with the federal government; he is encouraged that the sponsor is at least partially prohibiting that kind of sharing. There is no reason the federal government needs to have any information on any student in Arizona. He said he is disheartened about the comment of adhering to federal standards. When this bill passes, the state will be running into some litigation, probably on the part of the federal government, which he believes is good because the federal government needs to be taken out of the schools. Title 15 already has provisions that prohibit the sharing of data, which is vague, so this bill will firm that up.

Stacey Morley, Arizona Department of Education, neutral on HB2316, related concern about the vagueness of the language relating to assessment items not being contrary to generally accepted moral, civic and ethical values, which the sponsor agreed to work on with ADE. She recalled that a few years ago, there was a question on the Arizona's Instrument to Measure Standards (AIMS) test about the Legislature not funding public education that upset legislators. Those items are written by Arizona teachers through the vendor and she believes one of the reasons the Superintendent likes participation in the Partnership for Assessment of Readiness for College and Careers (PARCC) is that ADE has reviewed every item developed to ensure there are no controversial questions, which could be prohibited in contracts.

She indicated that having a standards process in rulemaking would probably be arduous, but ADE supports a public process in statute. The previous speaker said this would change everything, but it will not because the standards that have been adopted are not funded with federal dollars. Also, Chairman Goodale sponsored a data privacy bill for ADE that does not conflict with this bill and goes much further. It is modeled after American Legislative Exchange Council (ALEC) legislation adopted last fall and conformed to fit Arizona. It memorializes, in state statute, FERPA and all of the other federal requirements so it is very clear to citizens that

ADE will not share data on students. As long as these policies are adopted and ADE has the money to fix the data system, student data will be secure.

Ms. Morley responded to questions about the provision prohibiting ADE from applying for any federal grant that requires the adoption of federally-developed educational standards, curricula or instructional approaches. She said the reporting that is done to the federal government has been and always will be aggregate; it is not at the student level.

Mr. Pierce clarified that he does not want the state to seek funds from the federal government if receiving those funds requires the adoption of federally-developed standards, curricula or instructional approaches. Education needs to be handled at the local level.

Vice-Chairman Coleman announced the names of those who signed up as neutral on HB2316 but did not speak:

Chris Kotterman, Arizona Department of Education

In response to a question, Ms. Morley discussed the development of Arizona College and Career Ready Standards (Common Core Standards).

Names of those who signed up in favor of HB2316 but did not speak:

Lyle Tuttle, representing self

Ralph Heins, representing self

Jennifer Reynolds, representing self

Jose Borrajero, representing self

Ann Heins, representing self

Joyce Hill, representing self

Tom Holding, representing self

Diane Douglas, representing self

Terry Hill, representing self

Sandi Bartlett, representing self

Antoinette Lane, representing self

Vice-Chairman Coleman announced the names of those who signed up in opposition to HB2316 but did not speak:

Charles Essigs, Arizona Association of School Business Officials

Melanie Beikman, representing self

Janice Palmer, Arizona School Boards Association

Sabrina Vazquez, Lobbyist, Arizona School Administrators Association

Doreen Zannis, representing self

Pat VanMaanen, representing self

Question was called on the motion that HB2316 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 5).

HB2605 – teachers; suicide prevention; continuing education – DO PASS

Yvonne Tindell, Majority Research Intern, explained that HB2605 instructs the Arizona State Board of Education (SBE) to adopt rules that permit suicide awareness and prevention training

programs to count as continuing education credits for certified administrators and teachers (Attachment 6).

Chairman Goodale moved that HB2605 do pass.

Mrs. Carter, sponsor, related that this bill provides an incentive for teachers and administrators to become educated on suicide awareness and prevention by counting the training toward continuing education credits for recertification. It is not a mandate.

Barbara Leff, representing self, spoke in support of HB2605. She conveyed that her friend, Leann Hull, went through what every parent, family member and friend would consider the most horrible thing to deal with, which is the loss of her 16-year-old son to suicide. This bill may save lives.

Steve Schiro, volunteer, American Foundation for Suicide Prevention (AFSP), in support of HB2605, said he is also speaking as a retired educator and father of a son who died by suicide a few years ago. Suicide is often the consequence of depression, bipolar disorder, alcohol or substance abuse, anxiety disorder or another mental illness. These underlying causes are treatable, but often go unrecognized, untreated or undertreated. The impact of suicide on the lives of family members, friends, classmates and coworkers is devastating and the loss of potential is enormous. He cited statistics about suicides in Arizona. He stated that the AFSP supports education and training efforts to increase the public's awareness in general, and teacher's awareness specifically, as a means of reducing suicide in this state. Allowing this training to qualify for recertification hours will make it more probable that school districts and teachers will choose to include the courses in professional development.

Leann Hull, representing self, in support of HB2605, stated that her 16-year-old son, Andy, took his life a year ago. He did not follow any pattern of suicide, depression or mental illness. He was every teacher's dream, a great student and the child that every parent wants to have. He began taking Accutane the summer before he died; he was one of the statistics of the side effects of the drug, which are psychosis and depression. His grades plummeted, which she attributed to travelling a lot for baseball, then a teacher began bullying him, but she was unable to have him removed from the class even after going to the counselor, head of the department and dean of students, who attributed everything to typical teenage behavior syndrome. His suicide was an impulsive act. The school acknowledged its failure after Andy died and asked her to speak to the student body because a neighboring school had a suicide right afterwards. She was also asked to speak to administrators and faculty, many of whom thanked her and stated that they need to know about this. She said people need to be educated so students do not continue to commit suicide. She provided the Members with a *Mothers Awareness on School-Age Kids (MASK)* magazine containing an article she wrote (Attachment 7) and bracelets imprinted with *You Matter!* (Attachment 8) from a nonprofit foundation she started.

Names of persons who signed up in support of HB2605 but did not speak:

Joe Romack, representing self

Tim Carter, Yavapai County School Superintendent, representing self

Steve Muratore, representing self

Barry Aarons, Lobbyist, Arizona Association of County School Superintendents

Steve Schiro, representing self

Carolyn Melissa Leff, representing self
Craig Dean, representing self
Susie Stevens, Arizona Psychological Association

Names of persons who signed up as neutral on HB2605 but did not speak:
Doreen Zannis, representing self

Question was called on the motion that HB2605 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 9).

HB2636 – schools; instructional hours; report – ~~DO PASS~~ FAILED

Chairman Goodale moved that HB2636 do pass.

Hannah Mitchell, Majority Research Intern, explained that HB2636 requires school districts to annually report to the Arizona Department of Education (ADE) by June 30 the number of instructional hours provided by each school and grade level on a form provided by ADE (Attachment 10).

Representative Debbie Lesko, sponsor, said the reason for this legislation is to ensure that children are receiving the required number of instructional hours during the school year. In the past, an audit showed that a Tucson School District did not meet the total number of instructional hours so funding had to be returned to ADE. She does not want any school district to be in that type of situation. Per ADE, schools are required to teach a certain number of instructional hours per school day depending on grade level; for example, students in seventh and eighth grades must receive 5.6 hours of instruction to qualify for a school day. ADE told her that currently school districts report the number of school days but not the number of instructional hours.

Mrs. Carter questioned why the language is included in A.R.S. § 15-350.01 relating to the investigation of immoral and unprofessional conduct. Representative Lesko responded that she asked Brooke White, Education Policy Advisor, to work with Legislative Council to draft the language and this is the section in which it was placed. She will check to make sure it is correct and offer an amendment on the Floor, if necessary.

Chris Kotterman, Arizona Department of Education, neutral on HB2636, related that the language looks odd in this section, but he believes it is correct, although he will double check with Legislative Council.

Mrs. Carter said testimony was given in previous sessions relating to the number of onerous reports school districts compile for ADE; this sounds like another onerous report. Mr. Kotterman responded that there are approximately 235 data collections per year. ADE does collect school district calendars and bell schedules for every school in case they are needed for audit purposes. It is the responsibility of school districts to fulfill the requirements of A.R.S. § 15-901 relating to instructional hours. This would be one more item school districts provide to ADE to retain, probably to match with the calendar and bell schedule in case there is an issue.

Sabrina Vazquez, Lobbyist, Arizona School Administrators Association, opposed HB2636. She submitted that this is duplicative reporting. The Association opposes additional administrative

burdens like this. In response to a question, she indicated that school districts do submit the bell schedule to ADE and ensure that students receive the instructional hours currently outlined in statute.

Chairman Goodale submitted that if it is duplicative, Representative Lesko should be able to find the information she needs. Ms. Vasquez indicated that she is not sure what information Representative Lesko is attempting to obtain or what problem she is attempting to resolve.

Stacey Morley, Arizona Department of Education, neutral on HB2636, related that Representative Lesko is concerned about instructional hours being compromised to have half days for professional development. She had heard anecdotal reporting of school districts having half days every week and this is a way to find out what is going on. This reporting is slightly duplicative, but it is more detailed. Ms. Morley envisioned that the new computer system will make the information available daily and reduce reporting, but this will be an additional report for schools in the meantime.

Mr. Boyer stated that he received an email from Representative Lesko, who had to return to another meeting, stating that she hopes this legislation will clarify that a certain number of instructional hours are required in order to count as a full school day and that children are receiving the required number of instructional hours. Ms. Morley commented that even if it is a half day, it counts as an instructional day regardless of the number of hours instruction is provided. This will provide more information to see if any changes are needed.

Names of persons who signed up in opposition to HB2636 but did not speak:

Charles Essigs, Arizona Association of School Business Officials

Janice Palmer, Arizona School Boards Association

Doreen Zannis, representing self

Question was called on the motion that HB2636 do pass. The motion failed by a roll call vote of 4-5-0-0 (Attachment 11).

HB2662 – schools; sexual abuse; informational handbook – DO PASS AMENDED

Chairman Goodale moved that HB2662 do pass.

Aaron Wonders, Majority Research Analyst, explained that HB2662 directs school district governing boards to prescribe and enforce policies and procedures to address sexual abuse of children and establishes the Task Force on Child Abuse and Neglect (Attachment 12). The Coleman 16-line amendment to HB2662 dated 02/14/14 (Attachment 13) contains the following provisions:

- Deletes the requirements for sexual abuse policies and procedures
- Requires that adopted procedures include methods to increase teacher, pupil and parental awareness of issues concerning sexual abuse of children, actions a victim may take to obtain assistance and available counseling options
- Corrects a technical issue

- Makes all members of the Task Force appointed by the President of the Senate or the Speaker of the House
- Requires the President and Speaker to each select a Co-Chairman for the Task Force

Representative JD Mesnard, sponsor, indicated that this is a step in educating people about child sexual abuse. School districts are opposed because it is required, but little else is more important than child safety and, in particular, the issue of sexual abuse. HB2662, with the amendment, allows for a wide range of ways to comply that are not onerous to school districts. Some language was derived from other states and any cost associated with training has been eliminated.

Janice Palmer, Arizona School Boards Association (ASBA), opposed HB2662. She stated that this is not only a mandate for policies and procedures, but for something that is difficult for school districts to deal with. The ASBA wanted permissive language, which will increase awareness and allow local discussions to take place. Under the criminal code, teachers and other school personnel who suspect sexual abuse, etc., are required to report to the proper authorities who will investigate. It is not a matter of safety, but of the school board's role and how this will be implemented at the local level. It will have to be addressed at all grade levels and ensure that counseling options and assistance are age appropriate and not offensive to various constituencies. This could increase the liability of school districts.

Mrs. Carter asked about liability of the school district and mandatory reporting, noting that she spent a day at the hotline at Child Protective Services (CPS) and watched as 265 calls came in; it took one hour to get through one call and 50 people were working. Ms. Palmer stated that the penalties associated with this bill, which is mandatory, almost makes people want to over-report; however, school districts and local law enforcement have limited resources. Providing available counseling options, etc., depends on the local school board and community. This bill adds the liability of whether or not value judgments were made as far as the counseling services provided.

Savannah Sanders, representing self, in favor of HB2662, testified that she is a survivor, parent, a professional and an advocate. She related her experience of being sexually abused from age 6 to 13 by family members and others. She changed schools many times and not once did anyone talk to her or ask questions despite the fact that she exhibited many signs of sexual abuse. None of the abusers were ever caught or prosecuted. She opined that sexual abuse has direct correlation with dropout and attendance rates. It leads to sex trafficking, drug addiction, mental illness, bullying and running away. She acknowledged that this is a burden on school districts, teachers and administration, but if schools are going to be addressing items like suicide, drugs, trafficking, child safety, etc., sexual abuse should be addressed as well since it is the basis of many of those items. She supports this legislation because having parents and children receive the information needed to make educated decisions is one of her passions.

Andrea Dunlap, representing self, in support of HB2662, stated that she is a national prevention education director for a nonprofit organization that works to meet the needs of abused and neglected children through prevention and intervention treatment. Prevention and awareness is of paramount importance and an integral part of addressing child abuse. One in four girls is sexually abused before the age of eighteen, and one in six boys, which does not include the digital abuse and exploitation that is rampant and growing. Ninety percent of the perpetrators are someone the child knows and trusts and only one of ten sexually abused children tell someone.

Most adults do not know how to recognize the signs of sexual abuse or what to do when it is discovered. She advocated for HB2662 to further awareness of child sexual abuse in Arizona schools.

Janet Weninger, representing self, in support of HB2662, stated that parents may or may not have information on sexual abuse. As the parent of three children, if she had the information she needed 10 years ago when her son had changes in personality and behavior, she could have been aware of the situation and known what to do, but she thought he was just exhibiting typical teenage behavior. She knows schools do not want this responsibility, but she is only asking that information be provided to parents and children. It should be required and not voluntary because the numbers are out of control and the only way to stop this is through prevention.

Jeff Weninger, representing self, spoke in support of HB2662. He submitted that this bill only asks for awareness. He did not know the signs or what to look for, and a lot of parents, teachers and educators do not either. Education on this subject will have a massive impact.

Names of those who signed up in opposition to HB2662 but did not speak:
Sabrina Vazquez, Lobbyist, Arizona School Administrators Association
Doreen Zannis, representing self

Representative Mesnard stated that the amendment requires policies and procedures to raise awareness, provide counseling and other items. If those pose a liability issue, he will revisit the provisions. School districts already have a duty to report, so a requirement for policies and procedures to raise awareness is good public policy. He urged the Committee to pass the bill.

In response to a question, Ms. Palmer discussed other issues school districts have been required to address in the last few years such as skin cancer, diabetes, cardiopulmonary resuscitation, EpiPens, dating abuse and bullying, some of which are voluntary and some of which are mandatory.

Representative Mesnard agreed to work with Mrs. Carter on the bill, but indicated that out of all of the issues mentioned, child sexual abuse is the worst.

Question was called on the motion that the Coleman 16-line amendment to HB2662 dated 02/14/14 (Attachment 13) be adopted. The motion carried.

Chairman Goodale moved that HB2662 as amended do pass. The motion carried by a roll call vote of 6-2-0-1 (Attachment 14).

HB2144 – school pupils; academic intervention – DO PASS AMENDED

Mrs. Carter moved that HB2144 do pass.

Hannah Mitchell, Majority Research Intern, explained that HB2144 requires school district governing boards to maintain a confidential list of students with a grade point average of 2.0 or lower and provide academic intervention for those students (Attachment 15). The Meyer three-line amendment to HB2144 dated 02/14/14 (Attachment 16) specifies that school district

governing boards are to maintain the list and provide intervention if sufficient monies are available for that purpose.

Mr. Meyer moved that the Meyer three-line amendment to HB2144 dated 02/14/14 (Attachment 16) be adopted.

Mr. Meyer, sponsor, stated that during a meeting of the Scottsdale School Board, it was mentioned that students with a D average are allowed to participate in extracurricular activities. A study was done, which showed that 50 students who participated in extracurricular activities had less than a C average, but students with below a C average overall numbered 1,000. The board members deemed that as unacceptable because those students were most likely to drop out, so a policy was established that any student with below a 2.0 average needs some type of intervention ranging from tutoring to online courses to working with other students at lunchtime to improve their grades. Most of the interventions needed no financial investment. This plan has been in existence for one year and has made a difference for students in extracurricular activities who cannot participate in competitions until their grades improve. There has also been an impact on students with Fs; he is waiting to see how the remaining data plays out. HB2144, without the amendment, requires all school districts to identify those children and the school board to develop intervention strategies. The amendment eliminates the mandate.

Mr. Boyer questioned what school districts are currently doing, noting that he was not allowed to play football if he had a D or F for that particular week. Mr. Meyer said every school district could be doing it differently and all that is needed is a D average to participate, which is an Arizona Interscholastic Association (AIA) standard. He said he believes raising awareness and focusing on this will improve student performance and ensure students are not only academically okay, but socially and mentally okay, i.e., not doing drugs and other things.

Janice Palmer, Arizona School Boards Association (ASBA), neutral on HB2144, stated that the commitment is to make this completely voluntary and raise awareness on the issue. In response to a question, she stated that governing boards can and currently do this, but what is unique about this bill is that the intent is more about academic achievement and providing an incentive to participate in extracurricular activities. It is a local school determination as well as an AIA determination.

Vice-Chairman Coleman recalled that in his school district, he was required to report to the AIA any student with less than a C, and it was up to the school district how often to report. He reported every third week and those students would go for after-school tutoring; when their grades improved, they were able to participate in extracurricular activities.

Mr. Meyer stated that he would like to see all students receive the interventions so they can go on to college and enter the workforce. The challenge is funding those opportunities, so the Scottsdale School District tried to be creative. He hopes other school districts will look at their numbers and, if there is a problem, figure out innovative solutions; everyone can learn from others' best practices and possibly request funding for particular programs that are successful.

Sabrina Vazquez, Lobbyist, Arizona School Administrators Association, neutral on HB2144, indicated that even without this legislation, school districts are allowed and given permission to track students to make sure those who are falling below receive the intervention that is needed.

Vice-Chairman Coleman announced the names of those who signed up in support of HB2144 but did not speak:

Cindy Bitcon, representing self

Becky Hill, Lobbyist, Scottsdale Unified School District

Vice-Chairman Coleman announced the names of those who signed up as neutral on HB2144 but did not speak:

Doreen Zannis, representing self

Question was called on the motion that the Meyer three-line amendment to HB2144 dated 02/14/14 (Attachment 16) be adopted. The motion carried.

Chairman Goodale moved that HB2144 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 17).

HB2539 – task force; physical education – DO PASS AMENDED

Chairman Goodale moved that HB2539 do pass.

Aaron Wonders, Majority Research Analyst, explained that HB2539 establishes the Task Force on Best Practices in Physical Education and Behavior Management (Attachment 18). The Otondo four-line amendment to HB2539 dated 02/14/14 (Attachment 19) removes the requirement for school district and charter school governing boards to meet and consider the Task Force's recommendations.

Mr. Boyer, sponsor, stated that this is not a mandate. He is concerned about childhood obesity and student output, and literature suggests that high test scores are correlated to physical activity. He does not know the solution so he hopes this Task Force can develop practical recommendations. The amendment removes the requirement for governing boards to meet and consider the Task Force's recommendations, making this only a study committee.

Ms. Otondo moved that the Otondo four-line amendment to HB2539 dated 02/14/14 (Attachment 19) be adopted.

Mr. Boyer noted that the two people who signed in against the bill either support it with the amendment or are neutral.

Janice Palmer, Arizona School Boards Association, expressed support of the legislation with the Otondo amendment, noting that she looks forward to recommendations from the Task Force.

Dr. Steve Gall, representing self, spoke in support of HB2539. He stated that he is a volunteer who teaches elementary physical education to students. He is delighted to see this Task Force established, contending that children need exercise every day.

Names of persons who signed up in support of HB2539 but did not speak:

Nicole Olmstead, Lobbyist, American Heart Association

Rebecca Nevedale, Arizona Chapter of the American Academy of Pediatrics

Elizabeth Birmingham, Arizona Public Health Association
Sabrina Vazquez, Lobbyist, Arizona School Administrators Association (with amendment)

Names of persons who signed up in opposition to HB2539 but did not speak:
Charles Essigs, Arizona Association of School Business Officials

Names of persons who signed up as neutral on HB2539 but did not speak:
Pat VanMaanen, representing self
Doreen Zannis, representing self
Stacey Morley, Arizona Department Of Education

Question was called on the motion that the Otondo four-line amendment to HB2539 dated 02/14/14 (Attachment 19) be adopted. The motion carried.

Chairman Goodale moved that HB2539 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 20).

HB2036 – empowerment scholarship accounts; increased eligibility – ~~DO PASS~~ AMENDED FAILED

Chairman Goodale moved that HB2036 do pass.

Chairman Goodale moved that the Goodale four-line amendment to HB2036 dated 02/12/14 (Attachment 21) be adopted.

Aaron Wonders, Majority Research Analyst, explained that HB2036 expands eligibility for Empowerment Scholarship Accounts (ESA) to the children of police officers, firefighters, emergency medical technicians (EMT) and other first responders, as well as the siblings of current or previous ESA recipients and children who are eligible to enroll in preschool programs for children with disabilities (Attachment 22).

He related that the Goodale four-line amendment to HB2036 dated 02/12/14 (Attachment 21) expands ESA eligibility to children of police officers, firefighters, EMTs and other first responders who are killed in the line of duty. The Meyer five-page amendment to HB2036 dated 02/14/14 (Attachment 23) requires all students participating in the ESA program to be subject to the same State Board of Education (SBE) testing requirements as pupils in public schools, terminates a pupil's ESA participation for failure to adhere to testing requirements and requires the Arizona Department of Education (ADE) and the State Board of Education (SBE) to develop a system to provide ESA students access to the competency test.

Representative David Livingston, sponsor, conveyed support for the Goodale amendment (Attachment 21) but indicated that he does not support the Meyer amendment (Attachment 23) that he has not read. The Foundation for Blind Children requested this bill. The primary purpose is to allow children with disabilities to go directly to a specialty school without having to go to a public school before the specialty school.

Sydney Hay, American Federation for Children, spoke in support of HB2036. She noted that this is a model for the nation that was started in Arizona so everyone is learning as the program unfolds. This bill addresses the following challenges:

- Provides the flexibility for siblings to attend a school in the same area or the same school a child in the ESA program attends, which sometimes may be far from home.
- Children with severe disabilities would be publicly funded at a public school at the preschool level, but this program does not begin at that level, which is corrected.

She said the program is capped at one-half of one percent of statewide public school enrollment. Only about 5,400 new children can enter the program annually, so at this point, it is at a sustainable level. The cap will be eliminated in 2019. When asked what the cap would be if it was made permanent, Ms. Hay replied that a one percent cap would approximate how charter schools have flourished in Arizona and would never be a threat to public schools. At one percent, 11,000 children could enter the program each year; it is anticipated that the K-12 population will increase by nearly 700,000 children in the next 15 years.

Vice-Chairman Coleman asked if the children of firefighters, etc., are included because their parents' lives are on the line and commented that the same argument could be made for schoolteachers. Ms. Hay responded that she sensed some hesitation from the Committee on that provision. She surmised that some people perceived it as a particularly worthy population, but she understands it poses challenges for ADE. The most important part of the bill relates to children with disabilities and their siblings.

Vice-Chairman Coleman stated that as a public educator he is frustrated that public education is not adequately funded; creating another option paid for with tax dollars makes his teaching for 30 years seem not valuable. He heard many arguments that private schools are so expensive, but perhaps the base for public schools should begin to approach the level of what private schools charge for tuition. Ms. Hays stated that this is an option for some parents that saves taxpayer money because funding is often 90 percent of what the state would spend if the child was in a charter school. There are some expensive private schools but there are also many private schools in Arizona that are a bargain, and the tuition does not approach the level at which a child is funded in public schools.

Vice-Chairman Coleman expressed concern about adding different populations to the program based on what "dad does for a living." Ms. Hays replied that in order for the Committee to support the prime motivation of this bill, she would not oppose a Floor amendment to retract that portion of the bill.

Mr. Meyer said this bill also includes siblings who may not have a disability, to which Ms. Hays agreed. Representative Livingston reiterated that the reason for this legislation is to enable families who commute to take a special needs child to a special school to choose another school on the way or even the same school, if possible, for a sibling. It is a very small population but a big deal for the parents it affects.

Eleanor Eisenberg, League of Women Voters of Arizona, opposed HB2036. She said student tuition organizations and other devices have created a massive redistribution of wealth from the public sector to the private sector, including the religious sector, which is not sanctioned by the

Arizona Constitution. The League would like to see programs that support the public schools instead. There is no evidence that charter schools are doing a better job and ESAs are also not as accountable as the standard public schools. She said she appreciates Mr. Meyer's amendment because the testing is one way to show accountability and comparability. Every child should have an individually mandated program that will be of benefit, but this is not the way to do it. These schools get to "cherry pick," which runs counter to what is best for students and the public school system.

Marc Ashton, representing self, testified in support of HB2036. He related that he is the Chief Executive Officer for the Foundation for Blind Children and the parent of a blind child and a child with Asperger Syndrome. The blind child currently has an ESA account. The preschool population was not included in the original legislation due to an oversight. Public schools are considered K-12, but for disabled children, that starts at age 3. His son, Max, went to preschool at the Foundation at age three and did very well. He is now a senior at Brophy College Preparatory using the ESA program and he is geared to go to Harvard, Stanford or possibly Barrett next year. As a parent and administrator of a private school, the students are not "cherry picked". All of the students have disabilities, and most have multiple disabilities; they are the neediest of children.

Julie Batt, representing self, in favor of HB2036, stated that she is the parent of a student in the ESA program. Her son is nine years old and has a high IQ and autism. She related her experiences in attempting to find the best educational program to fit his needs. She ultimately decided to home school him, which is a blessing because he has the hours needed to dedicate to therapy. One of the therapies has been the best investment of ESA dollars that could not previously be accessed with their self-funded insurance plan or through the Division of Developmental Disabilities. She discussed her son's progress academically and socially.

Lisa McCarville, representing self, in support of HB2036, said her son is in the third year of ESA. He has autism and severe obsessive compulsive disorder (OCD), which makes it difficult for him to be in a classroom. She does not want to defund public education, but at the same time, she wants her youngest of six children to obtain a good education. This money gives her an opportunity to buy curriculum that works; with the flexibility the program offers, he is currently doing college level work and he is a seventh grader. The part of the bill that concerns her is how to standardize tests for people who cannot read or are cognitively unable to take a test and how to compare them to people who are. The ESA program has been a life changer for her son who has fallen in love with learning; she would have loved this to have happened in a public school, but it did not.

Jennifer Loreda, Lobbyist, Arizona Education Association, opposed HB2036, making the following points:

- This bill expands the ESA program.
- Robocalls from the Superintendent of Public Instruction encouraging parents to move their child from a public school to a private school upset teachers. Adequate funding is not being provided to public schools, yet these bills continue to move, and teachers are asking why.

- This bill gives these vouchers to police, firefighters, etc.; however, the Professional Fire Fighters are opposed probably because they support the traditional school system.
- There is no accountability for private schools that take these vouchers.
- Testimony was given that funding will be 90 percent of the base support level so the state will save money by having children move; it is 90 percent of the base level plus the charter school additional assistance, so a child leaving a traditional public school will actually cost the taxpayer money by giving these ESAs.

In response to a question, Ms. Loredo recalled that ADE said the average ESA is currently \$15,000. She added that she has sympathy for the parents who spoke, but this bill states that a child who does not meet the current definition for eligibility will be eligible for this program, and the child could go to Brophy, Xavier Prep, etc., as long as one student meets the needs. This program continues to be expanded year after year, yet she has not seen any data that these private schools are performing better than the public schools.

Stacey Morley, Arizona Department of Education, neutral on HB2036, stated that the current average is approximately \$15,000, but that is because about 70 percent of the children receiving ESA now are disabled, so the funding amount is higher. A traditional school student would probably generate 90 percent of the base level, which is actually a little higher on the school district side because it includes the Teacher Experience Index and the Group A or B weights, so depending on the type of school, that is where 90 percent comes from. Last year, when the ESA program was expanded to add the charter school additional assistance, it increased the general amount to probably more than what a traditional school district child receives if they do not have any disabilities and attend an average weighted school. The other issue is that it is completely funded by the General Fund. The superintendent totally supports expanding the eligibility pool, and although he supports school choice, he is concerned about the General Fund.

Mr. Boyer asked if she can isolate students with disabilities to obtain a more accurate reflection of what the state will save if the program is geared toward the typical student. Ms. Morley agreed to do that. She responded to further questions about funding.

Mrs. Carter commented that she does not see an academic need to include families of first responders who are signed in against the bill. Representative Livingston said he is willing to discuss removal of the language; however, 761 children were in this program last year, and the difference it is making for those children and families is incredible. If over 5,000 children are eligible based on the cap and only 761 children are participating, more children can be added. If that is the only way to get the bill passed out of Committee, he is willing to do it, but Chairman Goodale asked him to include the Yarnell firefighters, which are very few. Discussion followed.

Jonathan Butcher, representing self, in favor of HB2036, stated he is the Education Director at the Goldwater Research Institute. Research performed at the Institute is available on how parents are using these funds and the satisfaction levels of parents with the ESA accounts. When asked his stance on the Meyer amendment, he said he would recommend adjusting some items, but he is not sure this bill is the best place. In terms of transparency, testing is very important.

Katherine Visser, representing self, spoke in support of HB2036. She related that she has a son named Jordan who is nine years old and in the third year of the ESA program. She has a degree in education and taught in the public schools, of which she is very supportive; however, this program has been life-changing. She and her son have had some positive experiences with the public school system and some experiences that should not happen to any child. With the ESA program, she and her husband can make decisions and changes when their son's needs change, and people who work with their son are directly accountable to them. She now home schools him with the help of a teacher who provides tutoring. Her daughter will be eligible for the ESA program if this bill passes, although she does not know if she will use it. She is also home schooling them both, which has been a good bonding experience that she encourages because her son will need the lifelong support of his sister.

Sabrina Vazquez, Arizona School Administrators Association, opposed HB2036. She stated that this expansion creates unfair competition for school districts, which are held accountable to parents and taxpayers. Without a testing requirement, it is difficult to tell if school districts can fairly compete with these private institutions because their outcomes are not known, which is why the Association supports the Meyer amendment. The additional assistance creates more of a need for accountability with these ESA programs.

Janice Palmer, Arizona School Boards Association (ASBA), opposed HB2036. She indicated that the ASBA is one of the litigants with the *Niehaus* lawsuit and it is still not known if this program has met constitutional muster. There is an appellate decision; however, both parties filed briefs and the Arizona Supreme Court will calendar which cases it chooses to take in March 2014. While the ASBA opposes ESAs in principle, it would be unwise to expand a program that may or may not be in existence a year from now.

Matthew Ladner, representing self, neutral on HB2036, indicated that he agrees with Ms. Loredó and reviewed a handout, *Age Demographics and the Future of the Arizona K-12 System* (Attachment 24). He said the projected increase in school-age children by 2030 is almost 700,000. Even if the boom existed and new school district facilities were built as before, the state could not absorb even a large portion of the expected increase. He said he supports a permanent enrollment cap. There is no intention to destroy the public school system, which is guaranteed in the Arizona Constitution and supported by the public. The state needs a plan because these needs are real, enrollment growth never stopped and there is a financial squeeze, but the census data shows that it will become worse. This data should be included in any consideration of a permanent enrollment cap.

In response to a question about testing, he said it is important to have a system of transparency for a program like this; however, he does not believe it is the job of any private school choice program to give the state's test nor should an incentive be created for them to follow the state's curriculum. These programs are basically an opt-out of the public school system. A national norm reference test respects the independence of difference options, not the PARCC test, which is tied to a set of standards. Choosing the percentage of the cap is a legislative decision. He recommended that the Members study the data carefully and decide where children will be educated because currently there is no place to put the 700,000 students nor is it likely the state will have the money to begin building schools again. A brief discussion followed about charter school additional assistance.

Scott Lang, representing self, opposed to HB2036, related that he has been a public schoolteacher for 15 years and a high school administrator. He is currently an advocate and consultant for public schools, which involves providing leadership training across the country. It is worth noting that despite the statistics that were cited and reductions in funding, Arizona public schools and teachers are doing a fantastic job. He does not believe anyone wants to take anything away from this program that serves the needs of those who are not being served, but this legislation adds size and scope to the program, which is outside its initial intent. He has never heard that the children of firefighters, first responders and paramedics are at greater risk of not succeeding in school or struggling or failing at a higher rate than other children. Every child should have an opportunity to succeed regardless of what their parent does for a living. When children and dollars are pulled out of the public schools, it changes the entire matrix of the educational system, which is a slippery slope that he is not comfortable with.

Representative Livingston commented that about 75 percent of the discussion does not apply to this bill. He requested that Chairman Goodale and Mr. Meyer withdraw their amendments because it is critical to help these families with disabled children. He indicated that he is willing to offer an amendment on the Floor to remove first responders, although he does not know why Members do not want to do something extra for police officers and firefighters, etc. Discussion followed.

Chairman Goodale withdrew the motion that the Goodale four-line amendment to HB2036 dated 02/12/14 (Attachment 21) be adopted.

Mr. Meyer moved that the Meyer five-page amendment to HB2036 dated 02/14/14 (Attachment 23) be adopted.

Representative Livingston repeated that he does not support the Meyer amendment.

Division was called and the motion carried by a hand vote of 5 ayes and 3 nays.

Chairman Goodale moved that HB2036 as amended do pass. The motion failed by a roll call vote of 3-5-0-1 (Attachment 25).

Names of persons who signed up in support of HB2036 but did not speak:

Ann Heins, representing self

Joyce Hill, representing self

Tom Holding, representing self

Terry Hill, representing self

Patrick O'Malley, representing self

Grant Batt, representing self

Sandi Bartlett, representing self

Antoinette Lane, representing self

Josh Kredit, Lobbyist, Center for Arizona Policy

Ralph Heins, representing self

Deb Gullett, A Plus, Every Child Can Learn

Lyle Tuttle, representing self

Names of persons who signed up in opposition to HB2036 but did not speak:

Joan Rolfes, representing self

Steve Muratore, representing self

Mark Lane, representing self

Steve Ramos, representing self

Charles Essigs, Arizona Association of School Business Officials

Barbara Jean Robertson, representing self

Pat VanMaanen, representing self

Doreen Zannis, representing self

Linda Thomas, representing self

Virginia Brant, All Arizona School Retirees Association

Michael Colletto, Professional Fire Fighters of Arizona

Alicia Klassen, representing self

Susan Shear, representing self

Robert Klassen, representing self

Linda Polito, Tucson Area Schools

Sam Polito, Tucson Area School Districts

Melanie Beikman, representing self

Leeann Wieser, Arizona Federation of Teachers Union

HB2150 – empowerment scholarships; military families – DO PASS AMENDED

Chairman Goodale moved that HB2150 do pass.

Hannah Mitchell, Majority Research Intern, explained that HB2150 exempts children whose parent or guardian is an active duty member of the armed forces from additional Empowerment Scholarship Accounts (ESA) eligibility requirements (Attachment 26). The Goodale two-line amendment to HB2150 dated 02/12/14 (Attachment 27) qualifies children of a parent or guardian who is killed in the line of duty for participation in the ESA program and exempts those children from additional ESA eligibility requirements. The Meyer five-page amendment to HB2150 dated 02/14/14 (Attachment 28) requires students participating in the ESA program to be subject to the same testing requirements as students in public schools, stipulates that failure to comply will result in termination of the student's participation in the ESA program and requires the Arizona Department of Education (ADE) and the State Board of Education (SBE) to develop a system to provide access to students needing to take the test.

Representative Sonny Borrelli, sponsor, stated that this bill cuts the red tape to fast track military children with special needs who move from station to station. From real life experience, he knows what military families go through moving from one duty station to another, either in the United States or overseas. He endorsed Chairman Goodale's amendment. He related that a dependent of a mother serving overseas who was killed in action is now living with his grandparents and had to move from Texas to Arizona. He has to attend a public school for a mandated amount of time rather than a private school with a foundation and stability. He added that he is disappointed in Mr. Meyer's amendment, which is the first time he has seen it.

Sydney Hay, American Federation for Children, spoke in support of HB2150. She stated that in learning about and improving the ESA program, it was discovered that the current requirements are cumbersome for military children who move around through their education years. Also, the

language allowing active duty military to be eligible for the ESA program inadvertently did not include those killed in action, which is rectified in this bill. She indicated that she opposes the Meyer amendment because mandating the state test on all ESA children directly regulates private schools in Arizona, which use a variety of tests. This mandate would make private schools not private.

Christina Martinez, Lobbyist, United States Hispanic Leadership Institute, spoke in support of HB2150. She said the Institute is one of the nation's oldest advocacy organizations devoted to the empowerment of youth. The Institute has a great partnership with the Department of Defense, which indicates that Latinos currently comprise 11.4 percent of active duty military forces in this country and, according to Our Military Kids, which provides grants to military children to participate in sports, fine arts, tutoring programs, etc., there are 1.2 million military children. Four out of five of these children, whose parents are active military or on deployment, suffer from anxiety due to the absence of a parent and the constant moving from state to state and school to school. These children consistently fall behind in their studies and many of the traditional public schools do not have the resources to provide for them in terms of therapy, tutoring or extra special attention, so sometimes a private setting is the best option. She added that she is also testifying as a child whose father was in the United States Army for 23 years; during that time, she lived in over 12 states, 4 countries and attended 10 public schools.

Lisa McCarville, representing self, in support of HB2150, expressed concern about the Meyer amendment requiring testing. She said she does not know how a child with autism can be tested. The public schools tested her son; it was labor-intensive, the teachers disliked it and he did not do well. She never saw the results of those tests even after requesting the scores in writing.

Names of those who signed up in opposition to HB2150 but did not speak:

Eleanor Eisenberg, League of Women Voters of Arizona
Jennifer Loreda, Lobbyist, Arizona Education Association
Steve Muratore, representing self
Mark Lane, representing self
Charles Essigs, Arizona Association of School Business Officials
Barbara Jean Robertson, representing self
Doreen Zannis, representing self
Janice Palmer, Arizona School Boards Association
Susan Shear, representing self
Linda Polito, Tucson Area Schools
Robert Klassen, representing self
Sam Polito, Tucson Area School Districts
Melanie Beikman, representing self

Names of those who signed up in support of HB2150 but did not speak:

Terry Hill, representing self
Ann Heins, representing self
Joyce Hill, representing self
Tom Holding, representing self
Catheryne Parry, representing self
Grant Batt, representing self
Sandi Bartlett, representing self

Antoinette Lane, representing self
Jonathan Butcher, representing self
Melody Judd, representing self
Josh Kredit, Lobbyist, Center for Arizona Policy
Ralph Heins, representing self
Chris Kozakiewicz, representing self
Deb Gullett, A Plus, Every Child Can Learn
Julie Batt, representing self

Katherine Visser, representing self, spoke in support of HB2150. She said she has 15 years of military service, which included 7 years of active duty. When she saw that military was added, she thought it was great, but she is not sure it can be used considering how often military families move around. If the 100-day requirement is removed, these children can partake in the system.

Stacey Morley, Arizona Department of Education, appeared in support of HB2150. In response to a question about the number of military qualified students who take advantage of the ESA program, she indicated that because of the effective date last year when the program was expanded, military children will be eligible this year. ADE supports the amendment because it makes sense considering the mobility of military children and, if they move into an area, they will be eligible without having to meet the 100-day requirement.

Sabrina Vazquez, Lobbyist, Arizona School Administrators Association, opposed HB2150. She said her concerns are similar to those regarding the bill that was just heard. The Association would like to see a testing requirement. Schools are held accountable to the taxpayers and parents so if students use the ESA to attend a private institution, the institution should be held accountable since it takes taxpayer money.

Chairman Goodale moved that the Goodale two-line amendment to HB2150 dated 02/12/14 (Attachment 27) be adopted. The motion carried.

Mr. Meyer moved that the Meyer five-page amendment to HB2150 dated 02/14/14 (Attachment 28) be adopted. The motion failed.

Chairman Goodale moved that HB2150 as amended do pass.

Representative Borrelli noted that military personnel are already included in the ESA program. This legislation only waives the time limit requirements.

Question was called on the motion that HB2150 as amended do pass. The motion carried by a roll call vote of 6-2-0-1 (Attachment 29).

HB2637 – ADE; program administration – DO PASS AMENDED (see page 22)

Chairman Goodale moved that HB2637 do pass.

Chairman Goodale withdrew the motion that HB2637 do pass.

HB2543 – appropriation; schools; mental health training – DO PASS AMENDED

Chairman Goodale moved that HB2543 do pass.

Aaron Wonders, Majority Research Analyst, explained that HB2543 appropriates \$250,000 to the Arizona Department of Education's (ADE) Office of School Safety for program expenses and reimbursements relating to mental health and school safety (Attachment 30). The Goodale eight-line amendment to HB2543 dated 02/13/14 (Attachment 31) appropriates the monies to ADE rather than the Office of School Safety and allows the money to also be used for autism program support.

Representative Victoria Steele, sponsor, stated that the purpose of this bill is to pay for any expenses schoolteachers have when attending professional development training, however the school, school district or Office of School Safety deems best.

Names of persons who signed up in support of HB2543 but did not speak:

Jennifer Loreda, Lobbyist, Arizona Education Association

Pat VanMaanen, representing self

Leeann Wieser, Lobbyist, Arizona Federation of Teachers Union

Steve Muratore, representing self

Names of persons who signed up as neutral on HB2543 but did not speak:

Chris Kotterman, Lobbyist, Arizona Department of Education

Doreen Zannis, representing self

Stacey Morley, Arizona Department of Education

Representative Steele indicated support for the Goodale amendment so autism programs will be included in professional development.

Chairman Goodale moved that the Goodale eight-line amendment to HB2543 dated 02/13/14 (Attachment 31) be adopted. The motion carried.

Chairman Goodale moved that HB2453 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 32).

HB2637 – ADE; program administration – DO PASS AMENDED

Chairman Goodale moved that HB2637 do pass.

Aaron Wonders, Majority Research Analyst, explained that HB2637 establishes the Arizona Department of Education Professional Development Revolving Fund for expenses relating to the production and deliverance of professional development courses and content and modifies programs administered by the Arizona Department of Education (ADE) (Attachment 33). The Coleman two-line amendment to HB2637 dated 02/14/14 (Attachment 34) makes a technical specification.

Mr. Allen submitted that the provisions in the bill seem to be dispersed throughout the section and may violate the single subject rule.

Stacey Morley, Arizona Department Of Education, in support of HB2637, advised Mr. Allen that has to do with how ADE administers different programs since it is an administrative omnibus. Legislative Council does not believe the single subject rule is violated.

Mrs. Carter asked if ADE currently offers professional development courses to teachers for a fee.

Ms. Morley replied that the Professional Development Revolving Fund has been swept many times, which has left ADE with no funding to develop professional development courses to offer to schools, except in certain program areas, so a fee is charged to the teachers. ADE would like to have the fees separated in order to ensure the funds are received, maintained and spent as intended.

Names of those who signed up in support of HB2637 but did not speak:

Chris Kotterman, Lobbyist, Arizona Department of Education

Jay Kaprosy, Lobbyist, Arizona Charter Schools Association

Doreen Zannis, representing self

Eileen Sigmond, Arizona Charter Schools Association

Chairman Goodale moved that the Coleman two-line amendment to HB2637 dated 02/14/14 (Attachment 34) be adopted. The motion carried.

Chairman Goodale moved that HB2637 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 35).

HB2645 – ADE; education data system; privacy – DO PASS

Chairman Goodale moved that HB2645 do pass.

Aaron Wonders, Majority Research Analyst, explained that HB2645 makes changes to the Arizona Department of Education's (ADE) education data system privacy and confidentiality requirements (Attachment 36).

Chairman Goodale, sponsor, stated that the purpose of HB2645 is to secure information. With 126 school districts around the state, many clerks have access to information. Also, with a new data system, people are concerned about release of information.

Stacey Morley, Arizona Department of Education, in support of HB2645, said this bill is specific and articulates current law, federal law and rule in one place in statute to clarify what can and cannot be released and how data is protected. ADE has undergone an internal process to ensure that when data is given out for research and other purposes an agreement is signed subjecting the requester to the same requirements as ADE with regard to the release of data.

Vice-Chairman Coleman announced the names of those who signed up in support of HB2645 but did not speak:

Chris Kotterman, Lobbyist, Arizona Department of Education

Doreen Zannis, representing self

Steven Zylstra, representing self

Vice-Chairman Coleman announced the names of those who signed up as neutral on HB2645 but did not speak:

Janice Palmer, Arizona School Boards Association

Question was called on the motion that HB2645 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 37).

Without objection, the meeting adjourned at 8:15 p.m.

Linda Taylor, Committee Secretary
March 4, 2014

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