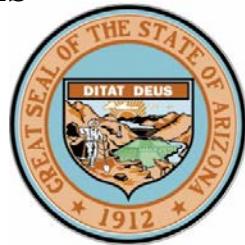


ARIZONA STATE HOUSE OF REPRESENTATIVES

RESEARCH STAFF



TO: JOINT LEGISLATIVE AUDIT COMMITTEE

DATE: January 26, 2023

SUBJECT: Sunset Review of the Arizona State Schools for
the Deaf and the Blind

Chase Houser

Committee on Education
Telephone: (602) 926-3213

Attached is the final report of the sunset review of the Arizona State Schools for the Deaf and the Blind which was conducted by the House Education Committee of Reference.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona
The Honorable Katie Hobbs

President of the Senate
Senator Warren Petersen

Speaker of the House of Representatives
Representative Ben Toma

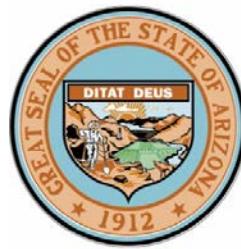
House Members

Representative Beverly Pingerelli, Chair
Representative David Marshall, Vice-Chair
Representative David Cook
Representative Lupe Diaz
Representative Nancy Gutierrez
Representative Liz Harris
Representative Jennifer Pawlik
Representative Michele Peña
Representative Judy Schwiebert
Representative Laura Terech

Arizona Department of Public Safety
Arizona State Library, Archives & Public Records
House Republican Staff
House Democratic Staff
House Research Staff

Senate Resource Center
Senate Republican Staff
Senate Democratic Staff
Senate Research Staff
Office of the Auditor General

House of Representatives
Education Committee of Reference
Sunset Review of the
Arizona State Schools for the Deaf and the Blind



Final Report

January 2023

House Members

Representative Beverly Pingerelli, Chair
Representative David Marshall, Vice-Chair
Representative David Cook
Representative Lupe Diaz
Representative Nancy Gutierrez
Representative Liz Harris
Representative Jennifer Pawlik
Representative Michele Peña
Representative Judy Schwiebert
Representative Laura Terech

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- I. Report**
 - a. Background
 - b. Summary of Committee Activity
 - c. Committee Recommendation
- II. Appendix**
 - a. Minutes and reference materials from January 17, 2023, House Education Committee of Reference

Report 2023

Background

Pursuant to [A.R.S. § 41-2953](#), the Joint Legislative Audit Committee assigned the sunset review of the Arizona State Schools for the Deaf and the Blind (ASDB) to the House and Senate Education Committees of Reference for review.

The state Constitution requires the Legislature to provide for the education and care of pupils who are hearing and vision impaired ([Ariz. Const. art. 11, sec. 1](#)). Consequently, in 1912, the First Legislature established ASDB (Laws 1912, Chapter 36).

ASDB serves children who are blind, visually impaired, deaf, hard of hearing or deafblind. ASDB maintains two campuses, the Phoenix Day School for the Deaf and the Tucson campus, that offer educational and support services to students. Additionally, ASDB operates the Early Childhood and Family Education Program to provide intervention services to children from birth to three years old. Finally, ASDB provides itinerant services to children attending school districts and charter schools through five regional cooperatives ([A.R.S. Title 15, Chapter 11](#)).

The ASDB Board of Directors consists of: 1) the Governor; 2) the Superintendent of Public Instruction (or designee); 3) one member from the Commission for the Deaf and the Hard of Hearing; 4) one member from the Governor's Council on Blindness and Visual Impairment; and 5) six other appointive members. Of the six appointive members, one member must be a school district employee who works with the school district's program for sensory impaired individuals and, for three of the five remaining appointive members, preference must be given to those with experience of and knowledge in sensory impaired education. All members (except the Governor and the Superintendent of Public Instruction) are appointed by the Governor ([A.R.S. § 15-1321](#)).

ASDB is set to terminate on July 1, 2023 ([A.R.S. § 41.3023.03](#)).

Summary of Committee Activity

The House Education Committee of Reference met on January 17, 2023 to review the performance audit and sunset review conducted by the Auditor General, evaluate ASDB's response to the sunset factors and receive public testimony.

Committee Recommendation

The House Education Committee of Reference recommended that ASDB be continued for eight years, until July 1, 2031.

Appendix A:

January 17, 2023 House Education Committee of Reference Minutes and Reference Materials

Interim agendas can be obtained via the Internet at <http://www.azleg.gov/Interim-Committees>

ARIZONA HOUSE OF REPRESENTATIVES

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE EDUCATION COMMITTEE OF REFERENCE

Date: Tuesday, January 17, 2023

Time: Upon recess or adjournment of regular Education Committee

Place: HHR 4

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023011062>

AGENDA

1. Call to Order
2. Opening Remarks
3. Sunset Review of the Arizona State Schools for the Deaf and Blind
 - Presentation by the Arizona Office of the Auditor General
 - Response by the Arizona State Schools for the Deaf and Blind
 - Public Testimony
 - Discussion and Recommendation
4. Review of the April 2022 Performance Audit of the Buckeye Elementary School District
 - Presentation by the Arizona Office of the Auditor General
 - Response by the Buckeye Elementary School District
 - Public Testimony
5. Adjournment

Members:

Representative Beverly Pingerelli, Chair
Representative David Marshall, Vice Chair
Representative David L Cook
Representative Lupe Diaz
Representative Nancy Gutierrez

Representative Liz Harris
Representative Jennifer Pawlik
Representative Michele Pena
Representative Judy Schwiebert
Representative Laura Terech

01/13/2023
RA

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

HOUSE EDUCATION COMMITTEE OF REFERENCE

Report of Interim Meeting
Tuesday, January 17, 2023

House Hearing Room 4 -- UPON RECESS OR ADJOURNMENT OF REGULAR
EDUCATION COMMITTEE

Convened 2:58 P.M.

Recessed

Reconvened

Adjourned 4:44 P.M.

**MINUTES RECEIVED
CHIEF CLERK'S OFFICE**

1-18-23

Members Present

Representative Pingerelli, Chairman
Representative Marshall, Vice-Chairman
Representative Cook
Representative Diaz
Representative Gutierrez
Representative Harris
Representative Pawlik
Representative Pena
Representative Schwiebert
Representative Terech

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2

Committee Attendance

Report – Attachment 3

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Lindsey Perry	Arizona Auditor General	4,6
Marc Owen	Arizona Auditor General's Office	
Paul Soldinger	Arizona Auditor General's Office	

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments</u>
	Arizona State Schools for Deaf and Blind Continued for 8 years	10-0-0-0	5

Stephanie Green
Stephanie Green, Committee Secretary
January 18, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

corrected

Convened 2:58pm
adjourned 4:44pm

Interim agendas can be obtained via the Internet at <http://www.azleg.gov/Interim-Committees>

ARIZONA HOUSE OF REPRESENTATIVES

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE EDUCATION COMMITTEE OF REFERENCE

Date: Tuesday, January 17, 2023

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01/13/2023
RA

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Information Registered on the Request to Speak System

House Education Committee of Reference (1/17/2023)

3, Sunset Review of the Arizona State Schools for the Deaf and Blind

4, Review of the April 2022 Performance Audit of the Buckeye Elementary School District

Support:

Ezra Grace, representing self

Neutral:

Jessica Thomas, AZ STATE RETIREMENT SYSTEM

Oppose:

Richard Hopkins, representing self

All Comments:

Jessica Thomas, AZ STATE RETIREMENT SYSTEM: ASRS staff is available for questions if necessary

ARIZONA STATE LEGISLATURE
Fifty-sixth Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD
Committee of Reference

COMMITTEE ON EDUCATION

CHAIRMAN: Beverly Pingerelli VICE-CHAIRMAN: David Marshall, Sr.

DATE	01/17/23	/23	/23	/23	/23
CONVENED	2:58 pm	m	m	m	m
RECESSED	L				
RECONVENED					
ADJOURNED	4:44 pm				
MEMBERS					
Cook	✓				
Diaz	✓				
Gutierrez	✓				
Harris	✓				
Pawlak	✓				
Peña	✓				
Schwiebert	✓				
Terech	✓				
Marshall, Vice-Chairman	✓				
Pingerelli, Chairman	✓				

✓

Present

Absent

exc

Excused

Arizona State Schools for the Deaf and the Blind

Presenters: Lindsey Perry and Marc Owen

Date: January 17, 2023



Madam Chair, Members of the Committee:

My name is Lindsey Perry, and I am the Auditor General. Before my colleague Marc Owen provides information on the Arizona State Schools for the Deaf and the Blind, I'd like to present information about my Office and the sunset review process for the benefit of the committee members.

Who we are

- Legislative agency
- Overseen by the Joint Legislative Audit Committee (JLAC)
 - Approves audit schedule
 - Appoints Auditor General



My Office is a legislative agency that is overseen by the Joint Legislative Audit Committee, or JLAC. This is a bipartisan committee composed of 5 senators and 5 representatives.

JLAC's duties include approving our audit schedule and appointing an Auditor General who serves a 5-year term.

Who we are

- Independent, nonpartisan audit function to provide unbiased, objective information
- Similar functions to federal GAO



The Auditor General's Office was established as an independent, nonpartisan audit function to provide unbiased and objective information about government agencies to legislators and the public. For context, most states have an agency with a similar function to ours—a legislative oversight agency that reviews the finances and/or performance of executive branch agencies. If you are familiar with the federal Government Accountability Office, or GAO, the agency that works for the U.S. Congress, their work would be considered a federal equivalent to the work we do on a state level. Our ultimate goal is to improve the quality and accountability of government.

Sunset review process

- Established by Legislature
- Systematic agency and program review
- Generally every 8 years prior to termination date



Although my Office has audit responsibility for State agencies, counties, universities, community college districts, and school districts, today's Committee of Reference hearing is related to the sunset reviews of State agencies and programs. The **Legislature** established the sunset review process in 1978 to provide a systematic evaluation of State agencies and programs to determine if the merits of the agency or program justify its continuation rather than termination. Statute requires most agencies to undergo a sunset review at least once every 8 years.

Sunset reviews assigned by JLAC

- Reviews conducted by
 - Auditor General
 - Committee of Reference
- 2-year audit cycle approved by JLAC
 - Audits generally due by October 1



My Office does not have sufficient resources to conduct all sunset reviews; therefore, JLAC determines which agencies we will review and which agencies will conduct self-reviews for the Committees of Reference. In 2020, JLAC approved the 2-year audit cycle for audits due in 2022 and 2023. Audits are generally due by October 1 of the year preceding the agency's termination date.

Sunset reviews we conduct

- Include 1 or more performance audits
- Sunset factor analysis, including:
 - Agency objective and purpose
 - Extent the agency serves the entire State
 - Harm to public if terminated



My Office's sunset reviews always include one or more **performance audits** that focus on whether an agency is performing key statutory objectives effectively, efficiently, and/or in compliance with requirements.

In addition to the performance audit, we also research and report answers to 12 statutory sunset factor questions to help the Committee of Reference determine the need for continuation or termination of an agency. These include questions about the agency's objective and purpose, the extent to which it serves the interests of the entire State, and whether terminating the agency would significantly harm the public's health, safety, or welfare.

Committee of Reference hearing

- Committee of Reference must hold hearings to
 - Determine if statutory requirements are necessary and being met
 - Recommend continuation, including time frame, or termination
- Prepare and introduce legislation related to recommendations for termination/continuation



Regardless of whether my Office or the agency conducts a sunset review, statute requires a Committee of Reference such as yourselves to hold a hearing to determine the extent to which the agency's statutory requirements are necessary and are being met and consider whether to continue the agency, and if so, for how long. Statute also requires each Committee of Reference to oversee the preparation of any proposed legislation to implement the that Committee of Reference's recommendations and is responsible for introducing such legislation.

Following up

- Follow-up requirements
 - Time frame: 6 and 18 months or beyond



Finally, after we issue a sunset review or related performance audit, JLAC requires us to follow up on the agency's efforts to implement our recommendations at 6 and 18 months after the report is published, and we often conduct additional followups to ensure the agency is making adequate progress toward implementing the recommendations.

Madam Chair, Members of the Committee:

That concludes my presentation, and I am available to answer any questions.
(answer questions)

Thank you. Now my colleague Marc Owen will provide information on the Arizona State Schools for the Deaf and the Blind.

Arizona State Schools for the Deaf and the Blind (ASDB)

Performance audit and sunset review



Madam Chair, Members of the Committee:

My name is Marc Owen, and I'm with the Arizona Auditor General. Today I'll present key information from our performance audit and sunset review of the Arizona State Schools for the Deaf and the Blind, which I'll refer to as ASDB in my presentation.

ASDB educates students with hearing and vision impairments

- ASDB campuses in Phoenix and Tucson
 - Classroom education and support services for students
 - Tucson campus includes residential program
- Itinerant Services Program
 - Educational and support services for students throughout State
- Early Learning Program
 - Home-based services and preschool for children birth to age 5



ASDB is statutorily responsible for educating students with hearing and vision impairments across the State.

Consistent with this responsibility, ASDB has campuses in both Phoenix and Tucson that provide classroom instruction and support services for its students, such as physical, occupational, and speech therapy. The Tucson campus also includes a residential program for students who live on campus.

ASDB's Itinerant Services Program also provides sensory impaired students throughout the State with educational and support services, including specialized equipment and materials; virtual instruction; and other related services. The Itinerant Services Program serves sensory impaired students who are enrolled in participating schools, which include public school districts and charter schools.

Finally, ASDB's Early Learning Program provides home-based services to sensory impaired infants and toddlers from birth to age 3, and preschool students, age 3 to 5, enrolled at ASDB's Tucson campus and in preschool programs in the Phoenix area.

ASDB programs served more than 2,100 students in 2021-2022

Programs	2021-22 School Year
Campus-based K-12 Programs	353
Early Learning Program	645
Itinerant Services Program	1,118
Total	2,116



As seen on the slide, for the 2021-2022 school year, ASDB's 3 programs served more than 21-hundred students in the State through its campus-based, early learning, and itinerant services programs.

ASDB's process for meeting objective and purpose

- Maintaining accreditation of its campus schools
 - Accredited since 1986
 - Holds highest accreditation standard, as of June 2022
- Developed and implemented policies and procedures for maintaining teacher certification
- Complied with State requirements for employee travel expenditures



As part of our review, we identified some areas where ASDB has taken steps to help ensure it is meeting its statutory objective and purpose.

For example, ASDB has been accredited since 1986, and as of June 2022, held the highest accreditation standard available from its nonprofit accrediting organization.

Additionally, ASDB has developed and implemented policies and procedures that require its teachers to meet State requirements for teacher certification.

We also reviewed a sample of travel-related transactions and found that ASDB complied with State requirements for employee travel expenditures.

Problems identified

- ASDB has millions of dollars in capital improvement needs
 - Vacant and underused buildings on Tucson campus
 - Antiquated buildings and equipment that present health and safety concerns, such as mold damage and asbestos in roofs



However, we also identified some findings and recommendations for improvement.

First, ASDB has identified millions of dollars in capital improvement needs for its campuses, including campus buildings that are vacant, underutilized, or that present health and safety concerns, such as malfunctioning fire alarm panels, damaged sewer lines causing constant backups throughout campus, and mold damage and asbestos in roofs.

Problems identified

- ASDB had not developed comprehensive capital plan, impacting its ability to address capital needs in timely or cost-effective manner
- Estimated it spent approximately \$645,000 to maintain vacant/underutilized buildings in Tucson for FY2021
- ASDB planned to begin comprehensive planning efforts by November 2022



Additionally, contrary to best practices, ASDB had not yet developed a comprehensive multi-year capital plan to address these needs.

Without such a plan, ASDB cannot effectively and strategically plan and budget for, prioritize, and address its capital improvement needs in a timely or cost-effective manner, which could in turn impact its ability to best serve students' educational needs.

ASDB also must spend money to maintain vacant and underutilized buildings— monies that potentially could otherwise be spent to better ensure students' educational needs are being met. In fiscal year 2021, ASDB estimated that it spent approximately \$645,000 to maintain vacant and underutilized buildings on its Tucson campus.

As part of its strategic planning efforts, ASDB developed a goal to create a multi-year and multi-phase capital plan that would better address its capital needs, and reported it planned to begin the first phase of these capital planning efforts in November 2022.

Key recommendations

- Develop and implement a comprehensive capital plan that addresses its capital needs
- Develop and implement capital planning policies and procedures



To address these issues, we recommended that ASDB:

Develop and implement a comprehensive, multi-year capital plan and projected capital budget that assesses, identifies, documents, and prioritizes its capital needs.

And that ASDB develop and implement capital planning policies and procedures.

Other problems identified

- ASDB may be collecting more revenue than necessary to administer Itinerant Services Program

Year-end fund balances

2020 (actual)	2021 (actual)	2022 (estimate)
\$3,028,428	\$4,417,370	\$9,463,817



Additionally, we found that ASDB may be collecting more revenue than needed to administer the Itinerant Services Program, which is partially funded by fees it charges to the schools that participate in the Program.

For example, as shown in the table on this slide, the year-end balance for the fund that ASDB uses to administer the Program has tripled since fiscal year 2020. In part, this increase is attributable to ASDB not establishing a process to ensure its Program fees are based on Program costs, which has also resulted in some schools paying higher Program fees than others.

Additional problems identified

- Did not use collaborative or consistent approach to evaluate survey data, which could limit improvements to transition services
- Transition services intended to help students develop skills for activities after leaving ASDB, such as job and independent living skills



Further, ASDB annually conducts surveys of former students who attended its on-campus schools at least 1 year after these students exit high school. This survey is used to assess the former students' level of engagement in areas such as higher education and employment.

However, we found that ASDB did not use a collaborative or standardized approach to evaluate survey information from former students, which could hinder ASDB's ability to improve the transition services it provides to students on both the Phoenix and Tucson campuses. Instead, the campuses independently analyzed survey data to make improvements only to their respective transition services. Transition services are intended to help students prepare for activities after they leave ASDB, such as programs to help students develop job and independent living skills.

Key recommendations

- Develop policies and procedures for:
 - Periodically reviewing Itinerant Services Program fees
 - Analyzing former students' survey data agency-wide



To address these issues, we recommended that ASDB develop and implement policies and procedures to periodically review the appropriateness of its Itinerant Services Program fees, including analyzing the costs of its processes and the services it provides.

We also recommended that ASDB develop and implement policies and procedures for analyzing former students' surveys agency-wide to help improve ASDB's transition services.

Other recommendations

- Improve policies and procedures for:
 - Conflict-of-interest
 - Complaint handling



Finally, we made recommendations for improving ASDB's conflict-of-interest and complaint handling policies and procedures. For example, for the conflict-of-interest area, we recommended requiring all employees and Board members to complete conflict-of-interest disclosure forms upon hire or appointment, reminding employees and Board members annually to update their form when their circumstances change, storing all conflict-of-interest disclosures in a special file available for public inspection, establishing a process to review and remediate disclosed conflicts, and providing training on these requirements.

For complaint handling, we recommended that ASDB develop and implement policies and procedures for tracking all complaints, establishing time frames for investigating and resolving complaints, and making complaint-handling information readily available on its website.

Arizona State Schools for the Deaf and the Blind

Presenters: Lindsey Perry and Marc Owen

Date: January 17, 2023



ASDB agreed with our findings and indicated it would implement all our recommendations. We plan to begin the initial followup on ASDB's efforts to implement our recommendations in March.

Madam Chair, Members of the Committee, that concludes my presentation. I am available to answer questions.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

Committee of Reference
Education

COMMITTEE ON

BILL NO. Arizona State Schools for
Deaf and Blind

DATE

January 17, 2023

MOTION: Continued for 8 years

	PASS	AYE	NAY	PRESENT	ABSENT
Cook		✓			
Diaz		✓			
Gutierrez		✓			
Harris		✓			
Pawlik		✓			
Peña		✓			
Schwiebert		✓			
Terech		✓			
Marshall, Vice-Chairman		✓			
Pingerelli, Chairman		✓			
		10	0	0	0

APPROVED:

Beverly Pingerelli

BEVERLY PINGERELLI, Chairman
DAVID MARSHALL, SR., Vice-Chairman

Stephanie Green
COMMITTEE SECRETARY

ATTACHMENT

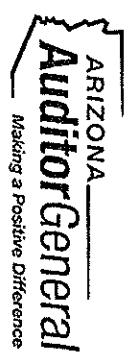
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Buckeye Elementary School District

Report 2 of 2

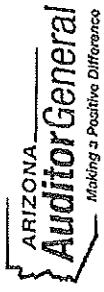
Presenters: Lindsey Perry and Paul Soldinger

Date: January 17, 2023



School district performance audits

- School districts randomly selected, subject to Joint Legislative Audit Committee review
- Systematic review of school districts' spending on instructional and noninstructional areas, and to determine the percentage of every dollar spent in the classroom
- Conduct follow-up work at frequent intervals



Audit reports 1 & 2

- In Report 1 of 2, District spent 54% more per pupil on executive administration
- Report 2 focused on the superintendent's salary and benefits package over 5-1/2 years

Problems identified

- 2 of 3 employment agreements covering 5-1/2 years were not transparent
- District paid superintendent \$1.7M of “additional compensation” bringing total compensation to nearly \$3.3M
- District erroneously overpaid more than \$570,000 of this “additional compensation”

ASRS allows employees to purchase retirement credits

- Superintendent purchased 11 years of retirement credits through the Arizona State Retirement System
- Board approved 3 employment agreements which authorized "additional compensation" to Superintendent to purchase these 11 credits
- Elected a pretax method and amounts were deducted directly from paycheck

2 of 3 employment agreements lacked critical information

Agreement #1	Agreement #2	Agreement #3
Dollar amount of "additional compensation"	✓	✗
Limit of "additional compensation"	✓	✗

2 of 3 employment agreements lacked critical information

Agreement #1	Agreement #2	Agreement #3
Dollar amount of "additional" compensation	✓	🚫
Limit of "additional" compensation	✓	🚫
Number of service purchase agreements or years	✓	🚫

2 of 3 Employment agreements lacked critical information

Agreement #1	Agreement #2	Agreement #3
Dollar amount of "additional compensation"	↙	↙
Limit of "additional compensation"	↙	↙
Number of service purchase agreements or years	↙	↙
Number of retirement service years authorized to purchase per agreement year	↙	↙

Superintendent's average total compensation for first 3 years

Fiscal years	Average Base salary, performance pay, & benefit payments	"Additional compensation" of ASRS-related payments
2014-2016	172,813	-

Employment agreement 1 with "additional compensation"

Fiscal years	Average Base salary, performance pay, & benefit payments	"Additional compensation" of ASRS-related payments
2014-2016	172,813	-
2017	257,934	95,726
2018	243,260	95,726

Employment agreements 2 & 3 substantially increased “additional compensation”

Fiscal years	Average Base salary performance pay & benefit payments	“Additional compensation” of ASRS-related payments
2014-2016	172,813	
2017	257,934	95,726
2018	243,260	95,726
2019	275,234	464,112
2020	275,540	404,417
2021	306,843	358,076
Half of 2022	202,718	91,254

Superintendent's average total compensation for first 3 years

Fiscal years	Average Base salary, performance pay, & benefit payments	"Additional compensation" of ASRS-related payments
2014-2016	172,813	-

“Additional compensation” about as much as all other compensation

Fiscal years	Average Base salary, performance pay, & benefit payments	“Additional compensation” of ASRS-related payments
2014-2016	172,813	-
2017	257,934	95,726
2018	243,260	95,726
2019	275,234	464,112
2020	275,540	404,417
2021	306,843	358,076
Half of 2022	202,718	91,254
Totals	\$ 1,561,529	\$ 1,509,311

Unused leave was calculated at base salary

- Employment agreement 1
 - Only included base salary. No definition of the “per diem rate of pay.”
 - \$19,534 paid to superintendent in fiscal year 2017 for unused leave

Unused leave was calculated at new “per diem rate of pay”

- Employment agreements 2 & 3

Unused leave
compensation
amounts

Fiscal year	
2018/19	\$ 91,650
2019/20	80,738
2020/21	128,256
Partial 2021/22	72,112
Totals	\$ 372,756

“Additional compensation” may have been gift of public monies

- \$1.7 million of “additional compensation” in total compensation of almost \$3.3 million may have been a gift of public monies

5-1/2 fiscal years	Base salary, performance pay, & benefit payments	“Additional compensation” of ASRS-related payments	“Additional compensation” part of unused leave payments	Total compensation payments
	\$ 1,561,529	\$ 1,509,311	\$ 203,665	\$ 3,274,505
Totals				

We made 5 recommendations to the District

1. Work with legal counsel and the Arizona Attorney General's Office to determine whether a gift of public monies was made
2. Work with legal counsel to immediately recover all overpayments that were paid to the superintendent beyond employment agreement terms



We made 5 recommendations to the District

1. Work with legal counsel and the Arizona Attorney General's Office to determine whether a gift of public monies was made
2. Work with legal counsel to immediately recover all overpayments that were paid to the superintendent beyond employment agreement terms

We made 5 recommendations to the District

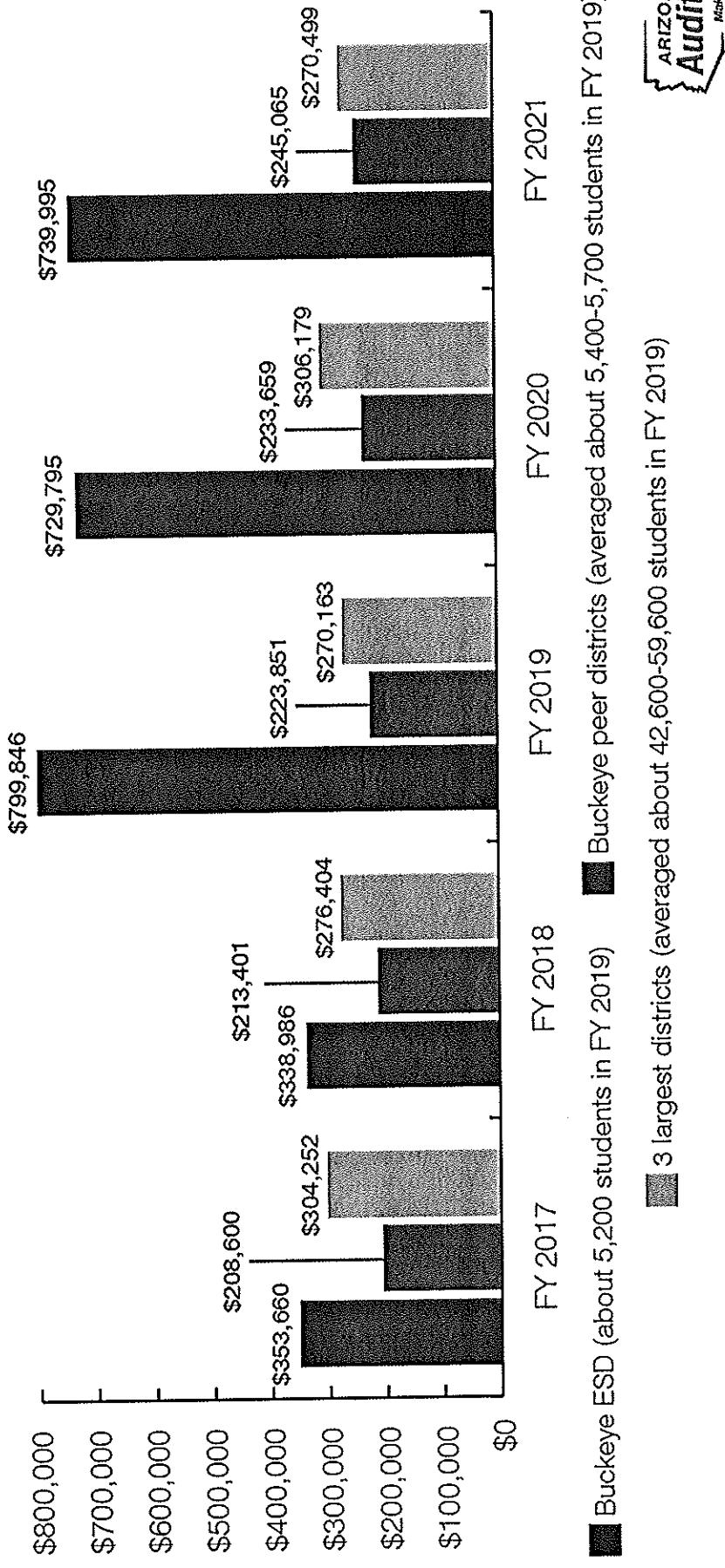
3. Evaluate superintendent compensation amounts before entering into employment agreements
 - Document public purpose
 - Ensure the value received aligns with amounts paid

We made 5 recommendations to the District

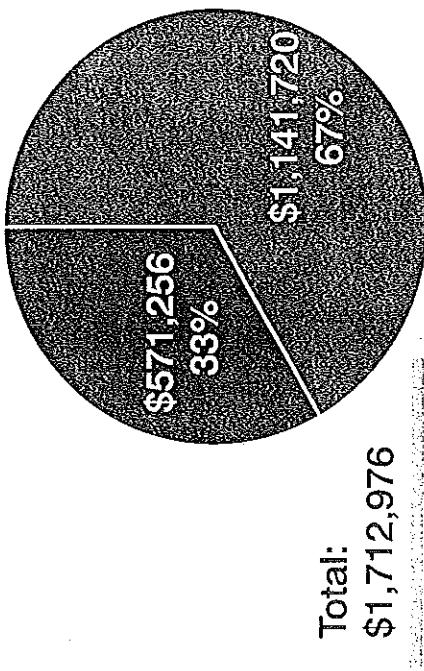
4. Ensure superintendent employment agreements clearly document all compensation amounts
5. Work with the IRS, Social Security Administration, the Arizona Department of Revenue, and the ASRS to recover other overpayments



Superintendent's compensation was about 100 percent more than State's 3 largest school districts



District erroneously overpaid an estimated \$571,256 of the \$1.7 million “additional compensation”



- Payments made in accordance with employment agreements terms
- Overpayments

Attorney General filed a civil complaint based on our findings

- Civil complaint filed on December 28, 2022:
- District may have violated gift clause (2 counts) relating to:
 1. \$1,712,976 “additional compensation” for retirement credits and unused leave
 2. \$571,256 erroneous overpayments
- The Attorney General is seeking remedies to recover gifted public monies from the District and the Superintendent

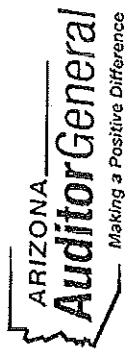


Buckeye Elementary School District

Report 2 of 2

Presenter: Paul Soldinger

Date: January 17, 2023





Arizona House of Representatives Phoenix, Arizona 85007

July 8, 2022

Board President David Nigro and Superintendent Annette Reichman
Arizona State Schools for the Deaf and the Blind
1200 West Speedway Boulevard
Tucson, Arizona 85745

Dear Board President Nigro and Superintendent Reichman:

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by legislative committees of reference. On completion of the sunset review, the committees of reference recommend to continue, revise, consolidate or terminate the agency.

The Joint Legislative Audit Committee (JLAC) has assigned the sunset review of the Arizona State Schools for the Deaf and the Blind to committees of reference comprised of members of the House of Representatives Committee on Education and the Senate Committee on Education. JLAC has directed the Auditor General to conduct a performance audit of the Arizona State Schools for the Deaf and the Blind.

Pursuant to A.R.S. § 41-2954, the committee of reference is required to consider certain sunset factors in deciding whether to recommend continuance, modification or termination of an agency. In addition to the 12 sunset factors, which are addressed in the Auditor General performance audit, please provide your agency's written response to the required factors as listed below:

1. An identification of the problem or the needs that the agency is intended to address.
2. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.
3. An identification of any other agencies having similar, conflicting or duplicate objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.

4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.
5. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.
6. The ability of the agency to timely investigate and resolve complaints within its jurisdiction.

Additionally, Laws 2021, Chapter 176 requires the committees of reference to consider certain factors for each agency that administers an *occupational regulation*, which is defined as: 1) a statute, rule, practice, policy or other state law that allows an individual to use an occupational title or work in a lawful occupation; and 2) a government registration, government certification and occupational or professional license. An *occupational regulation* does not include a business license, facility license, building permit or zoning and land use regulation, except to the extent those state laws regulate an individual's personal qualification to perform a lawful occupation. If your agency falls under this category, please provide written responses to the following:

1. The extent to which the occupational regulation meets the requirements of A.R.S. § 41-3502, as amended, transferred and renumbered by Laws 2021, Chapter 176.
2. The extent to which the failure to regulate a profession or occupation will result in:
 - a. the loss of insurance.
 - b. an impact to the ability to practice in other states or as required by federal law.
 - c. an impact to the required licensure or registration with the federal government.
 - d. the loss of constitutionally afforded practices.

Your response should be received by September 1, so we may proceed with the sunset review and schedule the required public hearing. Please submit the requested information to:

Chase Houser
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Thank you for your time and cooperation. If you have any questions, please feel free to contact me at 602-926-4856 or Chase Houser, the House Committee on Education Research Analyst, at 602-926-3213.

Sincerely,



Representative Michelle Udall
House Committee on Education, Chair

cc: Senator Paul Boyer, Senate Committee on Education, Chair
Laura Benitez, Senate Committee on Education, Analyst



**"We are committed to respect,
support, and the well-being of all"**

Annette Reichman, Superintendent
Douglas A. Ducey, Governor

Arizona State Schools for the Deaf and the Blind

September 1, 2022

The Honorable Michelle Udall
Chair, House Committee on Education
1700 W. Washington Street
Phoenix, AZ 85007

Dear Representative Udall:

The Arizona State Schools for the Deaf and the Blind respectfully submit the following response to the July 8, 2022 Committee of Reference letter regarding the sunset review conducted by the Office of the Auditor General.

The Arizona State Schools for the Deaf and the Blind would like to thank the Auditor General's staff for their knowledge, direction and professionalism with regard to this audit and review.

1. An identification of the problem or the needs that the agency is intended to address.

Overview

The Arizona State Schools for the Deaf and Blind (ASDB) serves over 2,200 children from birth to age 22 who are deaf, hard of hearing, blind, visually impaired, multisensory disabled or deafblind. ASDB operates two campus schools, a statewide birth-to-five early childhood and family education program and regional cooperatives ('itinerant program') around the state. ASDB is accredited by Cognia.

This agency has a statutory objective and purpose that is consistent with legislative mandates. ASDB works with parents, school districts, charter schools, the Arizona Department of Education, and others to enable children with a vision or hearing loss to develop their unique abilities, learn how to use assistive technologies, develop communication skills, support academic achievement and develop skills to help them become productive, independent, and responsible citizens.

Learning opportunities are specific to each child's sensory-based learning needs, such as American Sign Language (ASL) and/or Listening and Spoken Language (LSL) instruction for deaf/hard of hearing children, and Orientation and Mobility (O&M) services for children who are blind/visually impaired. Families with a deaf child also have the opportunity to participate in ASDB's Deaf Mentor Program.

ASDB Administration

Tucson 1200 W Speedway Blvd., Tucson AZ 85745
Main Office 520.770.3458 / www.asdb.az.gov

 @asdbazgov

ASDB served 2,234 students across the state of Arizona in its programs from birth to 12th grade for the 2021-2022 school year. ASDB finished the 2021-2022 school year with:

- 362 students in the campus programs
- 1165 students in the itinerant program
- 121 students in preschool
- 586 infants and toddlers in birth-3

In the most recently published data on Child Count, according to the United States Department of Education, Office of Special Education Programs (DATA.ED.GOV), Arizona's 2020 total Child Count for school-aged children (5-21) in the area of Visual Impairment (VI), Deaf/Blind and Hearing Impairment (HI) was 1,958 children. This number was based on the state's October 1st count data. ASDB's school-aged student count from Oct 1, 2020 in those same disability categories was 1,387. In 2020, ASDB provided services to 70.84% of the students in Arizona that were HI or VI. The 2021 student counts (for the 2021-2022 school year) have not been published at this time.

ASDB currently serves 224 school districts in the state of Arizona who, without ASDB, would not have adequate resources or subject matter expertise to educate their deaf or blind special needs students.

Early Learning

Currently ASDB is the only agency serving deaf or blind students and their parents who are of age birth to three years old, which as of June 2022, totaled 586 infants and toddlers.

The Early Learning Program (ELP) at ASDB offers home and community-based services to families with infants and toddlers (birth to age three) in both urban and rural areas throughout the state. ELP provides data-driven services and supports so that children who are deaf or hard of hearing, blind or visually impaired, and deafblind achieve age appropriate milestones across all developmental domains. The goal of the ELP is to ease the transition from early childhood to preschool, and ultimately better prepare our youngest learners for kindergarten. Birth to three and preschool teachers work together to facilitate the transition from the Individuals with Disabilities Education Act (IDEA) Part C services (birth to age three) to IDEA Part B services (age three to age five) to achieve this goal.

ASDB believes every child has the right to learn how to communicate. Early intervention makes a difference in academic success, and a lack thereof puts a heavier burden on state resources later. ELP believes all families can enhance their child's learning with support. The coaching of parents and caregivers is a highly effective tool, as they spend the most time with their child and are their child's first—and most important—teachers.

ELP has a team of more than 75 teachers, speech-language pathologists, audiologists, and support staff, in addition to our contractors, who work in concert to deliver high-quality learning opportunities to children and their families statewide. ELP teachers are experts in providing data-driven services and support in a highly specialized area that are shown to assist children in achieving age-appropriate milestones across all of the developmental domains: social, emotional, physical, cognitive, and language.

Highly Specialized Curriculum and Equipment

ASDB provides a highly specialized curriculum for its students who are deaf, blind, or deafblind. This curriculum would be difficult, if not impossible, for most school districts to replicate for their deaf and blind students.

The two site-based campuses, located in Phoenix and Tucson, use the Bilingual Grammar Curriculum (BGC) from K-5th grade for their deaf/hard of hearing students. Middle school teachers use BGC as appropriate for their students. Additionally, there are specific classes and support in American Sign Language.

There are five Board approved curricula for teaching Braille: Building on Patterns (American Printing House for the Blind), Mangold (Exceptional Teaching) Braille Too (BRL2 Publishing), Braille FUNdamentals (Texas School for the Blind and Visually Impaired), I-M-Able: Individualized Meaning-Centered Approach to Braille Literacy Education (AFB Press).

ASDB provides highly specialized assistive technology equipment for its students who are deaf or blind. For hearing impairment, ASDB provides HAT/FM equipment, soundfield systems, and desktop systems. For visual impairments, ASDB provides braille writers, braille displays, electronic braille notetakers, CCTV, electronic portable magnifiers, magnifiers and monoculars, cane, JAWS, Zoomtext, Talking Typer, the entire American Printing House catalog, and iPads to pair with braille display or to use with apps for O&M or VI. This equipment is housed and maintained centrally and sent to where students and teachers in the state need it. Because the equipment is so specialized to the age and disability of the child, it would be costly and difficult for a school district to have all the equipment necessary to meet the needs of these children.

Highly Specialized Personnel

ASDB employs the following types of people for supplemental services: Speech Language Pathologists, Occupational Therapy, Physical Therapy, Orientation and Mobility Specialists, Nurses, School Psychologists, Social Workers, Behavior Coaches, Counselors, Braillists, ASL Interpreters, Spanish Interpreters, Audiologists, and Educational Diagnosticians.

Support to Parents

ASDB provides support to parents including a program for birth-3 for sensory impaired infants and young children. **Family ASL classes** are offered at both site-based schools, (the Arizona School for the Deaf and the Phoenix Day School for the Deaf) on a weekly basis during the school year. These classes are taught in ASL with some English support. Spanish support is also offered at certain locations. Families with children who receive services from the regional cooperative programs are also welcome to attend the family classes on campus.

The Blind Program provides technical assistance from the Arizona Deafblind Project. ASDB meets with the family and provides resources regarding their child's combined vision and hearing loss. ASDB also holds family events with specific topics or as a networking opportunity for families to receive support from each other. This year, ASDB will also offer Braille Literacy classes for families. This will be an 8-week course that would teach basic Braille as well as other literacy strategies and technology.

All programs at all sites offer assistance to parents in finding outside resources for their children to help with hearing aids, assistive devices, parental support and more.

2. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.

Statutory Objectives and Purposes

The Arizona State Schools for the Deaf and Blind (ASDB) serves the purpose of educating sensory impaired students in the state of Arizona for whom the district of residence does not have the necessary personnel, expertise, training or equipment to serve on their own. Without ASDB, these students would not be able to access a free and appropriate public education (FAPE) as required under the Federal Individuals with Disabilities Education Act (IDEA). These services are provided through our on-site campus programs and our regional programs.

The objectives set by Arizona Revised Statute are as follows:

15-1302. Arizona state schools for the deaf and the blind; provision of services

- A. There shall be Arizona state schools for the deaf and the blind which provide schools and regional programs in appropriate locations in this state.
- B. The schools shall be for the education of sensory impaired persons, so that the persons educated there may become self-sustaining and useful citizens.
- C. The schools shall be fully recognized as institutions for educational purposes.
- D. The schools shall be optional resources to school districts, state institutions and other approved educational programs. Resource services shall include, but are not limited to, the following:

1. Assessments.
2. Special curriculum.
3. Equipment and materials.
4. Supplemental related services.
5. Special short-term programs.
6. Program planning and staff development.
7. Information services for parents, families and the public.
8. Research and development to promote improved educational programs and services.

E. The services prescribed in subsection D shall not duplicate existing services and shall include a variety of methodology as may be requested by the school districts, state institutions and other approved educational programs, including but not limited to oral, auditory, total communication and cued speech.

Internal Objectives, Purposes and Anticipated Accomplishments

ASDB has a five-year strategic plan that was developed in 2021 to meet its statutory objectives and purposes. Both quantitative and qualitative measurements are listed below, with the objectives and our anticipated accomplishments. For further detail, please see the entire plan, as attached.

Vision

We are committed to respect, support, and the wellbeing of all.

Mission

We are committed to excellence and innovation in:

- Education for all children, throughout Arizona, who are hard of hearing, deaf or have vision loss.
- Leadership and Service.
- Collaboration with families, school districts, communities, and others.
- Partnership with other agencies that will enable children who are hard of hearing, deaf or have vision loss to succeed now and in the future.

Operating Principles

A.C.T. – Accountability, Collaboration, Transparency

Long Range Target

Every student and staff has the opportunities to grow and succeed.

Pillar 1: Excellent Communication and Relationships - Ensure first-rate customer service, build capacity with districts and charter schools and engage the community.

- Provide first-rate customer service

- measured by conducting annual surveys of constituents including students, staff, families, districts and charter schools; analyzing the data; reporting results and developing annual improvement strategies
- Build capacity with districts and charter schools
 - by surveying special education directors
- Engage the community through the guiding principles
 - by conducting analytics data collection on website and Facebook usage

Pillar 2: Outstanding Student Development - Ensure outstanding student development through early language acquisition and skill development, social and emotional learning and high academic achievement for all learners.

- Develop strategies and measurements to ensure early language acquisition for all ASDB students.
- Document growth in academic achievement
 - by developing learners that are prepared to enter the workforce or College and Career Ready in the 21st century
- Improve social and emotional learning development
 - by providing online resources, increasing proficiency on expanded core curriculum, and developing critical and creative thinking skills

Pillar 3: Superb Organizational Culture - Ensure a superb organizational culture through advancing a climate of continuous improvement, modeling service leadership and staff diversity.

- Advancing a climate of continuous improvement
 - by aligning Professional Development (PD) needs, opportunities, attendance, PD evaluations and staff performance evaluation
- Model servitude leadership
 - by creating more leadership opportunities and increased agency communication
- Diversity in staff serving our students
 - by increasing the percentage of staff who match the ethnicity, cultural, and abilities of the student population

Pillar 4: Effective Resource Management - Provide the highest-quality education for our students by examining resource management through optimizing human resources, effectively managing capital resources, identifying technology improvements and integration, and maximizing financial resources.

- Optimizing human resources
 - by hiring the most qualified people for all positions

- Effectively manage capital resources
 - by ensuring that the facilities and fleet meet educational and fiscal objectives
- Identify technology improvements and integration
 - by training all staff members
- Maximize financial resources to improve student learning and meet the current and future needs of the agency's priorities while remaining fiscally responsible
 - by collecting and examining data

We believe that by accomplishing our objectives in our strategic plan,

Each Learner:

- Will be provided opportunities for academic and social engagement in our educational settings.
- Will achieve their potential in language acquisition and literacy development.
- Will have the support and resources they need to appropriately access their general education curriculum in order to be actively engaged learners.
- Will be supported through equitable opportunities, fostering resiliency, self-advocacy, empowerment, and social-emotional well-being.

Our Staff:

- Will be provided the necessary support in order to ensure they meet the individual education or programmatic needs for each learner to access and thrive in their educational environment.
- Will be lifelong learners who engage in a culture that aims for the highest standard of continuous improvement, thus positively impacting student success.
- Will collaborate to make data-driven decisions to equitably meet the needs of each learner.

Our Stakeholders:

- Partnerships with Districts and organizations are critical to the success and support of each learner.
- Families' engagement and communication is critical to student learning.
- Accountability, collaboration and transparency, is key to providing a full range of information and data on all resources.

3. An identification of any other agencies having similar, conflicting or duplicate objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.

Other school districts and charter schools who have the necessary financial and staff resources may have similar objectives. It should also be noted that ASDB currently

partners with private day schools (Foundation for the Blind, and Hands and Voices) to support areas within Maricopa County for some blind services. However, these school districts, charter schools, and private day schools are in the minority; they provide services for only a fraction of Arizona's deaf or blind student population, and those services may not be of the breadth and depth that ASDB provides.

ASDB follows the requirement outlined in A.R.S. 15-1302(E), which states "*The services prescribed in subsection D shall **not duplicate existing services** [emphasis added] and shall include a variety of methodology as may be requested by the school districts, state institutions and other approved educational programs, including but not limited to oral, auditory, total communication and cued speech.*" Avoiding duplication of services is further required as part of ASDB's admissions policy. Students are referred by their home school district, and an IEP team meets to determine the appropriateness of placement within ASDB or not.

4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.

ASDB is an agency created to serve students that are deaf, hard of hearing, blind, visually impaired, and Deafblind who cannot be served by their home school districts. If ASDB were to be consolidated or eliminated, it is important to note that compliance with critical state and/or federal education requirements would still be incumbent upon the parties that would be receiving those responsibilities. Students would still be legally entitled to a free and appropriate public education, as guaranteed in the Individuals with Disabilities in Education Act (IDEA). ASDB currently fills an urgent need concerning the provision of FAPE. Disruption to the provision of FAPE would almost certainly lead to an escalation of complaints to both the Arizona and U.S. Departments of Education.

In an unprecedented time of teacher shortage, eliminating ASDB would put children who are deaf, blind and deaf/blind in extreme educational hardship. For the last several years, school districts and charters in rural Arizona are finding it difficult to hire general education teachers for their students. Finding highly specialized teachers with ASDB's teacher expertise in remote regions is nearly impossible. Even most urban districts and charters are unequipped to equitably and consistently provide the full continuum of special education services that ASDB provides. While a few school districts and charters do have the financial and staffing resources to provide for deaf, blind, and deaf/blind students—and do so already—most districts and charters cannot afford those resources. Instead, they rely on the services and staffing of ASDB as their sole source for attending to the very specialized needs of these students across our state.

5. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.

ASDB is unaware of it creating any potentially unexpected negative consequences that may require further review. ASDB expands the availability of services and goods to school districts, charters, and the greater Arizona community. ASDB further believes it prepares its students to be productive citizens who positively contribute to the State of Arizona, which helps the State's economy and reduces future reliance on government assistance.

6. The ability of the agency to timely investigate and resolve complaints within its jurisdiction. Additionally, Laws 2021, Chapter 176 requires the committees of reference to consider certain factors for each agency that administers an occupational regulation, which is defined as:

- 1) a statute, rule, practice, policy or other state law that allows an individual to use an occupational title or work in a lawful occupation; and**
- 2) a government registration, government certification and occupational or professional license. An occupational regulation does not include a business license, facility license, building permit or zoning and land use regulation, except to the extent those state laws regulate an individual's personal qualification to perform a lawful occupation.**

ASDB does not administer any occupational regulations. Rather, the Arizona Department of Education is responsible for teacher certifications, while the Arizona Commission for the Deaf and Hard of Hearing (ACDHH) is responsible for certifying American Sign Language Interpreters, and any questions regarding certifications or licenses would be under the purview of those two state agencies.

As an internal matter, ASDB does have grievance and complaint policies and procedures, as well as an agency Ombudsman to address conflicts and complaints. ASDB takes great care to investigate and resolve issues for staff, students, and occasionally members of the public. Again, however, it is important to note that the addressing of these conflicts is not in regards to any occupational regulation or license.

If your agency falls under this category, please provide written responses to the following:

- 1. The extent to which the occupational regulation meets the requirements of A.R.S. § 41-3502, as amended, transferred and renumbered by Laws 2021, Chapter 176.**

2. The extent to which the failure to regulate a profession or occupation will result in:

- a. the loss of insurance.**
- b. an impact to the ability to practice in other states or as required by federal law.**
- c. an impact to the required licensure or registration with the federal government.**
- d. the loss of constitutionally afforded practices.**

As mentioned in the response to Question 6, these questions are inapplicable to ASDB.

ASDB thanks you, the Committees of Reference, and the Office of the Auditor General for their leadership and assistance throughout the sunset review. We look forward to working together with you through the remainder of this process.

Sincerely,



Annette Reichman
Superintendent

ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND MONTHLY ENROLLMENT REPORT

Note: 1 ELP B3 child record has eligibility status of closed, but has Active Status

Student Information System Total Today: 2314