

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – First Regular Session

**COMMITTEE ON HIGHER EDUCATION,
INNOVATION AND REFORM**

Minutes of Meeting
Wednesday, February 9, 2011
House Hearing Room 2 -- 9:00 a.m.

Chairman Court called the meeting to order at 9:08 a.m. and attendance was noted by the secretary.

Members Present

Mr. Arredondo	Mr. Montenegro	Mr. Vogt
Mr. Chabin	Miss Reeve	Mr. Forese, Vice-Chairman
Mrs. Goodale	Mr. Saldate	Mr. Court, Chairman

Members Absent

None

Committee Action

HB2277 - DISCUSSED AND HELD	HB2540 - DPA (6-2-0-1)
HB2410 - DPA (8-0-0-1)	HB2565 - DPA (7-1-0-1)

CONSIDERATION OF BILLS

HB2410 - honorably discharged veterans; in-state tuition - DO PASS AMENDED

Mrs. Goodale moved that HB2410 do pass.

Mr. Vogt moved that the Vogt two-page amendment dated 02/04/2011 (Attachment 1) be adopted.

Stephanie Jaffa, Majority Intern, explained that HB2410 grants in-state student status for the purposes of tuition at any Arizona public university or community college to any person honorably discharged from the United States Armed Forces (Attachment 2). She explained that the Vogt two-page amendment (Attachment 1) specifies that the changes will occur in the fall semester of 2011 and also specifies certain Arizona residency requirements.

Ms. Jaffa answered Mr. Arredondo's question to clarify that this legislation is not a tuition reduction, such as faculty members receive, but that it grants in-state status to any veteran of the armed forces.

Mr. Vogt, sponsor, clarified that, with GI benefits, veterans will have resources available to pay in-state tuition.

David Lucier, Arizona Veterans Foundation, supporting HB2410, stated that veterans are good business and that HB2410 will encourage them to come to Arizona. He explained that Arizona State University has an eight-point program to support veterans.

David Martinez, Government Affairs Director, Arizona Students' Association (ASA), stated his organization's support for HB2410. He explained that ASA represents 130,000 public university students in Arizona and is in full support of all student veterans.

Chairman Court announced the names of those who signed up in support of HB2410 but did not speak:

Bryan Ginter, representing self

David Hampton, Arizona Department of Veterans' Services

Taylor Bell, Arizona Students' Association

Lauren Talkington, Arizona Students' Association

Richard Nicholls, representing self

Abby Wischnia, Arizona Students' Association

Brittany MacPherson, Government Affairs Intern, Arizona Students' Association

Elma Delic, Arizona Students' Association

Robyn Nebrich, Arizona Students' Association

Chairman Court announced the names of those who signed up as neutral on HB2410 but did not speak:

Christine Thompson, Arizona Board of Regents

Bryan Berkland, representing self

Mr. Chabin asked if only veterans who are citizens will be eligible for the in-state status and tuition of HB2410. Mr. Vogt replied that this bill is intended to apply to all honorably discharged or active-duty veterans, National Guardmen, and Reservists.

Question was called on the motion that the Vogt two-page amendment dated 02/04/2011 (Attachment 1) be adopted. The motion carried.

Mrs. Goodale moved that HB2410 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 3).

HB2540 - teachers; continuing education; discounted tuition - DO PASS AMENDED

Mrs. Goodale moved that HB2540 do pass.

Mrs. Goodale moved that the Court three-page amendment dated 02/04/2011 (Attachment 4) be adopted.

Brittany Walashek, Majority Intern, explained that HB2540 provides a 75 percent reduction in resident tuition for teachers who are enrolled in continuing education courses at a state university (Attachment 5). She added that the Court three-page amendment (Attachment 4) changes the percent reduction from 75 to 50, and applies the reduction to community college tuition as well.

Representative James Weiers, sponsor, clarified that the reduction percentage is intended to be 50, not 75. The bill will allow teachers who wish to continue their education to be able to do so with the condition that they have at least five years' teaching experience. They will then pay 50 percent and the school will pay the remaining 50 percent of their tuition costs.

Mr. Chabin agreed that this is a very good idea; he asked what the fiscal impact will be. Representative Weiers replied that he has no idea what the impact will be, but that HB2540 will encourage teacher retention and allow teachers to go forward with continuing education.

Alisa Lyons, Arizona Community College Presidents' Council, stated her opposition to HB2540 because the current budget cuts state aid to community colleges by 48 percent with the understanding that the shortfall will be made up through tuition and property tax. HB2540 will reduce the colleges' ability to generate revenue and there is no funding source identified.

Chairman Court asked what the fiscal impact will be. Ms. Lyons replied that she has not been able to calculate that yet.

Christine Thompson, Arizona Board of Regents, testified in opposition to HB2540, stating her concern about the cost to implement the legislation, which could be as high as \$15 million. There is no funding attached, so this represents an unfunded mandate.

Representative Weiers reminded the Members that teachers pursuing continuing education would not be full-time students, so the tuition reduction should not have a great impact. This is a way to show appreciation and enhance retention of good teachers.

Mr. Chabin asked if this could affect the community colleges' and universities' ability to offer courses. Ms. Thompson replied that this would have to be evaluated.

Vice-Chairman Forese announced the names of those who signed up in support of HB2540 but did not speak:

Bryan Ginter, representing self

Vice-Chairman Forese announced the names of those who signed up in opposition to HB2540 but did not speak:

Bryan Berkland, representing self

Matt Salmon, Arizona State University

Greg Fahey, University of Arizona

Christy Farley, Northern Arizona University

Michael Haener, Director of Legislative Affairs, Arizona State University

Michael Racy, Pima Community Colleges District

Question was called on the motion that the Court three-page amendment dated 02/04/2011 (Attachment 4) be adopted. The motion carried.

Vice-Chairman Forese moved that HB2540 as amended do pass. The motion carried by a roll call vote of 6-2-0-1 (Attachment 6).

HB2565 - postsecondary education; students' rights - DO PASS AMENDED

Vice-Chairman Forese moved that HB2565 do pass.

Vice-Chairman Forese moved that the Court two-line amendment dated 02/07/2011 (Attachment 7) be adopted.

Jennifer Anderson, House Research Analyst, explained that HB2565 prohibits public universities and community colleges from discriminating against a student on the basis of the student's religious viewpoint, expression, or beliefs (Attachment 8). She explained that the Court amendment clarifies that an organization's speech may include worship.

Bethany Miller, representing self, testified in support of HB2565, which will provide needed protection for certain students and student groups. She explained that two years ago her Christian students' association was in conflict with ASU's non-discrimination policy and faced discipline and exclusion.

Mr. Saldate asked if there have been more recent conflicts. Ms. Miller replied that she does not know.

Anjali Abraham, Public Policy Director, American Civil Liberties Union of Arizona, stated her neutrality on HB2565, but expressed concern about language that may have the opposite effect to that intended. She described three such instances in the bill:

1. Section 15-1862, Subsection E, "...sincerely held religious belief or moral conviction" is broadly written and could encompass discrimination against another religion.
2. Section 15-1863, Subsection B, "...only persons committed to the mission should conduct such activities" could lead to a discriminatory effect against a person of another religion by allowing that person into a club, but preventing him or her from engaging in any of the core activities of the club.
3. Section 15-1862, Subsection D, "...shall not withhold a certificate or degree on the basis of a student's religious viewpoint" could result in a student who states that his religion does not recognize the university's form of math and therefore he will not follow curriculum requirements.

In response to Mr. Chabin's questions, Ms. Abraham stated that she appreciates the free speech value in the bill. She agreed that it could give a student the right to claim a religious belief for class credit rather than fulfilling the published class requirement; an example of this might be the study of evolution in a science class. She concurred that an argument could be made that, under this legislation, a teacher could not compel a student to follow the course material.

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, supporting HB2565, explained that student work will continue to be evaluated according to “ordinary academic standards.” She stated that the purpose of the bill is to protect students in a scenario in which a teacher disagrees with a student’s beliefs.

Christine Thompson, Arizona Board of Regents, stated that she is neutral on the legislation at this time, but does have some concerns. The Board’s attorneys are evaluating it to make certain that it is properly tailored to protect the First Amendment rights of students.

Vice-Chairman Forese announced the names of those who signed up in support of HB2565 but did not speak:

Bryan Berkland, representing self
Beth Straley, 40 Days For Life
James Hallgren, 40 Days for Life

Vice-Chairman Forese announced the names of those who signed up in opposition to HB2565 but did not speak:

Bryan Ginter, representing self

Question was called on the motion that the Court two-line amendment dated 02/07/2011 (Attachment 7) be adopted. The motion carried.

Vice-Chairman Forese moved that HB2565 as amended do pass. The motion carried by a roll call vote of 7-1-0-1 (Attachment 9).

HB2277 - community colleges; baccalaureate degrees - DISCUSSED AND HELD

Chairman Court announced that HB2277 will be discussed and held.

Paul Benny, Majority Assistant Analyst, explained that HB2277 allows community college districts to offer four-year baccalaureate degrees in nursing and elementary education programs (Attachment 10).

Representative Frank Pratt, sponsor, explained that HB2277 attempts to fill the gap between community colleges and universities; participation is entirely voluntary on the part of the college districts. He explained that this will provide affordable baccalaureate degrees that can be obtained close to home.

Mr. Chabin commented that there is not a community college board as there is the Arizona Board of Regents for the universities. He stated that this should be a state decision rather than a local district decision. He expressed concern about funding, but stated that there is certainly benefit to a four-year program in the state college system. Representative Pratt reiterated that the community colleges are almost completely supported by property taxes, so this would be an opportunity for tuition revenue.

Miss Reeve expressed concern about accreditation. Representative Pratt explained that the colleges will have to go through appropriate accreditation steps, which can take one-and-a-half to two years to accomplish.

Discussion ensued regarding geographic need and program standards.

Barry Aarons, Greenlee County, stated his support for HB2277, explaining that Greenlee County has long wanted this opportunity, as county students now must travel to Tucson, Tempe, or Flagstaff to obtain four-year degrees. He stated that it is time to stop talking about this and to do it.

Alisa Lyons, Arizona Community College Presidents' Council, stated her support for HB2277 which will provide a lower-cost opportunity for the community colleges that choose to provide a four-year baccalaureate program in areas that are in high demand, such as education, nursing, or engineering. She supports the optional aspect of the bill because some of the urban schools do not have the need that those in rural areas do. Financial audits must be done to assess a college's ability to support a four-year program.

Donald Isaacson, Independent Colleges and Universities of Arizona, stated that his organization, comprised of regionally-accredited degree-granting colleges (such as Prescott College, University of Phoenix, Arizona Western, and DeVry), is opposed to HB2277.

Mr. Isaacson said he supports bringing educational opportunities to rural Arizona, but in an incremental way. He explained that there are 1,300 community colleges in the country and very few are offering four-year degrees, but most are part of a system, a state-level governing board. Arizona is one of only four states that does not have such a governing board.

Mr. Isaacson stressed that Arizona's independent private schools are taking an increasing student load and are funded by tuition only; he stated that if HB2277 passes, these private schools could disappear.

Vice-Chairman Forese asked if a pilot program would be a good idea and would not create significant competition. Mr. Isaacson replied that the better course of action would be to have a board to assess the situation and identify improvements to current systems. Discussion ensued about the cost and value of different types of degrees.

Chairman Court informed the Members that Governor Brewer has challenged the higher education community to offer baccalaureate degrees at a lower cost than the research university level. Ideas include allowing community colleges to offer baccalaureate degrees, developing a state college system that only offers baccalaureate degrees, and models such as the Northern Arizona University/Yavapai College collaboration. The charge is to provide access to education for Arizona's citizens.

Vice-Chairman Forese announced the names of those who signed up in support of HB2277 but did not speak:

Robin Barker, representing self

Bryan Berkland, representing self

Vice-Chairman Forese announced the names of those who signed up in opposition to HB2277 but did not speak:

Christine Thompson, Arizona Board of Regents

Bryan Ginter, representing self

Stan Barnes, University of Arizona

Greg Fahey, University of Arizona

Jaime Molera, Arizona Board of Regents

Norman Moore, Independent Colleges and Universities of Arizona

Matt Salmon, Arizona State University, Grand Canyon University

Michael Haener, Director of Legislative Affairs, Arizona State University

Christy Farley, Northern Arizona University

Without objection, the meeting adjourned at 10:58 a.m.

Jane Dooley, Committee Secretary

February 16, 2010

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