

**A RESOLUTION OF THE GOVERNING BOARD OF  
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10  
OF PIMA COUNTY, ARIZONA,  
OPPOSING LEGISLATION TO REPEAL  
ESSENTIAL DESEGREGATION FUNDING**

WHEREAS, 19 school districts in the State of Arizona are subject to court orders of desegregation or resolution agreements with the U.S. Department of Education Office of Civil Rights (“OCR”);

WHEREAS, such court orders or resolution agreements generally require that the affected school districts implement programs or services or take other actions not already in place at the time the orders or agreements are issued; thus, the programs, services or other actions taken by districts as a consequence of these orders or agreements supplement, and do not supplant, the programs and services which existed prior to the orders or agreements;

WHEREAS, for decades, state law (A.R.S. § 15-910) has authorized school districts subject to such court orders and resolution agreements to assess levies on their local tax bases to provide the requisite funding necessary to comply with such orders and agreements, in recognition of the districts’ mandatory duties to comply;

WHEREAS, such local levies require that school district governing boards convene “Truth in Taxation” hearings before assessing 15-910 levies, thereby giving local taxpayers a direct method to challenging or opposing such levies;

WHEREAS, the taxpayers of school districts disapproving these desegregation levies (or any other for that matter) can also evidence their disapproval at the polls in school district governing board elections;

WHEREAS, since 2003, school districts having court ordered and OCR mandated programs funded under A.R.S. § 15-910 must annually report to the legislature in a format specified by the Arizona Legislature in order to justify their local desegregation budgets;

WHEREAS, school districts having court ordered and OCR mandated programs funded under A.R.S. § 15-910 must annually and separately budget and account for their 15-910 expenditures and must report the same in detail to the Arizona Department of Education (ADE), which then reports to the Governor on these programs;

WHEREAS, in November of 2004, the Arizona Legislature submitted Proposition 101 (“Prop 101”) to the State’s voters, which would have required that any subsequent initiatives or referendums necessitating expenditures of state revenues also provide an avenue for increased revenues in order to avoid impact to the State’s general fund and existing state programs;

WHEREAS, the Arizona Legislature, in proposing Prop 101 rightly recognized that new programs imposed upon government should have their own funding source, just as in the same way, A.R.S. §15-910 (the desegregation funding statute) provides a separate source of funding

for school districts compelled to implement new programs and services by operation of court orders or OCR decrees;

WHEREAS, the programs and services of school districts that directly serve Arizona's children deserve no less protection than the general fund of the State which the Arizona Legislature once thought to protect through Prop 101;

WHEREAS, approximately 22,500 ELL students across the State of Arizona would be harmed by the loss of desegregation funding that largely benefits them, with 670 students in Amphitheater School District alone benefitting from such funding;

WHEREAS, in most districts, 90 to 100 percent of desegregation funds go directly to the classroom, with 99.5% of desegregation funding going directly to Amphitheater District classrooms;

WHEREAS, there must be greater understanding that desegregation funds are largely used to employ thousands of individuals across the State, with 106 of those individuals being from the Amphitheater District alone;

AND, WHEREAS, currently proposed legislation (HB2401 and SB1125) would eliminate the ability of districts subject to desegregation orders and OCR agreements to receive the desegregation funding which currently supports their compliance efforts – without a replacement source – and would damage, if not fully destroy, programs that serve some of our State's most vulnerable children;

THEREFORE, BE IT RESOLVED THAT THE GOVERNING BOARD OF THE AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10 OF PIMA COUNTY, ARIZONA:

1. Opposes HB2401 and SB1125, which would phase-out crucial desegregation funding;
2. Remains committed to ending and remediating historical discriminatory practices and asks the Legislature and Governor for their commitment to the same; and
3. Urges the Legislature and Governor to recognize the impact of this vital funding within the classrooms of our state and the benefits it provides to not only our most vulnerable populations, but also the future to be affected by those populations.

**PASSED AND ADOPTED** by the Governing Board this 9th day of February, 2016, by the undersigned members of the Governing Board:

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Deanna M. Day, M.Ed.  
President

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Jo Grant  
Vice-President

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Kent Paul Barrabee, Ph.D.

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Julie Cozad, M.Ed.

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Scott Leska

(seal of the district)