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September 6, 2011

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Dear Dr. Essigs and ASBA Leadership:

As the Amphitheater Unified School District Governing Board, we are united in writing this letter of concern regarding an ASBA Policy Statement which was recently passed at the June ASBA Delegate Assembly. The language of concern to us is as follows:

Original Language	Amended (June 2011) Language
ASBA believes that for children to succeed in school, their basic life needs must be met, and that home and family, community, and the local school district, with the support of the state and federal governments, are responsible for meeting these needs. Further, the needs of students must be the foundation of, and driving force behind, the entire educational system.	ASBA believes that for children to succeed in school, their basic life needs must be met, and that home and family, with the support of the community, the local school district, and the state and federal governments, are responsible for meeting these needs. Further, the needs of students must be the foundation of, and driving force behind, the entire educational system.

As you can see by comparing these versions, this policy statement has been slightly but *significantly* modified to eliminate original -- and we believe *appropriate* -- language that previously reflected the responsibility that school districts share with families and communities to meet the basic life needs of students. The new language now indicates that our school districts play only a supportive role in meeting those needs. We believe this change diminishes the importance of public schools and the special purpose for which they exist – to provide a free education to the children in the State of Arizona, which we surely must all agree is a basic and essential right.

As we near the centennial of our statehood, we are reminded that our Arizona Constitution sets forth exacting expectations for our collective state governance, particularly with respect to education. Indeed, the Enabling Act of 1910, by which Congress authorized admission of Arizona into the Union, conditioned upon the inclusion of certain terms in our state constitution. One of these was the requirement that provision “be made for the establishment and maintenance of a system of public schools which *shall be open to all the children of [the] state....*” Sec. 20, Enabling Act (emphasis added). So central to statehood was this requirement for public schools that Congress also compelled a provision that proceeds from the sale of public lands be used support the school system in perpetuity. *See*, Sec. 26, Enabling Act.

Thus, our state’s Constitution reflects an inherent commitment to our schools. It requires that the legislature make laws to establish schools. Ariz. Const. Art. XI, § 1. It requires the legislature to establish governing bodies and officers to preside over the public school system. Ariz. Const. Art. XI, § 2. The Arizona Constitution established “common schools by which *a free school* shall be established and maintained in every school district for at least six months in each year, which school *shall be open to all pupils* between the ages of six and twenty-one years.” Ariz. Const. Art. XI, § 6. It requires the establishment of a permanent state fund for the support of schools, and provides that “the laws of the state *shall enable* cities and towns to maintain *free* high schools.” Ariz. Const. Art. XI, §§ 8 and 9. And, finally, our state’s Constitution also directs that *in addition to the income derived from state trust lands*, “the legislature shall make such appropriations, to be met by taxation, as shall insure the proper maintenance of all state educational institutions, and shall make such special appropriations as shall provide for their development and improvement.” Ariz. Const. Art. XI, § 10.

The Arizona Supreme Court has stated that these same provisions of our state Constitution “acknowledge that an enlightened citizenry is critical to the existence of free institutions, limited government, economic and personal liberty, and individual responsibility.” Roosevelt Elementary School Dist. No. 66 v. Bishop, 179 Ariz. 233, at 243, 877 P.2d 806, at 816, (Ariz.,1994). The Court also stated:

The Arizona Constitution ... explicitly guarantees an education, providing that “State educational institutions shall be open to students of both sexes, and the instruction furnished shall be as nearly free as possible.” Ariz. Const. art. 11, § 6. This provision ensures access to kindergartens, common schools, and high schools as well as institutions such as the universities. *See* Carpio v. Tucson High Sch. Dist. No. 1, 111 Ariz. 127, 524 P.2d 948 (1974). Our constitution also

compels the legislature to provide common schools that “shall be open to all pupils between the ages of six and twenty-one years.” Ariz. Const. art. 11, § 6.

Assuming our constitutional framers sought substance and not mere form, Arizona's children have the right to receive a free, public, basic education through high school.

Id., 179 Ariz. at 244, 877 P.2d at 817.

This framework of constitutional provisions signifying the importance of public education in our state is mirrored by Title 15, A.R.S., which is replete with specifications of mandatory duties for our collective selves as Governing Board members, for the school districts we lead, for our Superintendents, teachers and others, and for state level education officials. We reference these cornerstones of Arizona education because we are deeply concerned that the revision to ASBA's policy statement will no longer reflect the basic and essential nature of education which is embodied in these Arizona tenets. Moreover, we believe the change made to the policy statement begs the question: why?

At one time, our organization (ASBA) evidently did believe that our schools *were responsible* for meeting the basic life needs of the young people of this state. What has now changed that we would abandon that long-standing principle and relegate our functions and duties to a “supportive” role? We know that you share a sincere feeling of responsibility with us toward your districts' students. Should not our expression of that commitment remain as resolute as ever – just as resolute and unchanging, in fact, as the constitutional and statutory underpinnings of our great State?

Notably, the policy change recently made is entirely inconsistent with another ASBA statement found on page 39 of the Legislative Action Agenda. This second statement reads, “ASBA believes that accountability for meeting fair standards that encourage high student achievement and responsible and informed citizenship is the *common responsibility* of the elected school district governing board, Committee members, parents, the students themselves and the community at large.”

We ask that the Board of Directors reexamine the modified policy statement and consider its revision to reflect our true and *common responsibility* and philosophy. We would suggest the following:

ASBA believes that for children to succeed in school, their basic life needs must be met, and that home and family, with the support of the community, the local school district, and the state and federal governments, are *all* responsible for meeting these needs. Further, the needs of students must be the foundation of, and driving force behind, the entire educational system.

In these difficult economic times, we are heartened by the role which ASBA continues to play in advocating for public education and school funding, in particular. While the budgetary impacts suffered by public schools in recent years have been extraordinary and difficult, we know that ASBA played a substantial role in stemming what might have been greater tides of reductions for us all.

We do believe, however, that as advocates for our districts and our students across this state, we must all say and do more than collectively sigh that things could have been worse. We must, instead, bring attention to, and pursue resolution of, the fact that our state legislature continues to ignore one of the cornerstones of our State which we cited above and which ASBA similarly echoes in one of its other policy statements:

ASBA believes that the primary responsibility for the governance of public schools in Arizona lies, and should lie, with local, directly elected and accountable school district governing boards. In support of this belief, ASBA will:

...

4. Seek and support legislation that ensures that all public schools are funded and governed in a manner consistent with the Arizona Constitution's requirement of a general and uniform public school system, so that substantial disparities in the treatment of schools are not created by the law.

But as advocates for our schools, we hope that this statement can also be strengthened. We urge your consideration of the following revised language:

Seek and support legislation that ensures that all public schools are funded and governed in a manner consistent with the Arizona Constitution's requirement of a general and uniform public school system, so that substantial disparities in the treatment of schools are not created by the law, by ensuring "that the legislature shall make such appropriations, to be met by taxation, as shall insure the proper maintenance of all state educational institutions, and shall make such special appropriations as shall provide for their development and improvement" as the Constitution also requires.

We implore you to carefully reconsider these amendments to ensure ASBA provides "Quality leadership and advocacy for children in public schools."

Sincerely,

Jeff Grant
President

Diana L. Boros
Vice President

Kent Paul Barrabee, Ph.D.
Board Member

Linda Loomis, Ph.D.
Board Member

Susan Zibrat
Board Member