



**GOVERNING BOARD AGENDA ITEM  
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

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**DATE OF MEETING:**        **November 13, 2018**

**TITLE:**        **Study and Approval of the Governing Board’s Legislative Priorities for the 2019 Fiscal Year**

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**BACKGROUND:**

For several years, the Governing Board has established legislative priorities for the District to guide and direct the Governing Board Members and other District representatives in their conversations and efforts with Arizona legislators to effect legislative actions of benefit to the District and its students and staff. These priorities help ensure that communication with state law makers is consistent with the Board’s philosophies and the District’s mission.

The priorities set by this item are separate from, but may overlap, those adopted by the Arizona School Board Association, which also seeks input from the District’s Governing Board in the formation of that organization’s own legislative agenda. The Board will recall that it has previously studied and responded to ASBA’s request for input into that organization’s legislative agenda, and Board representatives have already attended ASBA’s legislative meetings for that purpose. The Board provides input to ASBA through separate Board action for that purpose.

In previous discussions, the Amphitheater Governing Board has established the following legislative agenda for Amphitheater Public Schools. This item is presented for review and approval of a new agenda for the coming 2019 legislative session(s). It seems appropriate to begin that discussion by reviewing the prior year agenda to determine whether any modification of what follows is required. Last year’s agenda has been updated, however, to reflect the most current information.

The simple legislative agenda statements enumerated below are “talking points” that may be used by District representatives to illustrate the issues in their discussions with lawmakers and other interested parties.

**1. Provide Adequate Funding for K-12 Education.**

- Article XI, Section 1. A., of the Arizona Constitution sets forth that, “The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system...” Section 10 requires 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.”
- The legislature has not only failed to meet its constitutional duty, but has violated that duty as well by cutting funding to schools.
- AZ LEARNS and NCLB demand higher levels of achievement.
- The stakes for students and their families under these systems of accountability are high; mastery of state standards is mandatory for promotion and graduation.
- Increasing student achievement goals is warranted; but support of those increases through increased school funding is essential to support those goals.
- Special programs which increase student success and respond to federal and state mandates require maintenance of financial support.
- Funds are required to attract and retain the best and most qualified staff, particularly in high needs areas such as science, math, technology and career and technical education.

- School funding long failed to keep pace with inflation, much less the increasing demand of public education, until state voters overwhelmingly approved Proposition 301, ensuring that, at a minimum, schools could rely upon their funding keeping pace with inflation.
- Even with 301's inflation factor (2% max.), school district budget increases since passage of the Proposition were largely absorbed by increased costs for state retirement contributions, energy and fuel, and health care.
- More remarkably, over the course of several recent years, the legislature actually violated the requirements of the Proposition and failed to make appropriations for full inflationary funding; the Arizona Supreme Court recently ruled so.
- Thus, despite the requirements of the Arizona Constitution and the intentions of the people of Arizona, Arizona school districts find themselves far behind where they should be in terms of their funding. At the same time, the legislature and State Board of Arizona have mandated new programs and changes for public schools that require increased financial support.

## **2. Maintain Desegregation Funding.**

- Desegregation and OCR orders typically mandate that school districts undertake some form of corrective action, through the implementation of new programs, services or policies.
- A.R.S. §15-910 (the desegregation funding statute) provides a separate source of revenue for school districts compelled to implement new programs and services by operation of court orders or OCR decrees.
- In November 2004, the legislature put forward Prop 101, which mandated that initiatives or referendums requiring the expenditure of state revenues also had to provide a source of increased revenues to avoid impacting the State's general fund and existing state programs. In advancing Prop 101, the legislature correctly recognized that new programs imposed upon government should have dedicated funding sources. In the same way, §15-910 protects existing school district programs and services with dedicated resources for certain mandates.
- Programs and services of school districts directly serving Arizona's children deserve no less protection than the general fund of the State.
- Argument that voters have no control over the desegregation taxes is faulty; Voters disapproving this levy or any other for that matter can evidence their disapproval at the polls in Governing Board elections.
- Use of desegregation funding for purposes not provided for in consent orders or decrees (compliance with State-directed SEI/ELL programs) risks legal intervention due to violation of orders.

## **3. Provide Adequate Funding to Serve English Language Learners.**

- Arizona law mandates Sheltered English Immersion; methodology is no longer a school district or local community choice.
- ELL student success is measured as a cohort/subgroup by state assessments and NCLB measures.
- Language disparities affect the learning of children and must be taken into account; additional services beyond those needed by English speaking students are required.
- The extra services require additional financial support.
- The Flores decision recognized -- even before high stakes programs -- that the level of state ELL funding was inadequate.
- With our ELL students' ability to graduate at stake, appropriate funding must happen.

## **4. Establish a Reliable and Adequate Source of Funding for the School Facilities Board.**

- The purpose of the SFB cannot be achieved without consistent funding, as evidenced in recent years.

- Building renewal funds have not been fully supported (if supported at all) for the several years throughout the SFB's history. The Arizona Supreme Court's mandate in *Roosevelt Elementary School District No. 66 v. Bishop* has gone unmet for years.
- New school construction support has also become woefully inadequate given increases in building material costs.
- Anecdotes of concrete gymnasium floors and inadequate site preparation at SFB funding schools illustrate the lack of adequate SFB funding to support even the most ordinary school elements.
- 35-year-old air conditioners and unsafe fire alarm systems should not be required to fail before they can be replaced with any SFB support due to the limited funds available.
- Current reliance upon the State's general fund as the funding source cannot and should not continue; it creates not only a burden upon the State, but also an unavoidable reality of insufficient facilities which do not mirror our public's expectation for the best in education.
- In November 2004, the legislature put forward Prop 101, which mandated that initiatives or referendums requiring the expenditure of state revenues also had to provide a source of increased revenues to avoid impacting the State's general fund and existing state programs.
- Through Prop 101, legislature correctly recognized that new programs imposed upon government should have their own funding source.
- A new funding mechanism – bonding, perhaps -- could reduce or eliminate the competition between the need for schools and other crucial State priorities.

**5. Provide User-friendly and Practical Reporting Requirements and Provide Funding Support for the Same.**

- Federal and state reporting and data requirements combine to create a substantial administrative burden for school districts.
- Recent requirements of AzSAFE actually require submission of data prohibited by federal law, marking the sometimes unnecessary aspects of many demands.
- Annual submissions of certain documents serve no useful function (e.g., Declaration of Curricular Alignment) and raise questions as to why "one-time" submissions suffice in other equally important situations (i.e., oath of office).
- The worthy goal of putting more funds in the classroom must be reconciled with the ongoing effort to put more burden in administrative functions.

**6. Protect and Support Educator Due Process Rights.**

- While the interests of the student must be the paramount focus of all education decisions and policies, those interests will never be met if educators are led to believe that their rights do not matter.
- A careful balance must be drawn between ensuring students receive services from the most-qualified and effective staff possible and protecting the rights of teachers to due process and opportunities for professional growth.
- Legislative mandates for evaluation outcomes, loss of continuing status, and dismissal from employment deprive school boards of necessary local control.
- State mandates ignore inherent deficiencies in state and data systems that have not been supported with capital funding from the state.

**7. Provide Adequate Funding to Serve Special Education Student.**

- Both federal and state law mandate specialized educational programs for students with disabilities.
- By their very nature, the specialized aspects of the educational programs provided are more expensive to provide than the general educational programs afforded to all students. Yet, school districts currently receive an extra \$10 per year for most disabled students – a scant and frankly

embarrassing amount if it reflects (as it must after being the status quo for so many years) the consideration which our state leaders afford to our state's children with the greatest needs.

- When Congress first passed the Individuals with Disabilities in Education Act in 1975 and continuing through today, it was supposed to provide states with 40% of the requisite funding for its implementation. Today, Congress provides approximately 14% of the funds required to implement the federal law.
- Special education student success is measured as a cohort/subgroup by state assessments and NCLB measures, and across the State of Arizona, the achievement levels of disabled students is significantly less than that of their non-disabled peers.
- The achievement levels of all students, including subgroups, affects school labels, teacher performance classifications and teacher compensation. Schools, teachers and certainly not students should not be penalized by a lack of funding necessary to fully meet student needs.
- Our federal and state legislators, not our schools and our conscientious and committed educators, are failing our students.

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**RECOMMENDATION:**

This item is presented for the Board's consideration and approval, which is recommended.

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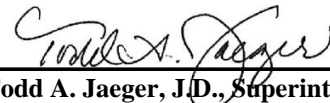
**INITIATED BY:**



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**Michelle H. Tong, J.D.,**  
Associate to the Superintendent and General Counsel

**Date: November 6, 2018**



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**Todd A. Jaeger, J.D., Superintendent**