



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

DATE OF MEETING: **October 2, 2012**

TITLE: **Determination of the Governing Board's Legislative Priorities for the 2013
Legislative Session(s)**

BACKGROUND:

For several years, the Governing Board has established legislative priorities for the District to guide and direct District representatives in their conversations and interactions with Arizona lawmakers. This guidance is necessary to ensure that communication with state law makers is consistent with the Board's philosophies and the District mission, interests, beliefs and values.

The priorities set by this item are separate from, but may overlap, those adopted by the Arizona School Boards Association (ASBA). Just recently, the Governing Board concluded the annual process of providing input into ASBA's separate legislative agenda, which often emerges from that input process to be something that is not entirely reflective of the Governing Board's intentions. Thus, the development of the District's own legislative agenda provides important guidance for district interaction with legislators.

In recent years, the impact of legislation on public schools in Arizona has been significant and unparalleled. For example, the legislative funding cuts over the past 5 years have totaled more than \$29 million in Amphitheater alone. As bills that would impose constraints on other organizations that have spoken for public schools have been proposed in recent years, and given the damage done in the last several budget years, it is more important than ever that school district have a clear message for our elected representatives.

The following draft list of legislative priorities for the Amphitheater District, which includes bulleted talking points to aid our representatives, was drawn from direction provided by the Board in previous discussions.

1. Increase Funding for K-12 Education.

- Initiatives such as AZ LEARNS, NCLB and the Common Core Standards 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 require 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 until state voters overwhelmingly approved Prop 301. But even with 301's inflation factor (2% max.), school district budget increases in recent years were largely absorbed by increased costs for state retirement contributions, energy and fuel, and health care.

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.
- Through Prop 101, the legislature correctly recognized that new programs imposed upon government should have their own funding source.
- In the same way, §15-910 protects existing school district programs and services.
- 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) risk 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 AZ LEARNS and NCLB systems.
- 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 levels of state ELL funding were inadequate.
- With our ELL students' ability to graduate at stake, appropriate funding must happen.
- The recent legal settlement between the state and the U.S. Department of Education Office of Civil Rights acknowledges the inadequacy of AZELLA measurements of proficiency over the past few years and requires school districts to reevaluate, and perhaps serve, students previously determined to be proficient. School districts need funding to support these efforts.
- It is unconscionable that the state should direct school districts to implement certain actions that must later be remediated by school districts alone, with no support from the state.

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.
- Building renewal funds have not been supported for several years and, indeed, have frequently been cut throughout the SFB's short history.
- New school construction support has also become woefully inadequate given increases in building material costs.

- Anecdotes of concrete gymnasium floors and inadequate site preparation illustrate a lack of funding to support even the most ordinary school elements.
- 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.
- 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 simultaneous creation of additional burdens in administrative functions.

6. Protect and Support Education 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.

7. Provide Adequate Support for Special Education

- The state supports special needs students by providing extra funds.
- In 2010, apart from Kindergarten and K-3 students, Amphitheater had 3,261 special needs students (including ESL students). Of these, 57% or 1,858 were in a category that includes emotional disability, mild mental retardation, specific learning disorder, speech/language impairment, and other health impairments.
- For each of these 1,858 students, the state only provided the district with an additional \$9.93 in funding to serve this population with very serious and complicated needs. This is nothing short of unconscionable.
- The legislature's actions, in failing to provide adequate funding, is a re-derelection of duty to this special student population and puts a huge burden on a district dedicated to providing appropriate support, not only for its special needs' students, but for the needs of all of its students.

8. Eliminate All Student Tuition Organization Tax Credits

- Legislators are, by oath to the state constitution, required to support, develop and advance public education.
- Contrary to that oath, the legislature has reduced funding for public education using scarcity of general funds as a rationale for these actions, without acknowledging the constitutional duty to provide funding through taxation.
- Concurrently, the legislature's steadily increasing diversion of tax revenues to private schools through student tuition organizations and tax credits has exacerbated the "scarcity of funds" cited by the legislature as the reason for cutting public education.

9. Eliminate the Extracurricular Tax Credit Program in Favor of Equitable Funding for All Districts and Schools

- If the legislature believes that enhancements to extracurricular funding are needed to provide adequate programs, the legislature should provide adequate funds directly to the districts.
- The district's rebate-obtained public funds are derived entirely from money that has been diverted from the state's general fund where they could have been distributed in an equitable manner.
- The current program disfavors lower socio-economic school populations, and creates inequities in programs and services that can be offered.
- A report in 2008 showed that a wealthier school received more five times as much of these diverted funds per student than did students in a less wealthy school within the same district.

RECOMMENDATION:

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

INITIATED BY:



Todd A. Jaeger, Associate to the Superintendent

Date: September 26, 2012



Patrick Nelson, Superintendent