

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

DATE OF MEETING: April 13, 2010

TITLE: Selection of Governing Board Delegate and Alternate at Arizona School Board Association (ASBA) Delegate Assembly; Determination of Governing Board Position on ASBA Legislative Action Agenda Items; Direction to Delegate

BACKGROUND: The Arizona School Boards Association, of which the District is a member, is holding its ASBA Delegate Assembly on June 26, 2010. The purpose of this annual assembly is to develop ASBA's legislative action agenda for next fiscal year's legislative sessions (rather than the current sessions). The assembly meets each year to consider input from districts across the state on action agenda items that have been culled from written proposals from district for inclusion in the organization's official agenda.

While all superintendents and governing board members from member districts are invited to and may participate in the discussions held during the Assembly, each member district is only permitted one vote on each matter presented to the assembly for a vote.

Thus, one element of this item is the selection of the Board's official and voting delegate to the assembly. The Board is also advised to select an alternate delegate who would be authorized to attend the assembly, along with the delegate, and to vote in the event the delegate was unable to do so for some reason.

After doing so, the Board may through discussion and/or motion direct the delegate and alternate delegate how to vote or otherwise represent the interests of the Board in the development of the official ASBA political agenda. A copy of the current (2010) ASBA agenda is attached for reference and discussion.

In addition to playing a role in the development of the ASBA legislative agenda through appointment of its delegate and alternated delegate to the assembly, the Governing Board also develops and pursues its own legislative agenda. The Board's legislative agenda for the District need not, and sometimes does not, comport with the ASBA agenda.

At its October 8, 2009 meeting, for example, the Board determined the following as Amphitheater Legislative Priorities for the current 2010 Legislative Session(s):

1. Appropriately Fund K-12 Education in Arizona.
2. Eliminate or Prevent Funding Cuts to K-12 Education in Current Fiscal Year.
3. Restore Desegregation Funding.
4. Provide Adequate Funding to Serve English Language Learners.
5. Establish a Reliable and Adequate Source of Funding for the School Facilities Board, Students FIRST and Building Renewal.
6. Provide User-friendly and Practical Reporting Requirements and Provide Funding Support for the Same.
7. Protect and Support Educator Due Process Rights.

At tonight's meeting, as it has in the past, it is presumed that the Governing Board would direct submission of these Amphitheater priorities to ASBA as legislative agenda items.


Thus, the administration has drafted Action Agenda submission forms to reflect the Board's existing legislative agenda *for the District*. ASBA requires districts to utilize their forms to make submissions.

Prior to the Board's consideration of this item, individual Board members may also identify other proposals that they would like the Board as a whole to advance to ASBA. A blank ASBA form has therefore been provided to allow individual members to develop proposals. Board members will observe a small, unimportant graphical deviation from the form in the action items that have already been prepared on behalf of the Board.

General Counsel is, of course, also available and able to assist by drafting proposals for individual members who have a topic or issue of concern they wish to see addressed and have staff develop into a proposal for the Board consideration.

RECOMMENDATION: This Administration recommends that the Governing Board:

1. Appoint a delegate from the Board membership to attend the ASBA Legislative Conference and Delegate Assembly and vote on behalf of the Board;
2. Appoint an alternate delegate from the Board membership to attend the ASBA Legislative Conference and Delegate Assembly and, in the absence of the delegate, vote on behalf of the Board;
3. Provide direction, as it determines, to the delegate and alternate delegate on legislative matters of concern to the Board and/or provide direction on how the delegate or alternate delegate should vote on matters;
4. Determine, as appropriate, the action agenda items to be submitted to ASBA for consideration by the assembly for inclusion in the official ASBA Legislative Action Agenda for the 2010-2011 legislative sessions.

INITIATOR:		Todd A. Jaeger	3/11/2010
	Signature	Name/Title	

ASSOCIATE SUPERINTENDENT
SIGNATURE:

SUPERINTENDENT SIGNATURE:



PROPOSAL FOR 2011 ASBA ACTION

The Career Ladder Performance-Based Pay program has proven its ability to positively impact student achievement since its inception. The accountability measures of the No Child Left Behind Act and Arizona LEARNS are well served by Career Ladder and actually beg the expansion, rather than the limitation or elimination, of the program. Reduction or elimination of the program would adversely impact student achievement and professional staff development. While those who seek the elimination or reduction of the program argue that it creates disparities because not all districts participate, an estimated 50% of the teachers in throughout the state do participate. The answer to the equity argument is to expand the program. Indeed, to eliminate or reduce the program would represent a substantial pay cut for a significant portion of the state's wage earners and would be the only state-imposed pay cut of which we are aware. That is inequitable.

PROPOSAL FOR 2011 ASBA ACTION

In support of Belief Statements #II (Student Needs) and #VIII (Federal Concerns), ASBA will take the following action on the **Legislative** Agenda:

Subject:

Resolve Conflict between State Law and Department of Education Requirements to Ensure Equal Opportunity of Disabled Students

Action Proposed:

Seek legislation that immediately and adequately resolves the conflict between state law and Department of Education requirements to ensure equal opportunity of disabled students.

Sponsor Rationale:

A.R.S. § 15-701.01(A)(3) mandates that the State Board develop and adopt tests to determine competency for graduation from high school. The statute authorizes the State Board to determine which “tests” are appropriate to assess a student’s proficiency and which scores students must achieve in order to graduate from high school. State Board promulgated A.A.C. R7-2-302. A.A.C. R7-2-302(6) assigns local school district governing boards the responsibility of developing and approving graduation requirements for students in special education programs. Federal law mandates that special education students must take the AIMS test unless that student’s IEP specifically indicates that the student will not participate in the exam and explains why the exam’s method of assessment is not appropriate for that particular student. (34 C.F.R. § 300.347(a)(5)(A)). Federal law does not require that special education students pass the exam before graduating. Exit and graduation criteria are also part of an individualized education plan. (34 C.F.R. § 300.347 (b)(1)&(2)). Whether a student’s exit strategy involves passing the State’s exit exam is, therefore, a decision for that student’s IEP Team. Yet, AZDOE continues to set requirements for special education students not only for taking the AIMS but also for passing it. Conflict with federal and state law must be resolved in favor of students affected. Students disenfranchised from educational opportunity are disenfranchised from all opportunity within our society.

PROPOSAL FOR 2011 ASBA ACTION

In support of Belief Statements #III (Local Control/Governance, #V (Taxation/Revenues), and #VI (Funding), ASBA will take the following action on the **Legislative** Agenda:

Protect desegregation funding.

Oppose reduction or elimination of desegregation funding mechanism for support of for support of programs and services required by court orders or decrees or Office of Civil Rights decrees or agreements.

Compliance with civil rights laws must be a priority for all forms of government. When school districts are compelled or permitted by court order or OCR agreement to undertake certain new activities, the districts must have the financial ability to do so. Failure of a society to ensure that its schools can comply with the requirements of civil rights laws will weaken those schools, in turn weakening that society. Without the funding made possible by A.R.S. §15-910(G), districts would be compelled to fund programs and activities required by court orders and OCR agreements by diverting funds from the regular programs. Enabling compliance with civil rights laws as ordered through the existing statutory mechanism appropriately evidences that civil rights compliance, and compliance with lawful orders, is a priority for public schools. Furthermore, without the special funding mechanism, the need to “borrow from Peter to pay Paul” would result in a dilution of existing services, perhaps even exposing districts to further legal claims of inequity.

PROPOSAL FOR 2011 ASBA ACTION

AZ LEARNS and NCLB demand higher levels of achievement for schools and students. Funding must increase in order to support increasing achievement goals. With AIMS passage now a graduation requirement, we cannot short-change students and their families. Adequate funds are required to attract and retain qualified staff to provide the best education possible. Nearby states such as Nevada and California are actively recruiting teachers from Arizona, and their higher funding for public education makes it difficult to compete regionally. ASRS increases and rapidly increasing health care costs will lead to attrition and negatively impact recruitment. Private industry is also directly competing with school districts for the most qualified staff – especially in job classifications like bus drivers; math, science and physics teachers; speech pathologists and others. When standards demand expertise you must provide sufficient resources to compete for expertise, or standards mean nothing. School funding levels have long failed to keep pace with inflation until 301; 301's 2% inflation factor will fall short of ASRS increases, as well as extraordinary increases in projected costs of health care, diesel fuel and AIMS remediation efforts.

PROPOSAL FOR 2011 ASBA ACTION

The specialized instructional needs of students with limited English proficiency demand additional funding and resources in order to enable equal educational opportunity for those students. The Flores decision recognizes this, but despite the order of the court, no additional funding has been allocated by the Legislature. The Legislature has mandated study of the issue to determine the level of funding required. As this pending study progresses, however, is certainly possible and appropriate for an initial amount of funding to be allocated. Given the real “costs” experienced by students through further delay (that being the continuing lack of equal opportunity already recognized in the Flores decision), there is in fact no sound reason to delay all funding.

PROPOSAL FOR 2011 ASBA ACTION

Since the passage of the Arizona Preserve Initiative in 1996, the State Land Department has continued to manage the public lands entrusted to it for the benefit of public education, within the context of frequently competing interests of developers, conservationists, ranchers, and other stakeholders. The efforts of the Land Department to manage Trust must be facilitated. Department decisions which are frustrated by protracted legal challenges will benefit no one, least of all the schools who are intended to benefit from such decisions. Therefore, a legislatively supported resolution of the competing demands placed upon the Department would ultimately help ensure prompt, assured funding of public schools. Without a fair resolution of stakeholder concerns, potential disputes will delay and minimize school funding.