

AEA's Education Bill Tracking List

Bills that are still moving through the legislative process.
Listed numerically by House bills and then by Senate bills.

HOUSE BILLS

- **HB2153 tax credits; STOs; preapproval; entities (sponsor: Rep. Olson)** Expands the corporate scholarship tax credit to allow any S Corporations and Limited Liability Companies to make donations under the corporate scholarship tax credit program. AEA position: OPPOSE - With the STO tax aggregate being \$43 million for the 2015 tax year and growing an astounding 20% each year, the AEA is opposed to expanding this poor fiscal policy idea even further. Status: Passed the House by a vote of 34 ayes – 25 nays (the Democrats and Republicans Ackerley and Coleman voted no). Passed the Senate Finance Committee by a vote of 3 ayes – 1 nay (Pancrazi). Bill is ready for a vote of the full Senate (Third Read).
- **HB2184 state board of education; members (sponsor: Rep. Boyer)** An emergency measure that clarifies the oversight and supervision of State Board of Education (SBE) staff and conforms the statutory number of SBE members to the Arizona Constitution. (This is language that has been agreed to by Superintendent of Public Instruction Diane Douglas and Governor Ducey as it relates to the oversight of the State Board of Education staff.) AEA position: Monitor Status: Passed the Senate by a vote of 26 ayes – 2 nays (Burgess and D. Farnsworth). Failed in the House by a vote of 17 ayes – 38 nays. Moved for a reconsideration vote which will occur on Wed., April 1.
- **HB2185 alternative teacher development program (sponsor: Rep. Boyer)** Continues the Alternative Teacher Development Program through 2020. (This is for Teach for America.) No additional appropriation is included in this bill, though the FY2016 budget did appropriate a new \$500,000 appropriation for this program. AEA position: Monitor Status: Passed the House by a vote of 55 ayes – 1 nay (Mendez). Passed the Senate Education Committee by a vote of 7 ayes – 0 nays. Ready for Senate COW.
- **HB2190 schools; Common Core; replacement (sponsor: Rep. Finchem)** Repeals the Arizona College and Career Ready Standards and establishes a process for the State Board of Education (SBE) to redevelop the statewide academic standards and assessments. Prohibits the SBE from adopting or revising any Arizona Education Standards until the proposed standards or revisions are approved by the Arizona Legislature. AEA position: OPPOSE Status: Passed the House by a vote of 34 ayes – 23 nays (voted no: House Democrats + Republicans Brophy McGee and Carter). Passed the Senate Education Committee by a vote of 5 ayes – 2 nays (Begay & Bradley). Removed from Senate COW Calendar on March 26.
- **HB2246 statewide assessments; parental opt out (sponsor: Rep. Ackerley)** Directs the State Board of Education to develop and make available forms for parents to opt their child out of statewide assessments. Holds districts harmless from impacts to their letter grades and teachers from impacts to their performance pay and evaluations if a student is opted out of

testing. AEA position: SUPPORT Status: Passed the House by a vote of 35 ayes – 24 nays (Republicans supported, Democrats opposed). Passed the Senate Education Committee by a vote of 5 ayes – 2 nays (Begay & Bradley). The bill goes to Senate COW next.

- **HB2250 empowerment scholarship accounts; applications (sponsor: Rep. Mitchell)** Expands the uses of ESA funds to other purposes. Transfers the responsibility for monitoring the debit card ESA transactions from the Arizona Department of Education (ADE) to the state treasurer. In addition, it forces the ADE to force through applications for the program in an unreasonable time frame, which will allow for more marketing of the program in order to hit the enrollment cap each year. AEA position: OPPOSE Status: Initially failed in the House on 3/10 by a vote of 29 ayes – 31 nays (the 24 Democrats and Republicans Ackerley, Brophy McGee, Carter, Cobb, Coleman, and Robson). On the reconsideration vote, the bill passed the House by a vote of 35 ayes – 24 nays (the Democrats and Republican Ackerley voted no). Representative Carter noted the bill will be amended in the Senate. Passed the Senate Education Committee by a vote of 6 ayes – 1 nay (Bradley). The bill was amended in Senate COW on March 26 to return the responsibility of ESA administration from the Treasurer back to the ADE. It requires the ADE to develop minimum criteria for the approval of purchases made with ESA monies and requires that list of approved providers be prominently posted and updated once every month on the ADE's website. Requires the Auditor General beginning in 2019 and every three years thereafter to issue a report that summarizes the financial management of the ESA accounts. The report must include the amount of monies that the ESA holders spent on different purchase categories, the amount of monies spent due to fraudulent account use, the number of account holders whose accounts were terminated and the reason for the termination and the number of account holders that were referred to the AG for prosecution. There is also an ESA Special Education Committee established to review the differences between delivering special education services in public or charter schools as compared to services offered to students in the ESA program to evaluate whether special education students who are in the ESA program and who have an IEP should be allowed to stay in the ESA program until 22 years of age and to provide recommendations to improve the delivery of special education services to qualified students. The bill is ready for a vote by the full Senate (Third Read).
- **HB2261 university admissions; CTE; fine arts (sponsor: Rep. Bowers)** Requires the Arizona Board of Regents to allow credits earned by applicants in career and technical education (CTE) courses to fulfill an equivalent number of credits in fine arts courses that are required for university admission. This does NOT impact high school graduation requirements. AEA position: MONITOR Status: Passed the House by a vote of 52 ayes – 8 nays (Boyer, Brophy McGee, Carter, Clark, McCune Davis, Mendez, Meyer and Robson). Passed the Senate Education Committee by a vote of 4 ayes – 1 nay (Bradley). Bill is ready for Senate COW.
- **HB2483 school tax credit; classroom expenses (sponsor: Rep. Livingston)** Permits up to 20% of a school's public school tax credit contributions to be used for classroom expenses. Representative Randy Friese got an amendment adopted to the bill during House COW which permits contributions made on or before April 15 following the close of the taxable year to be applied to either the current or preceding taxable year. AEA position: OPPOSE The AEA opposes this tax credit program as bad public policy. Moving the public school tax credit into classroom expense uses will further grow the inequity between our public schools. For the

2013 tax year, \$51 million was donated through the public school extracurricular tax credit program (\$200/singles & \$400/married couples). Of this amount, 12 school districts received 53% of the funds; charter schools received 38% of the funds; and the remaining 200+ school districts only received 9% of the total donations. Permitting these dollars to now move into the classroom grows the disparity between our schools. Status: Passed the House by a vote of 35 ayes – 23 nays (all Democrats voted “no” except for Rep. Friese). Passed in the Senate Finance Committee by a vote of 3 ayes – 1 nay (Pancrazi). The amendment adopted in Senate Finance removes the authority for schools to use 20% of tax credit dollars for classroom expenses. It also incorporates reporting requirements for School Tuition Organizations (STOs) so that they must annual report the percentage and total dollar amount of scholarships and tuition grants awarded during the previous fiscal year to low income students. The bill is ready for Senate COW.

- **HB2567 school district budget errors; repayment (sponsor: Rep. Mitchell)** Lowers from 10% to 5% the annual repayment amount that Saddle Mountain Unified must pay back funds that the district overexpended in FYs 2004, 2005 and 2006. AEA position: Support Status: Passed the House by a vote of 54 ayes – 5 nays (Bowers, Cobb, Farnsworth, Olson and Peterson). Passed the Senate Education Committee by a vote of 6 ayes – 0 nays. Passed the Senate Appropriations Committee by a vote of 7 ayes – 0 nays. The bill is ready for Senate COW.
- **HB2577 schools; teacher certification (sponsor: Rep. Boyer)** Provides flexibility for teacher certification requirements by extending the STEM teaching certificate to sixth grade (the certificate is currently 7-12, and this change will make it 6-12). Also permits the State Board to grant for up to 3 years a basic or standard teaching certificate for a teacher who has not yet passed the AEP (professional knowledge and subject knowledge) or taken the SEI training. Current law only permits a teaching certificate to be granted for the first year only. AEA position: Support Status: Passed the House by a vote of 57 ayes – 0 nays. Passed the Senate Education Committee by a vote of 5 ayes – 0 nays. The Senate Education Committee added an emergency clause to the bill. The bill is ready for Senate COW.

SENATE BILLS

- **SB1076 S/E additional state aid; maximum amount (sponsor: Sen. Yee)** A 1% cap issue was passed in the FY16 budget. This strike requires a district to reduce their base support level (think budget limit calculation) by the amount of additional state aid that they would not be receiving because of the new \$1 million limit for additional assistance for each county to cover the districts that exceed the 1% primary property tax limit for residential homes. Districts like Tucson Unified will be hit hard with this proposal. AEA position: OPPOSE Status: The House Appropriations Committee adopted the strike-everything amendment by a vote of 8 ayes – 5 nays – 1 present (no’s: Alston, Cardenas, Mach, Meyer and Sherwood; present- Stevens). The bill is ready for House COW.
- **SB1088 ESA; eligibility (sponsor: Sen. Lesko)** Expands the ESA eligibility to a child who was awarded an educational scholarship through the corporate STO program for low-income

students and who continues to attend a qualified school without having to meet any further requirements. AEA position: Oppose. This bill moves students from the corporate STO program to the ESA program. Both programs are a direct cost to the state's General Fund. However, even though students are being moved away from the corporate STO program with this bill, the corporate STO program will continue to grow by 20% annually (due to a previously enacted 20% increase to the program each year). The aggregate amount for the 2015 tax year is \$43 million! This bill is a double hit to Arizona's taxpayers. Status: This is a strike-everything amendment that passed the House Ways & Means Committee by a vote of 6 ayes – 3 nays (Cardenas, Sherwood and Wheeler). Retained on the House COW Calendar on March 25.

- **SB1126 schools; daily organized physical activity (sponsor: Sen. Bradley)** Permits but does not require a governing board to adopt policies that require students to engage in daily organized physical activity for grades K--5. AEA position: SUPPORT Status: Passed the Senate by a vote of 22 ayes – 6 nays (Barto, Biggs, Burges, Dial, D. Farnsworth and Lesko). Passed the House Education Committee by a vote of 6 ayes – 0 nays. Bill goes to House Rules/Caucus and COW next.
- **SB1172 schools; information; political activity; prohibition (sponsor: Sen. Yee)** Prohibits school districts and charter schools from releasing a student's directory information to any person or group for the purpose of engaging in political activity. AEA position: OPPOSE - As background, schools annually ask whether parents want to allow directory information to be provided. This legislation creates a possible First Amendment issue because it differentiates types of uses for directory information that could be unconstitutional. Prohibiting the disclosure of directory information to those engaging in lawful political speech is protected under the First Amendment; however SB1172 takes the unique position of stating that commercial speech has a higher level of protection than political speech. The legislation will put our schools in a difficult position of determining if a person is using the information for political purposes or not. This bill will impact a local parent organization from getting directory information for purpose of engaging other parents on a district bond or override issue. Again, all parents have the option at the beginning of the year if they want their information to be used in the directory or not. Status: Passed the Senate by a vote of 18 ayes – 11 nays (all Democrats except Sen. Begay voted against the bill; Republicans all supported the bill). Passed the House Education Committee by a vote of 5 ayes – 1 nay (Otondo). Amended in House COW to prohibit an employee of a school district or charter school, acting on the district's or charter school's behalf, from distributing written or electronic materials to influence the outcome of an election or to advocate support for or opposition to pending or proposed legislation. The bill is ready for a House floor vote (Third Read).
- **SB1173 schools; bonds; overrides; funding sources (sponsor: Sen. Yee)** Expands the information required to be included on bond and override reports sent to voters to include a statement with the total dollar amount per pupil that the district received from all funding sources (federal, state, and local), including capital and non-capital, in the previous fiscal year. AEA position: OPPOSE - Out of context and with no comparison to Arizona spending versus the national average of education spending will be very misleading to voters and cause a voter to vote "no" on a bond or override. Status: Passed the Senate by a vote of 16 ayes – 13 nays (all Democrats voted against the bill as did Republican Senator Jeff Dial). Passed the House

Education Committee by a vote of 4 ayes – 2 nays (Coleman and Otondo). The bill is ready for a House floor vote (Third Read).

- **SB1286 charter schools; private postsecondary institutions (sponsor: Sen. Yee)** Permits private colleges and universities to be charter school authorizers. AEA position: OPPOSE - Private universities and colleges may already charter schools by going through the State Board for Charter Schools. This bill permits them to actually be authorizers to grant charter schools to any entity (except for school districts), which then gives these private universities and colleges complete oversight and control of state dollars (since charters are funded entirely on the state's general fund.) Status: Passed the Senate by a vote of 17 ayes – 12 nays (Republicans supported and Democrats opposed). Passed the House Education Committee by a vote of 5 ayes – 1 nay (Otondo). The bill was placed on the House Third Read (floor vote) calendar for March 23, 24 and 25 but was not voted on.
- **SB1332 empowerment scholarship accounts; reservation residences (sponsor: Sen. Begay)** Expands private school vouchers (ESAs) to all students who live within the boundaries of Native American lands (this is over 70,000 students). AEA position: OPPOSE Status: Passed the Senate by a vote of 17 ayes – 12 nays. FAILED in the House on March 25 by a vote of 27 ayes – 32 nays (“no” votes: House Democrats + Republicans Ackerley, Brophy McGee, Carter, Cobb, Coleman, Norgaard, Pratt and Robson). Livingston also voted “no” but it was for the purpose of a reconsideration vote on this bill that will be taken on Wednesday, April 1.
- **SB1339 S/E ballot collection; voted; early; prohibition (sponsor: Sen. Shooter)** Makes it a Class 6 felony for any individual to return more than two early ballots during any two-year election cycle unless the individual is a family member, household member or caregiver of the voter or a candidate or a candidate's spouse. AEA position: OPPOSE - This criminalizes educators who assist voters with getting their early ballot in on time in order to be counted by elections officials. This would infringe on AEA election efforts to get school district bonds and overrides passed. (Note: A similar version of this issue SB1340 failed in the House Elections Committee on March 19.) Status: The House Appropriations Committee adopted the strike-everything amendment by a vote of 9 ayes – 5 nays (no's: Alston, Cardenas, Mach, Meyer and Sherwood). The bill is on the House COW Calendar on Monday, March 30.
- **SB1406 schools; audit findings; financial penalty (sponsor: Sen. Yee)** Allows the Department of Education to withhold up to 10% of a district or charters state aid if they have failed to take corrective action to comply with an audit finding. AEA position: OPPOSE - This bill is an overreach to penalize schools for small audit findings that may or may not be financial in nature. This could impact the funding available for programs and staffing if money is withheld. AEA does not see a need for this bill because current law already allows for the withholding of funds for USFR (school financial records) violations as well as FERPA violations. Status: Passed the Senate on reconsideration by a vote of 17 ayes – 13 nays (Republicans all supported and Democrats opposed). FAILED in the House on March 25 by a vote of 28 ayes – 31 nays (“no” votes: House Democrats + Republicans Ackerley, Boyer, Brophy McGee, Carter, Coleman, Pratt and Robson). Livingston also voted “no” but it was for the purpose of a reconsideration vote on this bill that will be taken on Wednesday, April 1.

- **SB1459 pupils; restraint; seclusion; requirements (sponsor: Sen. Ward)** Allows a school to enforce restraint or seclusion techniques if the student's behavior presents an immediate danger to others and less restrictive measures are insufficient to mitigating the danger. Prescribes regulations if a restraint or seclusion technique is used on a student. Requires a school to adopt reporting and documentation procedures. AEA position: Monitor. Status: Passed the Senate by a vote of 27 ayes – 0 nays. Passed the House Judiciary Committee by a vote of 6 ayes – 0 nays. On the House COW Calendar for Monday, March 30.