

AEA Bill Update

Some Arizona Legislators are fast at work pushing bills that make educators scream, "ARE YOU KIDDING ME?" Here are a few pieces of legislation from this current 2014 legislative session.

Requirement to Lease or Sell School Buildings to Charter or Private Schools

SB1100 schools; unused or underused buildings

Sponsor: Senator Kimberly Yee

Summary: Requires school districts to sell or lease unused buildings to a charter or private school.

Status: Passed the Senate Education Committee on Feb. 20 by a vote of 5 ayes (Crandell, Farnsworth, Melvin, Murphy, Ward & Yee) to 4 nays (Begay, Bradley, Crandell & Landrum Taylor). Bill was never moved to Senate floor debate (Committee of the Whole), so it is "dead" for the session.

Restrictions on School Bonds and Overrides

SB1182 school district overrides; bonds; information

Sponsor: Senator Steve Yarbrough

Summary: School districts can only go out for an override continuance once (if it fails, the district cannot go back to the voters again). Also prohibits school districts from providing factual information on the cost and purpose of the override or bond in the voter publicity pamphlet.

Status: Significantly amended on the Senate floor to remove the prohibition on districts going back out for a bond or override after an initial defeat. The bill now relates to the purpose statement in the publicity pamphlet being only factual information in a neutral manner. Advocacy for the expenditures is strictly limited to the arguments submitted. Passed the Senate on Feb. 27 by a vote 17 ayes – 12 nays (Republicans in support; Democrats opposed). Passed the House Education Committee on March 17 by a vote of 6 ayes – 2 nays and the House Ways and Means Committee by a vote of 4 ayes – 3 nays. Goes to the House Rules Committee next.

SB1254 election dates; school bonds; overrides

Sponsor: Senator Chester Crandell

Summary: Prohibits school districts from going out for a bond or override except for in an election on an even-numbered year. Currently, school districts are permitted to do so each November election.

Status: Failed in the Senate on Feb. 20 by a vote of 13 ayes (Barto, Biggs, Burges, Crandell, D. Farnsworth, Griffin, Melvin, Murphy, S. Pierce, Shooter, Ward, Yarbrough & Yee) to 16 nays (Ableser, Begay, Bradley, Cajero Bedford, Dalessandro, Driggs, Farley, Gallardo, Hobbs, McComish, McGuire, Meza, Pancrazi, Reagan, Tovar & Worsley).

Limit on Teacher In-Service Training

HB2290 schools; teacher in-service training

Sponsor: Representative Debbie Lesko

Summary: Prohibits teacher in-service training unless it is for the entire school day and occurs on either a Monday or a Friday.

Status: Assigned to the House Education Committee, but not put onto a committee agenda. This bill is "dead" for the session.

Private School Voucher Expansion Bills

HB2036 empowerment scholarship accounts; increased eligibility

Sponsor: Representative David Livingston

Summary: Expands the class of students who are eligible for a private school voucher from the state's so-called "Empowerment Scholarship Account" to those with parents who are police, fire or EMT, as well as any child who has a sibling who is already receiving a private school voucher, or any student who is eligible for a preschool special education program.

Status: Defeated in the House Education Committee on February 17 by a vote of 3 ayes (Carter, Coleman and Goodale) to 5 nays (Allen, Boyer, Meyer, Miranda and Otondo). The bill failed in committee after Representative Meyer successfully added an amendment to the bill to require any student who uses a voucher (ESA) to take the same assessment as public school students. It is clear that private school voucher advocates will sacrifice their own legislation if there is an attempt to add accountability measures to the bill. Representatives Allen and Boyer specifically mentioned they were voting against the bill because the testing language was added to it.

*This bill is also embedded in HB2139, HB2291 and SB1236, so the issue is still "alive" in the legislative process. See below for more information on those bills.

HB2139 S/E increased eligibility; empowerment scholarship accounts

Sponsor: Representative Warren Petersen

Summary: Expands the class of students who are eligible for a private school voucher from the state's so-called "Empowerment Scholarship Account" to any child who has a sibling who is already receiving a private school voucher, or any student who is eligible for a preschool special education program.

Status: Bill introduced as a strike-everything amendment in the House Appropriations Committee on Feb. 26. Passed the House on March 17 by a vote of 35 ayes – 22 nays (Republicans supported, Democrats opposed). Assigned to the Senate Education Committee.

HB2150 empowerment scholarships; military families

Sponsor: Representative Sonny Borrelli

Summary: Allows children whose parents are an active duty member of the armed forces to immediately enroll in a private school using the state's so-called "Empowerment Scholarship Account" instead of the current requirement that the child attend a public school for the first 100 days of the prior school year before switching to a private school.

Status: Passed the House on March 4 by a vote of 38 ayes and 18 nays. Passed the Senate Education Committee on March 13 by a vote of 5 ayes – 1 nay. Ready for Senate Committee of the Whole (COW).

HB2256 empowerment scholarship accounts; district pupils

Sponsor: Representative Warren Petersen

Summary: Originating from the Gilbert School Board, this bill permits a school board to vote to allow their students to be eligible for the state's private school voucher program (the so-called "Empowerment Scholarship Account") and retain 25% of each voucher amount per student.

Status: Assigned to the House Education Committee, but not put onto a committee agenda. This bill is "dead" for the session.

HB2291 empowerment scholarship accounts; expansion**SB1236 empowerment scholarship accounts; expansion**

Sponsor: HB2291- Representative Debbie Lesko; SB1236- Senator Kimberly Yee

Summary: Same provisions as HB2036 (see above) but also significantly extends the pool of students eligible for these private school vouchers by including any student eligible for free or reduced-price lunch programs and increases the household income threshold eligibility by 15% each year thereafter. The expansion to those eligible for free and reduce price lunch is over 58% of the current Arizona student population. (Read the status update below for info on a proposed floor amendment.)

Status: The House bill (HB2291) was withdrawn from the House Education Committee and assigned only to the House Ways and Means Committee where it passed on February 10 by a vote of 5 ayes (Kwasman, Lesko, Mesnard, Olson and Petersen) to 2 nays (Cardenas, Wheeler). HB2291 is awaiting the House Committee of the Whole (COW)—and it has been retained on the COW Calendar on three separate dates. There is an expected floor amendment to remove the first responder children and free and reduced population from the bill. Instead, the bill will be expanded to include any student who attends a Title I school. This will expand the private school voucher program eligibility to 73% of Arizona's public schools and nearly 900,000 students.

The Senate bill (SB1236) passed the Senate Education Committee on February 6 by a vote of 6 ayes (Crandell, Farnsworth, Melvin, Murphy, Ward & Yee) to 2 nays (Begay & Bradley) and passed the Senate Appropriations Committee on February 11 by a vote of 6 ayes (Crandell, Griffin, Melvin, Murphy, Shooter & Ward) to 3 nays (Cajero Bedford, Pancrazi and Tovar). SB1236 is ready for floor debate—Senate Committee of the Whole (COW).

SB1237 empowerment scholarship accounts; expansion

Sponsor: Senator Kimberly Yee

Summary: Expands the amount of this private school voucher (ESA) to include the charter school additional assistance weight as well as 90% of the base support level funding the student would have otherwise received if they had attend a school district. This is a significant dollar increase as the charter school additional assistance amount is \$1,684 for K-8 and \$1,962 for high school. SB1237 also contains some technical administrative language that the Arizona Department of Education has requested to carry out the ESA program at a state agency level.

Status: Passed the Senate on Feb. 24 by a vote of 17 ayes to 13 nays (Republicans supported and Democrats opposed). FAILED in the House Education Committee on March 3 by a vote of 2 ayes and 6 nays. The bill was reconsidered by the House Education Committee on March 17 and it passed after being amended by Representative Heather Carter. The amendment clarifies that only students who switch from a charter school to a private school are eligible for the charter school additional assistance funding and caps that amount at 90%. In addition, the amendment grandfathers in the nearly 700 students who are currently using an ESA to attend a private school. These students are all currently getting the full charter school additional assistance amount and will continue to do so as long as they are continuously enrolled in the ESA program. At this point in time, the AEA has learned that Senator Yee (the bill's sponsor) does not support the amendment and will look to put the provisions of SB1237 onto another bill somewhere in the legislative process. This means that the language that gets tacked onto another bill will give the full charter school additional assistance funds to any student who uses an ESA.

Common Core Prohibition

SB1310 schools; Common Core; prohibition

Sponsor: Senator Al Melvin

Summary: Prohibits the State Board of Education from implementing the Common Core Standards and requires Arizona to withdraw from the Partnership for Assessment of Readiness for College and Careers (PARCC).

Status: FAILED in the Senate on March 5 by a vote of 12 ayes – 18 nays (the 13 Senate Democrats voted “no” as did Republican Senators Driggs, McComish, Pierce, Reagan & Worsley).

SB1395 schools; competency requirements; assessments; optional

Sponsor: Senator Judy Burges

Summary: Allows school district governing boards and charter school governing bodies to opt out of competency requirements and assessments adopted by the State Board of Education. Those that do must administer an annual assessment to measure the extent to which students have met the adopted academic standards.

Status: FAILED in the Senate on March 17 by a vote of 12 ayes – 17 nays (the Senate Democrats voted “no” as did Republican Senators Driggs, McComish, Pierce, Reagan & Worsley).

SB1396 schools; competency requirements; assessments

Sponsor: Senator David Farnsworth

Summary: Requires school district governing boards and charter school governing bodies to adopt and prescribe academic standards, competency requirements, a minimum course of study and assessments unless they affirm those adopted and prescribed by the State Board of Education.

Status: FAILED in the Senate on March 17 by a vote of 12 ayes – 17 nays (the Senate Democrats voted “no” as did Republican Senators Driggs, McComish, Pierce, Reagan & Worsley).

Arming School Employees

HB2412 firearms; schools; safety designee program

Sponsor: Representative David Stevens

Summary: Establishes the School Safety Designee Program which allows a person to possess a deadly weapon on school grounds if they are approved and designated by a school district or charter school governing board and have completed the program training offered by a law enforcement firearms instructor or an instructor approved by the attorney general’s office. The firearm must be stored in a locked, secured firearms locker and the key or combination to the locker must remain in the possession of the designee at all times.

Status: Passed the House Appropriations Committee on February 26 by a vote of 7 ayes (Boyer, Gray, Kavanagh, Kwasman, Olson & Ugenti) – 3 nays (Alston, Mach & Sherwood). Held awaiting the House Rules Committee, so the bill should be “dead” for the session.

Attack on Voter Approved Initiatives (including Proposition 301 dollars)

SCR1003 initiatives; referendum measures; periodic reauthorization

Sponsor: Senator Chester Crandell

Summary:

- Requires that all statewide initiatives that levy a tax or allocate money from a lawsuit settlement to be re-approved by voters.
- In addition, all new voter approved initiatives will need to be reauthorized by the voters after seven fiscal years.
- Applies the provisions retroactively to any initiative and referendum measure passed from 1998 to today. This means that Proposition 301 (sales tax for schools that established the Classroom Site Fund) would have to be reauthorized by a vote of the people in November 2016—five years before the tax is set to expire.

Status: FAILED in the Senate twice— on March 12 and again on March 17 by a vote of 15 ayes – 14 nays (the Senate Democrats voted “no” as did Republican Senators Pierce & Worsley). Because this ballot referral was defeated twice on the Senate floor, it is “dead” and cannot be re-voted in the Senate.

Attack on Retirement Security

HB2056 retirement; return to work

Sponsor: Representative John Allen

Summary: Prohibits any form of return to work program once a person retires.

Status: Assigned to a House Retirement Committee but not put onto an agenda. This bill is “dead” for the session.

HB2049 retirement plans; compensation; definition

Sponsor: Representative John Allen

Summary: Prohibits any performance pay (Classroom Site Fund/Prop 301 monies) from being included in the salary component for the purpose of determining a person’s pension benefit.

Status: Defeated in the House Retirement Committee on January 21.

HB2090 defined contribution retirement plans; option

Sponsor: Representative Phil Lovas

Summary: Creates an unstable Arizona State Retirement System (ASRS) by permitting new employees to opt-in to a Defined Contribution (DC) system instead. Once the employee selects the DC option, they are “locked in” and unable to go back to the defined benefit ASRS system; thus leaving them financially unsecure when they reach retirement eligibility.

Status: Defeated in the House Retirement Committee on January 28.

HCR2001 public retirement systems

Sponsor: Representative John Kavanagh

Summary: A proposition to go before voters in November 2014 to permit employee retirement contribution rates to increase and also allows retirement benefits to be reduced.

Status: Assigned to a House Retirement Committee but not put onto an agenda. This ballot referral is “dead” for the session unless it gets re-introduced as a strike-everything amendment somewhere in the legislative process.

Attack on School Employees' Rights

SB1094 school employees; paycheck deductions; authorization

Sponsor: Senator Chester Crandell

Summary: Aimed only at educators, this bill requires annual reauthorization for the collection of association dues and imposes a civil penalty of at least \$1,500 on a school board or superintendent for failing to comply.

Status: FAILED in the Senate on March 17 by a vote of 13 ayes – 16 nays (the Senate Democrats voted “no” as did Republican Senators Driggs, McComish, Pierce, & Worsley).

SB1354 paycheck deductions; employee authorization

Sponsor: Senator Gail Griffin

Summary: Attempts to re-pass the 2011 law that was voided by the courts by removing some of the unconstitutional issues in the bill. Requires all public employers to require annual authorization for union dues (and other third party payments from an employee’s paycheck). Imposes a minimum \$10,000 civil penalty for each violation. Contains an emergency clause. Dubs the measure the “Protect Arizona Employees’ Paychecks Act.”

Status: Passed the Senate Government Committee on Feb. 17. Held awaiting Senate Caucus, so the bill is dead for the session.

SB1355 public employers; paycheck deductions; dues

Sponsor: Senator Gail Griffin

Summary: Same as SB1354 above, but requires the reauthorization every other year. This bill also prohibits a labor organization from using any part of its dues for political purposes unless it allows each person to opt in biennially with advance express consent. Requires the labor organization to identify the amount of the dues used for political purposes and separately account for these monies. The labor organization is required to annually report to its members the expenditures of these monies by types of candidates, legislation or issues and political party.

Status: FAILED in the Senate on March 17 by a vote of 14 ayes – 15 nays (the Senate Democrats voted “no” as did Republican Senators Driggs, McComish & Pierce).

HB2418 S/E public employees; activities; unions; compensation

Sponsor: Senator Gail Griffin

Summary:

- Prohibits a public employer from entering into any employment contract with any public employee or union that provides compensation, including paid leave, for the performance of union activities.
- Legislative intent: “It is the intent of the legislature that this act be strictly construed to restrict the use of public monies to public purposes and to prevent the diversion of public monies and public employees to private purposes.”
- Definitions:
 - “Employment contract”: any formal or informal employment contract, agreement or memorandum regarding the wages, benefits and terms and conditions of employment of any public employee or group of public employees.
 - “Public employee”: any individual who is employed by a public employer.
 - “Public employer”: this state or any branch, department, division, agency, authority or political subdivision of this state (school districts are considered a political subdivision)

- “Union”: any association or organization, incorporated or unincorporated, that is authorized to represent and bargain for the interests of public employees.
- “Union activities”: activities performed by a union, union members or union representatives and that relate to advocating for the interests of members, including:
 - Fulfilling or advancing the union’s purpose, obligations, external relations or internal policies and procedures.
 - Negotiating or bargaining over wages, benefits and terms and conditions of employment
 - Recruiting or soliciting members
 - Lobbying
 - Engaging in election activities
 - Filing grievances
 - Representing individuals in disciplinary proceedings (gives an exception for representation of a law enforcement officer or probation officer pursuant to statute 38-1101)

Status: The strike-everything amendment passed in the Senate Government Committee on March 17 by a vote of 4 ayes (Burgess, Crandell, Griffin & Ward) – 3 nays (Begay, Farley & Hobbs). Goes to the Senate Rules Committee next.

HB2476 labor organizations; withholding of wages

Sponsor: Representative Adam Kwasman

Summary: Prohibits any withholding of dues from an employee’s paycheck unless the employer has prior written authorization from the employee dated in the same tax year.

Status: Held in the House Government Committee on Feb. 18 due to lack of votes to pass the bill out of the committee. This bill is “dead” for the session.