

2 0 0 8 A S B A POLITICAL AGENDA



A R I Z O N A
S C H O O L
B O A R D S
A S S O C I A T I O N



TABLE OF CONTENTS

The Arizona School Boards Association (ASBA) will be guided by our Vision: Quality leadership and advocacy for children in public schools. Based on ASBA's Vision, the organization believes that it needs to address the following critical areas:

Advocacy for Children	page 2
Student Needs	page 2
Local Control/Governance	page 3
Accountability	page 4
Taxation/Revenues	page 5
Funding	page 6
Personnel	page 9
Federal Concerns	page 10

THE ASBA LEADERSHIP

LEFT: Suzanne Schweiger-Nitchals, 2008 ASBA President, Creighton Elementary School District

MIDDLE: Panfilo Contreras, Executive Director

RIGHT: Mike Hughes, 2008 ASBA Legislative Chair, Mesa Unified School District



GOVERNMENTAL RELATIONS



Janice Palmer,
Director Governmental Relations

Beth Sauer,
Governmental Relations Analyst



LEGAL SERVICES



Chris Thomas,
General Counsel

I. ADVOCACY FOR CHILDREN

LEGISLATIVE ACTION AGENDA

ASBA believes that for children to succeed in school, their basic life needs must be met. Meeting these needs is the collaborative responsibility of home, school and community. **In support of this belief, ASBA will:**

1. Support legislation or initiatives that will fund programs for children and their families.
2. Oppose efforts to curtail communications, not including instruction, in a language other than English for students, parents and other constituents and advocate for ADE to publish critical items intended for parent distribution in Spanish as well as English.



II. STUDENT NEEDS

LEGISLATIVE ACTION AGENDA

ASBA believes that the needs of students must be the foundation of, and driving force behind, the entire educational system and that it is the responsibility of the local school district, with the support of the state and federal governments, to create opportunities for success for each and every student. **In support of this belief, ASBA will:**

1. Seek legislation that adequately encourages, assists and financially supports the curriculum and instructional needs of Arizona's public schools.
 - Support legislation that would provide additional funding for alternative educational opportunities for all students who need them.
 - Support categorical funding within block grants to local districts based on student need and not enrollment.
 - Support continuation of dual credit for high school students enrolled in community college classes.
 - Seek legislation to increase distance learning opportunities.
 - Support legislation to promote Career and Technical Education opportunities for All Arizona students.
 - Seek legislation that immediately and adequately supports the specialized instructional needs of Arizona's students who have limited proficiency in English, as required by the *Flores* order.
2. Seek legislation to increase mandatory school attendance requirements until graduation level competency has been reached or until 18 years of age.
3. Oppose efforts to undermine the authority of the Arizona Interscholastic Association and its members to determine eligibility for student participation in interscholastic activities.
4. Seek legislation that would include meaningful requirements and qualifications for home schooled students including an educational plan based on state standards and provisions for enforcement of registration requirements.

III. LOCAL CONTROL / GOVERNANCE

LEGISLATIVE ACTION AGENDA

ASBA believes that the primary responsibility for the governance of public schools in Arizona lies, and should lie, with local, directly elected and accountable school district governing boards. **In support of this belief, ASBA will:**

1. Advocate for preservation of community governance of school districts through elected representation and oppose efforts to erode the authority of governing boards.
2. Oppose unfunded legislative mandates and advocate for the removal of overly restrictive regulations.
3. Support only those unification or consolidation efforts that protect the right of local school district electors to make the final decisions on unification and/or consolidation of school districts and provide adequate funding to cover all costs associated with unification or consolidation and hold districts harmless for any loss of revenue.
4. Support legislation that ensures that all public schools are funded and governed in a manner consistent with the Arizona Constitution's requirement of a general and uniform public school system.
5. Support legislative authorization for a school district to adopt and operate under a home rule charter that requires a vote of the school district electorate for implementation.
6. Oppose legislation that would further limit district control of performance pay for teachers under the Classroom Site Fund.
7. Advocate for repeal of the Local Education Accountability Program.
8. Advocate the consistent treatment of school districts with other political subdivisions and governing board members with other elected public officials in matters of general governance and public accountability.
9. Support changes to law regarding elections and school district resources that clearly articulate the free speech rights of both school employees and school board members.
10. Oppose efforts by tribal governments to assume authority that now rests with school district governing boards.
11. Advocate that the Legislature revise A.R.S. 15-424 (D) to allow candidates in an uncontested election, which has been cancelled, to be declared duly elected by the supervisors of that county rather than appointed.



IV. ACCOUNTABILITY

LEGISLATIVE ACTION AGENDA

ASBA believes that the accountability of public school systems and their students for meeting fair standards that encourage high student achievement is the common responsibility of the elected school district governing board, staff members, parents, the students themselves and the community at large. **In support of this belief, ASBA will:**

1. Seek legislation that requires governing board member training in such areas as the open meeting law, procurement code, public service, public school governance, student achievement, curriculum and finance. Further, the training must be provided by an association of school district governing boards and any other entity that meets the training curriculum requirements as approved by the State Board of Education.
2. Support the continued re-evaluation and refinement of the Arizona Instrument to Measure Standards including:
 - a. Evaluation of the technical adequacy of the assessment instruments to ensure their validity, reliability and absence of bias
 - b. Accommodation of students with special needs to ensure that language or other impediments do not deny students, in violation of their civil rights, a fair opportunity to gain promotion or earn a high school diploma
 - c. Reexamination of the Standards to ascertain levels of achievement that reflect the skills and knowledge necessary and attainable for all high school graduates.
 - d. Examination and development of end-of-course testing.
3. Seek legislation to ensure that all charter schools are accountable financially to the public by complying with conflict of interest laws and reverting all public funds and property to the state, if a charter school ceases to operate or loses its charter, and public funds have been used to purchase property or equipment for charter schools.
4. Advocate for the adoption of a single software package for student accounting and data collection (ADM, address, phone, etc.) for the entire state of Arizona, the cost of implementation to be funded and provided to each district by the state.
5. Seek legislation that would support AIMS testing for graduation while providing an alternative route that is educationally credible.
6. Advocate for testing that evaluates English Language Learners appropriately to ascertain the level of proficiency for these students and make recommendations for intervention programs.
7. Oppose AIMS as a graduation requirement for English Language Learners until such time as the funding and consent items in *Flores v. Arizona* have been implemented.
8. Advocate for continued local control of school improvement plans created and implemented for underperforming schools.
9. Oppose efforts to require verification of free and reduced lunch applications beyond federal guidelines.
10. Advocate a change to the Arizona Constitution to state that the State Superintendent of Public Instruction meets the same qualifications as all other local school district superintendents and that the Superintendent of Public Instruction be employed by the State and appointed by the Arizona State Board of Education.
11. Seek legislation to allow school districts and property owners to reach a solution to the Pesticide Covenant as it relates to new school sites.
12. Petition the Legislature to send a proposal to the Congress to reduce or eliminate both the requirements and penalties for non-compliance or incomplete compliance of the NCLB until fully funded.
13. Encourage the Arizona Department of Education to conduct research to determine the N number that is statistically valid.

V. TAXATION / REVENUES

LEGISLATIVE ACTION AGENDA

ASBA believes that the tax structure that supports public education must be broad-based and stable and must ensure that each taxpayer, individual or corporation, contributes a just, proportionate share. **In support of this belief, ASBA will:**

1. Advocate structural change to Arizona's tax system through legislation or initiative to support a competitive business climate and funding for public education and other child support services and oppose any change to the existing property tax structure unless a comprehensive tax reform proposal is implemented to adequately address the needs of public education.
2. Oppose any legislation that prohibits local school district governing boards from supplementing state funding and budget provisions through M&O and flexible capital overrides as well as bond authorizations.
3. Oppose any legislation that results in the direct or indirect use of public funds to support private schools, including school vouchers and tax credits.
4. Seek legislation to clarify A.R.S. 15-915 and require ADE to provide the commensurate state aid revenue to districts that lose assessed value regardless of the cause of the reduction so that there is no loss of revenue to the district.
5. Support efforts that would serve to maximize the earnings of the school trust lands for the benefit of K-12 public education.
6. Support legislation to ensure all property owners in the state of Arizona are paying the full qualifying tax rate to support education.
7. Support legislation that allows the use of M&O interest for current year budget increases for technology maintenance and training.
8. Oppose any measure that requires a two-thirds vote or supermajority to increase state or local revenues.
9. Advocate that ARS 9.500.18 needs to be changed to remove "This prohibition does not include fees assessed or collected for streets and water and sewer utility functions."
10. Oppose efforts to permanently repeal the state equalization assistance rate.
11. Oppose Arizona's Prop. 13 initiative.
12. Oppose the various Taxpayer Bill of Rights (TABOR) legislation.



VI. FUNDING

LEGISLATIVE ACTION AGENDA

ASBA believes that funding for public schools, which is the primary responsibility of the state, should be increased to a level that assures that every student will receive an adequate education based on his or her needs. Funds should be appropriated in a manner that preserves the ability of governing boards to allocate funds within their districts based on the diverse needs of their students and communities. **In support of this belief, ASBA will:**

1. Advocate a complete revision of the school finance formula to:
 - reflect the actual costs of the individual educational needs of all students particularly in the areas of:
 - a. special education including specific learning disabilities
 - b. English language learners
 - c. gifted and talented
 - d. at-risk factors
 - e. vocational/ technological education
 - f. seventh and eighth grade
 - g. foreign language requirements
 - h. dual language programs
 - provide for re-evaluation of the school finance formula on a regular basis to adjust the weighting factors as necessary and to compensate for other costs that escalate faster than the GDP-IPD such as: health insurance, property/casualty insurance and utilities
 - provide funding to improve instruction through the use of technology and to promote computer literacy
 - provide for a transportation support level that reflects actual students transported and actual costs
 - provide funding for an extended school year as a local option
 - provide for a funding formula that allows small and/or rural school districts the ability to fund basic school functions and programs such as maintenance, utilities, health, music, arts and be competitive with the urban schools for teacher services
 - retirement contribution rates
2. Seek legislation to address transportation funding including, but not limited to: route miles costs, activity miles costs, costs related to students with disabilities, homeless students, or special needs, and how these costs may differ between urban, rural, and remote districts.
3. Seek legislation that addresses issues related to the implementation of Students FIRST including:
 - Advocate for a dedicated funding source for Students FIRST;
 - Allowing preschool and kindergarten students to be counted as full ADM for computing square footage requirements for all-day kindergarten programs and districts that have preschool programs;
 - Supporting the need for specialty spaces including adequate space for vocational and alternative education programs, including furniture and equipment;
 - Advocating for school facility guidelines that are educationally sound, research based and reflective of the quality and quantity of school buildings, facilities and equipment necessary and appropriate to enable pupils to meet the academic standards while resisting efforts to erode the adopted standards;
 - Advocating for a spring election date for B bonds and capital overrides;
 - Advocating for better definition of extraordinary and geographic factors;

VI. FUNDING CONT.

- Advocating for additional square footage per seventh and eighth grade student;
 - Incorporating the best practice standards in school safety and security design into facility planning;
 - Providing additional funding of school construction or renewal projects which utilize energy conservation techniques or design or which incorporate alternative energy sources, including but not limited to, solar power;
 - Supporting an increase to the square footage allocation per student that the School Facilities Board utilizes to provide school buildings;
 - Encourage the Arizona State Legislature to review and revise the current criteria used by the School Facilities Board in the allocation of funds for construction facilities to reduce or avoid overcrowding situations in our public schools. The School Facilities Board should have the latitude to allocate funds for facilities more closely located to the citizens they serve;
 - Promote legislation to fully fund a building renewal formula that reflects actual costs;
 - Seek to change Arizona Revised Statute to allow a small percentage of revenues collected by the passage of Class B bonds to sustain the Unrestricted Capital Fund;
 - Revise the formula for new school construction in order for school districts to adequately keep up with new student growth;
 - Revise the formula to include inflationary and other increased costs in construction that occur between project approval and the start of construction;
 - Seek legislation to clarify that the School Facilities Board does not have statutory authority to override decisions of the locally elected school district governing board that is acting on behalf of the citizens and students of the entire school district;
 - Appropriate all aspects of the School Facilities Board mandate to maintain court sanctioned capital standards and maintain all school capital facilities expenditures such as: plumbing, roofing, electrical, etc.;
 - Advocate for changing the inflation factor on Fund 625, soft capital, to a rate that reflects the actual average increases for items paid out of this fund;
 - Seek and support legislation recognizing and defining school district hyper-growth and providing for accelerated funding for construction and operation of schools in recognized hyper-growth areas; and
 - Seek legislation to change the capital formula so that districts growing in excess of the state growth factor receive a 4.0 percentage increase of the change in prior years 100th day ADM count to provide funding for the numbers of students enrolling after the 100th day count.
4. Oppose any efforts to legislate school-by-school funding with the result that governing boards cannot meet district-wide obligations or equitably distribute funds where needed.
 5. Support full funding for preschool.
 6. Support legislation that would assist districts declining at a rate of less than 5% over consecutive (2% or more) years to have the same fiscal assistance as those with a 5% or more decline in one year (A.R.S. 15-942.A.1).
 7. Seek legislation for full funding for English Language Learners including the funding necessary for the implementation of the consent order as agreed to by the State of Arizona in the settlement of the *Flores v. Arizona* case.
 8. Continue to work with the legislature to ensure full funding for inflation, especially in years in which the rate of inflation is greater than two percent.
 9. Oppose legislation that takes away district authority to comply with federal desegregation court orders and Office of Civil Rights agreements.

VI. FUNDING CONT.

10. Seek legislation to fully fund utility costs inside the Revenue Control Limit (RCL).
11. Oppose any effort to divert Medicaid in Public School (MIPS) reimbursement dollars from school districts to the state general fund.
12. Advocate for the continuation of funding vocational education at both the State and Federal levels.
13. Oppose any measure that would require a certain percentage of district budgets be allocated to classroom expenditures, as defined by the State Auditor General, with the recognition that some “outside the classroom” expenditures directly benefit classroom learning of students.
14. Support legislation to promote and expand Career and Technical Education programs, including summer programs, for high school students through Joint Technological Education Districts (JTED’s) central campus programs and allow communities wishing to form a JTED to do so following all regulations as required by law.
15. Encourage legislation to adopt the strategies identified in the “Lead with Five” study.
16. Seek legislation to eliminate the Budget Balance Carry Forward limit in the M&O funding calculation.
17. Support funding of programs that are proven to enhance school safety.
18. Support legislation that would move the determination of the construction inflation costs from the Joint Legislative Budget Committee to the School Facilities Board.
19. Advocate for full state funding of ASRS employer contribution increases.
20. Provide funding for anti-gang and anti-drug programs.
21. Seek legislation to reimburse Arizona school districts for the loss of revenue as a result of the lawsuit settlements of Kinder Morgan and other companies and corporations.
22. Advocate for changes in legislation to provide a solution to the Excess Utilities funding concern.
23. Encourage legislation to increase instructional days from the required 180 days (A.R.S. 15-341.01) to 185 by adding one day per year for the next five (5) years and all relevant school funding formulas to be adjusted to reflect the increase in instructional days.



VII. PERSONNEL

LEGISLATIVE ACTION AGENDA

ASBA believes that the public education system must hire and retain the highest quality staff, while at the same time, have the ability to terminate, in a timely manner, staff that do not meet high expectations. **In support of this belief, ASBA will:**

1. Seek legislation that provides increased funding for school personnel salaries.
2. Seek legislation providing all school districts with 5.5% in revenue to fund a career ladder program or other locally-determined professional development program or other system that promotes or rewards teacher performance.
3. Oppose any legislation that would further restrict the local board's ability to terminate non-certificated personnel.
4. Oppose any legislation to impose mandatory collective bargaining as a method of determining salaries and working conditions for employees.
5. Oppose any legislative attempts to reduce the governing board's authority to use lawful forms of affirmative action.
6. Seek legislation that prevents the award of unemployment compensation to substitute teachers and other substitute employees.
7. Seek legislation providing that the school district may require medical or psychological examination of an employee by a physician of the board's choosing and at the district's expense.
8. Seek legislation to relieve school districts of the duty to rehire a teacher who chooses to leave the district to teach in a charter school and later wishes to return to the district.
9. Advocate that the Legislature revise A.R.S.15-544 to allow non-continuing certified staff to be recalled from a reduction in force in a fashion not solely based upon seniority.
10. Expand existing programs for the provision of instruction from proficient teachers through technological means such as interactive classes, video, video-conferencing, or computerized, on-line classroom settings to offset shortages in prioritized areas of math, science, reading and languages, in multiple school districts.
11. Support legislation that provides incentives for teachers to delay retirement.
12. Encourage legislation to provide for signing bonuses to help low income and small rural/isolated schools attract and retain highly qualified teachers based on the percentage of students participating in the free- or reduced-lunch program and/or the school designation as a small rural/isolated school.
13. Encourage legislation which allows public colleges and universities to offer a tuition discount to teachers who need to meet the No Child Left Behind (NCLB) criteria for becoming "highly qualified" and continue to teach in schools that have a high concentration of economically disadvantaged students.
14. Promote legislation to give school boards flexibility when notifying certificated employees of non-renewal of employment contracts.
15. Support comprehensive legislation to revise employee discipline and termination laws.
16. Seek legislation that would set a mandatory minimum contribution rate for the Arizona State Retirement System that would be based on historical averages and prevent large variant increases or decreases from year to year.
17. Encourage the development of a comprehensive professional education certification system to establish an independent Professional Licensing Board.
18. Encourage legislation to strike the requirement of a videotape after two (2) years of teaching to determine eligibility for a standard teaching certificate.

VIII. FEDERAL CONCERNS

LEGISLATIVE ACTION AGENDA

ASBA believes that the federal government's limited but increasing role in K-12 education should focus on creating incentives and support for increased student achievement and that federal mandates should be accompanied by the funding needed to implement those mandates. **In support of these beliefs, ASBA will:**

1. Advocate for increasing the federal investment in public education to meet the federally-imposed mandates and subsequent cost increases for special education (IDEA) and implementation of the No Child Left Behind (NCLB) Act.
2. Advocate for the following changes in the federal No Child Left Behind Act:
 - Increase the flexibility for states to use additional types of assessments for measuring AYP—including growth models
 - Grant states more flexibility in assessing students with disabilities and students not proficient in English for AYP purposes
 - Create a student testing participation range, providing flexibility for uncontrollable variations in student attendance
 - Allow schools to target resources to those student populations who need the most attention by applying sanctions only when the same student group fails to make adequate yearly progress (AYP) in the same subject for two consecutive years
 - Ensure that students are counted properly in assessment and reporting systems
 - Allow supplemental services to be offered in the first year of “improvement”
 - Strengthen federal responsibility for funding
 - Require NCLB testing and reporting for non-public schools for students receiving Title I services
3. Urge the Arizona congressional delegation to ensure that adequate federal funds are available to support and sustain federally initiated supplemental programs such as Title 1, Title 2 and gifted programs as well as federally mandated programs.
4. Advocate for the continuation of full funding for federal impact aid for Group A and Group B students through Public Law 81-874 and for increased funding for school construction through Public Law 81-815.
5. Encourage the U.S. Congress to modify the Fair Labor Standards Act (FLSA) to meet the unique needs of K-12 education.
6. Encourage legislation that would direct disbursement of forest fees and payment in lieu of taxes on all federal land on a formula basis whereby a minimum of fifty percent would be distributed to the public schools in the county.
7. Support legislation that makes student/parent collegiate grant and loan programs more accessible and affordable.
8. Urge the codification of Congressional intent to firmly establish Medicaid responsibility for IDEA activities and direct medical services while recognizing that school-based Medicaid programs are good fiscal policy.
9. Ensure that the E-Rate is continued, making advanced telecommunications services affordable for the nation's schools and libraries.
10. Defeat all federal voucher and tuition tax subsidy proposals that result in public funds supporting private K-12 institutions.
11. Support legislation aligning the Higher Education Act with NCLB to ensure a pool of highly qualified teachers.
12. Support developmentally appropriate early education standards for Head Start that are aligned with state academic content standards and reflective of the expectations of local schools.

THE DELEGATE ASSEMBLY

How the Arizona School Boards Association's Political Agenda is determined

Article VI, Section Three of ASBA's bylaws outlines the annual Delegate Assembly process. The annual Delegate Assembly is held to establish the beliefs of the Association and the Action Agenda items which support those beliefs in the legislative process and in the priorities of the Association. The timeline is as follows:

FEBRUARY

Reminders provided for the ASBA Delegate Assembly in June. Forms sent to every school district superintendent and governing board member for submitting Action Agenda items to the ASBA Delegate Assembly.

END OF APRIL

Proposed Action Agenda items must be returned to ASBA after being approved by the governing board.

FIRST FRIDAY IN MAY

The ASBA Legislative Committee reviews the Action Agenda proposals received and votes to *support* or *do not support* the proposal, as well as the rationale for the Committee's position.

FIRST WEEK IN JUNE

Packets with each Action Agenda proposal, as well as the Action Agenda adopted the previous year, are sent to each superintendent and governing board member. In addition, the local governing board is directed to select a voting delegate to represent the board at the Delegate Assembly and instruct its delegate as to how to vote on the issues presented.

THE ANNUAL DELEGATE ASSEMBLY — LAST SATURDAY IN JUNE

Delegates debate and vote on the proposals before the body. The adopted positions of the Delegate Assembly become the position of the Association until the next Delegate Assembly.

MID - AUGUST

Adopted Political Agenda is sent to each superintendent and governing board member to discuss and adopt as a board ten priorities that will be submitted to ASBA Governmental Relations for compilation. These items will be collected at the October county meetings.

DECEMBER 12TH

ASBA and AASBO's joint legislative workshop; ASBA's Top Ten Legislative Priorities handed out.



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