

What to Expect in the 2019 AZ Legislature: Education

Shining a Bright Light for Socially-Just Public Policy

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Get the printable / readable PDF of this issue of the Arizona Legislative Alert [here](http://files.vuu.org/uujaz/2018/alert-120718.pdf). <http://files.vuu.org/uujaz/2018/alert-120718.pdf>

One of the most important things to do to be an effective advocate for social justice is to educate yourself about the issues and about the implications that different public policies have for justice. How to do this? Start with one issue at a time to avoid being overwhelmed by too much information!

The next several issues of the Arizona Legislative Alert will focus on one or two different issues and the kinds of legislation that might be expected from the Arizona Legislature in the coming year. This week – an overview about the incoming Legislature and then a focus on education!

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Composition & Leadership

The Arizona House of Representatives experienced a significant shake-up as a result of the 2018 Elections as Democrats gained seats in the House and won two of the major state-wide races. The Senate remains largely unchanged in terms of party division.

- Senate - 17-13 Republicans control (15 votes required to pass a bill)

- House - 31-29 Republicans control (30 votes required to pass a bill)
- Governor, Attorney General, Treasurer – Republicans control
- Secretary of State, Superintendent of Public Instructions – Democrats Control

Most Committees are now 4-3 or 5-4, but several of the key committees are 7-4 including appropriations. When a committee is 4-3 or 5-4, only ONE Republican is needed to side with the Democrats in order to get a bill passed out of committee, r killed.

“Election Wrap-up” PDF <http://files.vuu.org/uujaz/2018/alert-120318.pdf>

Leadership 2019 AZ Legislature

House

- Republicans - Speaker: **Rusty Bowers** (LD 25, Mesa) Majority Leader: **Warren Petersen** (LD 12, Gilbert) Whip: **Becky Nutt** (LD 4, Clifton)
- Democrats - Minority Leader: **Charlene Fernandez** (LD 4, Yuma) Assistant Leader: **Randy Friese** (LD 9, Tucson) Whips: **Reginald Bolding** (LD 27, South Phoenix), **Athena Salman** (LD 26, Tempe)

Senate

- Republicans - President **Karen Fann** (LD 1 Prescott) Majority Leader: **Rick Gray** (LD21, Peoria), Whip: **Sonny Borrelli** (LD 5, Lake Havasu)
- Democrats - Minority Leader: David Bradley (LD 10, Tucson) Assistant Leader: Lupe Contreras (LD 19, West Phoenix / Avondale), Whips: Jamescita Peshlakai (LD7, Tuba City), Lisa Otondo (LD 4, Yuma).

Overview

Which direction will Arizona go? Toward more extreme partisanship, name-calling, focus on divisive policy proposals that extol the virtues of some and demonize others and the use of fact-free arguments in an effort to “win” and to “defeat” ones “enemies”? Or, toward more responsible government whose policy

priorities reflect people's needs, aspirations, human values, and justice for all people in this state?

Even though there is no predicting what the AZ Legislature might do, we do know this:

- Arizona will have the same Governor. Gov. Doug Ducey is a conservative Republican who campaigned on promises to cut taxes every year, dramatically reduce regulations, and eliminate the state individual income tax. He has not tried that last idea yet, however.
- We will have a much closer division in the state House of Representatives. With a 31-29 split, only ONE defection of Republicans will defeat a bill (if the Democrats all vote as a bloc). There is no way to break a tie, and a 30-30 split loses.
- The Senate will remain 17-13, meaning that it takes TWO defections of Republicans to defeat a bill, if the Democrats all vote together. A 15-15 split loses.
- The power of legislative leadership is crucial to understanding what will happen (or not happen). Each party elects its leaders at the start of the session. The President of the Senate and Speaker of the House determine who will chair committees.
- The top leaders also decide what bills will be assigned to committees and which committee. All bills eventually must be assigned, but a strategy used by leadership is to not assign bills introduced by the minority party until the last possible date, and then assign them all to the Rules Committee, which does not bring them up for a hearing. Members of the majority party who are "out of favor" with their own leadership also may not be able to get a hearing or move their bills forward.
- Once bills are assigned to a committee the committee chair decides whether to schedule a hearing for the bill. The chair does not have to schedule a hearing at all, in which case the bill dies.
- Most bills sponsored by Democrats are never given a committee hearing, meaning that there is no publicity, no public discussion, and no attention given the issues that the minority party has on its agenda.

- Most of the work of social-justice oriented progressives will be to stop legislation that is harmful to the less advantaged among us and legislation that is harmful to the planet.
- Extreme conservative organizations will continue to have significant influence on what legislation is considered in Arizona and what is passed. American Legislative Exchange Council (ALEC) is a national organization that holds periodic conferences where corporate leaders (who pay significant sums of money to belong) and legislative leaders meet to draft model legislation that the Republicans then introduce in the Legislature. There is no similar organization on the left.

Education –

More bills are introduced about education than any other single topic in the Arizona Legislature. Supporters of free, high-quality public schools and affordable higher education will be watching several things very closely:

- **Increasing funding to public schools and higher education.** The Governor's budget will be released in January, but many weeks of discussion will be held – typically behind closed doors including ONLY the majority party leadership -- until near the end of the session. One of the key demands of the "RedForEd" movement is to identify a regular, permanent, stream of funds for education.
- **Oppose bills that expand or increase the voucher program** (Empowerment scholarships that provide scholarships to private, religious, home schoolingk and some other educational expenses including college tuition).
- **Oppose bills that expand or give new tax credits** for private and religious schools (School Tuition Scholarships).
- **Support bills that increase oversight and accountability of charter schools.**
- **Reform of the state "testing system"** to reduce time spent "teaching to the test."

Budget. The Governor's budget usually is unveiled in January, and will be closely watched to see what he proposes, especially in terms of tax cuts, new tax credits,

and allocations for education. Here are some facts (Joint Legislative Budget Committee <https://www.azleg.gov/jlbc/allfunding2001.pdf>):

- \$4,560 – 2019 (estimate) state spending on education per pupil in Arizona
- \$5,161 – 2001 state spending per pupil in Arizona

Over the last 18 years, state allocations to public schools on a per pupil basis (inflation adjusted) are actually LOWER. The highest was in 2008, \$5,229.

Compared to other states, Arizona is far below the national average in per pupil expenditures K-12, (state, local, and federal)::

- \$7,590 – Arizona, all educational expenditures per pupil, FY 2015
- \$11,454 – Average of all states per pupil, FY 2015

<https://nces.ed.gov/pubs2018/2018301.pdf>

The “invest in education” initiative that was pulled from the ballot by the AZ Supreme Court would have increased taxes on the highest income brackets (income above \$250,000) and dedicated these funds to education, especially teacher’s salaries. The Legislature needs to address this issue with the possibility of referring the initiative to the next general election (2020) for a vote of the people that was denied due to wording that the Supreme Court said was “confusing.”

What has been done to funding for higher education in Arizona is a shame. JLBC data show that state expenditures for universities have been cut 35.5% since the recession, and the state pays nothing to the community colleges.

Education Vouchers (Empowerment Scholarship Accounts, ESAs).

Empowerment scholarships are the newest form of vouchers being promoted nation-wide by free-market conservatives that enable public money to be used for private schooling, religious schools, home schooling, and some other educational expenses. These began in 2011 in Arizona, and Arizona is still the “[leading](#)” state in using this policy design to reduce funding for public schools and increase the use of private and religious schooling.

Proposition 305 that was defeated 70% to 30% in November, 2018 would have dramatically expanded ESA eligibility to all K-12 students (with a cap of 30,000 to 2025) was soundly defeated – 70% to 30%. Many thanks to the Save Our Schools movement and AZ teachers who put SB1431 on the ballot and urged citizens to

exercise their “citizen veto” to defeat this expansion of the program. These vouchers enable a K-12 student who is attending a public school to receive a scholarship equal to 90% of the amount of money that the state pays for the student at their neighborhood public school. The money is put on a debit card. They can then use the money to pay tuition at a private or religious school, or to be home schooled or for some other allowable expensers. Opponents argue that this is privatizing the public school system and denying public schools the money needed to educate Arizona youth. Supporters contend it offers “parental choice.

What might the 2019 Legislature do? Given the resounding defeat of proposition 305, the Legislature might well do nothing at all. However, ALEC is pushing for a variety of incremental expansions including extending eligibility to students who have been bullied and to pre-school programs. There might be bi-partisan support for tightening the accounting rules and reporting, to reduce the extent of misuse that was apparent in a 2016 audit of the program.

Tax Credits for “School Tuition Organizations” (STOs).

https://azdor.gov/sites/default/files/media/PUBLICATION_2017_707.pdf

In addition to “empowerment scholarships,” a second public policy strategy used in Arizona and across the United States, is to authorize tax credits for donations that grant scholarships to K-12 students to be used for private schooling, and to a much smaller extent, public schooling extracurricular programs. Tax credits differ from tax deductions in that a “credit” permits the taxpayer to make a donation to a private or religious school and then take the **entire amount** off their state taxes. For example, if a family owes \$2,000 in state taxes, they can make a donation to an STO of \$2,000 for private school scholarships and pay nothing at all in state taxes. If this were a deduction, it would only save them about \$80. Here are the amounts that can be used:

- \$1,107 (single), \$2,213 (joint) to a private school tuition organization (about half of each is the “original” STO and the other is the “switcher” STO, but a person can use BOTH of these).

- \$200 (single), \$400 (joint) to a public school extra-curricular program

In FY 2018, there was more than \$1 Billion TAKEN FROM the general fund, that could have been used for education and other public expenditures, and shifted instead to private and religious schools through School Tuition Organizations:

- Private Schools (Original, Individual) - \$ 69,126,648
- Private Schools (Switcher, Individual) - \$ 39,419,745
- Private Schools (Low Income and disabled/displaced Student Scholarships, Corporations and Insurance Premiums) –\$ 72,300,255

<https://www.azleg.gov/jlbc/taxcredituse.pdf>

- Public school tuition extracurricular activity fee - \$46, 345,735

Charter School Reform

Charter schools in Arizona seems especially susceptible to scandal, lack of accountability, and lack of oversight. Some have garnered their “owners” millions of dollars in profits gained by using taxpayer’s money to build their program including purchase of buildings, and then selling these assets with the profits accruing to the “owner” of the charter school. Some charter schools are operated as nonprofits and others as for-profit, but the underlying issue here is that they draw taxpayer money on a per – pupil basis (about \$2,000 more than public schools receive) and are able to later sell the school and keep the profits. Unlike district (public) schools that are subject to strict conflict of interest regulations, charter owners are treated as contractors, and claim that they simply offer to educate X number of students for a cost of Y, and once the state agrees to the contract, they can spend the money however they want.

The [Arizona Center for Charter School Accountability](#) points out many of the problems in this Washington Post article.

https://www.washingtonpost.com/news/answer-sheet/wp/2018/01/16/the-mess-in-arizonas-charter-school-sector/?utm_term=.9e5ce407679b

The director of the AZ Center asserts that

One hundred and eighty charter owners out of 418 underreported administrative expenditures on required summaries to the state and to

the National Public Education Financial Survey (NPEFS). Great Hearts Academies, one of the largest charter chains in Arizona, failed to report millions of dollars in administrative expenses, making it appear it is spending \$300 less per pupil on administration. All data reported by Arizona Department of Education and the U.S. Department of Education regarding Arizona charter school spending on administration is inaccurate.

Link to AZ Center for Charter School Accountability: <http://www.azcsa.org/>

The Brookings Institute Report says that

“charter schools are more popular in Arizona than in any other state. In the 2012-13 school year, 13.3 percent of Arizona students attended charter schools, almost three times the national average of 4.6 percent. That same year, Arizona’s 530 charter schools accounted for nearly a quarter of all public schools in the state. But student-level data on Arizona’s schools have not been made widely available, so the state’s charters have not been subject to the kinds of impact evaluations that have been completed in states such as [Florida](#) and [North Carolina](#) and cities such as [Boston](#) and [New York](#).

Charter schools claim, correctly, that their students outperform students in district schools when straight-across comparisons are made, but they do not include control data for the expected performance level, taking into account the students’ educational aptitude and achievement BEFORE entering a charter school. In other words, charter schools may outperform district schools because they do a better job educating them, OR, because they recruit students who already have more aptitude and would make higher test scores regardless of whether they went to a charter or a district school.

The Brookings Institute conducted a much better analysis of Arizona’s charter schools, taking into account the prior academic ability of students. Here’s what they found: <https://www.brookings.edu/research/mixed-results-for-arizonas-charter-schools/>

On average, charter schools in Arizona do no better, and sometimes worse, than the traditional public schools....We find negative average impacts of attending a charter school on math scores for all three grade levels, and on science scores for middle and high schools but not for elementary schools. We don’t find any

evidence that charters have much of an impact on reading scores at any grade level.

They also found a great deal more variability in charter schools than in district schools. That is, there were many extremely good charters and many extremely bad ones, whereas district schools did not show such variability. The Brookings study noted that the Arizona law allows charters to operate for 15 years before coming up for review, although that has been somewhat corrected.

Legislation is sorely needed and undoubtedly will be introduced to ensure that charter schools actually abide by state rules regarding admissions, provide quality education that can be documented taking into account the prior ability of students in the school, hire certified teachers, pay teachers as well as district schools, and avoid giving mega-sized salaries to administrators and windfall profits to owners. The issue is whether these bills will be moved forward. Watch this site!

The AZ Republic has an outstanding [series of articles](https://www.azcentral.com/story/news/local/arizona-education/2018/08/22/arizona-charter-schools-public-education-funding/1013468002/) about the abuses of charter schools in Arizona: <https://www.azcentral.com/story/news/local/arizona-education/2018/08/22/arizona-charter-schools-public-education-funding/1013468002/>

Other Education Issues

It is too early to tell what other issues will emerge in Arizona's complicated educational system. There again may be attention directed at reducing and simplifying the number of standardized tests given, similar to a bill introduced in 2018 that would have eliminated requirements for all tests except for one national standardized test such as ACT or SAT that could be used for college admission, as well as for assessing student and school success. Policies aimed at putting police on campus, (or prohibiting them); allowing guns on college and university campuses, regulating speech and/or punishment for protestors and counter protestors; banning ethnic studies courses; regulations aimed at district schools that exempt charters, and so on may again be introduced.

Contact information:

Sen. Jon Kyl's Office, Washington. G12 Dirksen Senate Office Building, Washington, DC 20510

Phone: 202-224-2235. Phoenix: 2210 E. Camelback Road, suite 115. Phone 602 952 2410 Tucson, 407 W. Congress St., Suite 103. Phone 520 670 6334.

Sen. Jeff Flake

- **Washington D.C. [Sen. Jeff Flake](#) - 202 224 4521.** 413 Russell Senate Office Building Washington DC 20510
e-mail: <https://www.flake.senate.gov/public/index.cfm/contact-jeff>

[Senator Elect, Kyrsten Sinema. U.S. Senate, Washington DC 20510](#)

Find your district here if you don't know it

<https://azredistricting.org/districtlocator/>

To contact your in-coming representative in Congress, google their name and U.S. Congress to get onto their web site and obtain contact information. Find your district here if you don't know it: <https://azredistricting.org/districtlocator/>

- Congress House District 1 – Tom O'Halleran (D)
- Congress House District 2 – Ann Kirkpatrick (D)
- Congress House District 3 – Raul Grijalva (D) 64%
- Congress House District 4 – Paul Gosar (R) 68%
- Congress House District 5 – Andy Biggs (R) 59%
- Congress House District 6 – David Sweigert (R)
- Congress House District 7 – Reuben Gallego (D)
- Congress House District 8 – Debbie Lesko (R)
- Congress House District 9 – Greg Stanton (D)

Mark Your Calendar

Link to election results final printable pdf “Election Wrap-up” Printable PDF
<http://files.vuu.org/uujaz/2018/alert-120318.pdf>

Health Care Alert – Persons have until December 15 to sign up for the Obama Care Health coverage. Please spread the information to family, friends, others that there is still time to sign up, and plans are available. <https://www.healthcare.gov/quick-guide/> Sign up by Dec. 15 to be covered beginning January 1, 2019.

Environment – Volunteer and advocacy workshops are available. Workshops cover the basics on the Arizona Legislature and executive branch of government, and Dos and Don'ts of Advocacy at the Legislature. We will also briefly cover some of the expectations for the 2019 legislative session.

Tuesday, December 18, 2018, 6 PM – 8 PM [514 W Roosevelt St, Phoenix](#) **RSVP**

Tuesday, January 15, 2019, 6 PM – 8 PM [738 N 5th Ave, Tucson](#) **RSVP**

If you would like to schedule a workshop in your area or for more information, please contact Sandy Bahr at (602) 253-8633 or sandy.bahr@sierraclub.org.

Monday February 18, President’s Day. UUAZ annual “Day at the Legislature”

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[Unitarian Universalist Justice Arizona Network](#) -- Executive Director Rev. Lisa McDaniel-Hutchings; Justice Coordinator, Alison Wood Policy Coordinator, Anne L. Schneider. Board Members, UUAZ; Sharon Travis, Liz Swan (Chair), Rev. Matthew Crary, Bobbi Bollinger. www.uujaz.org.

