



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 24, 2014

The Honorable Ken Bennett
Secretary of State
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2316 (schools; local control; student privacy)

Dear Secretary Bennett,

Today, I vetoed House Bill 2316, which would have limited the authority of Arizona to set academic standards and placed important aspects of the state's education system at risk.

The language in the bill is redundant and unnecessary. Arizona's College and Career Ready Standards were not developed or mandated by the federal government. The State Board of Education, Arizona's constitutional entity charged with adopting state standards, is already required to use an open and transparent process. The Arizona Department of Education (ADE) does not mandate curricula or instructional approaches unless specifically required by law. Accordingly, it is unnecessary to pass a law that requires government agencies to follow the law.

The bill also prohibits ADE from requiring school districts and charter schools to use specific instructional approaches. Therefore, it could have likely preempted ADE from stipulating that schools teach early reading with a phonics-based emphasis, and from enforcing the requirements of the Structured English Immersion Program.

These concerns are among the primary reasons I vetoed House Bill 2316.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Andy Tobin
The Honorable Andy Biggs
The Honorable Justin Pierce

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2316

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-105; AMENDING LAWS 2014, CHAPTER 17, SECTION 18; RELATING TO LOCAL EDUCATION CONTROL AND STUDENT PRIVACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 15-105, to read:

4 15-105. Protection of local education control and student
5 privacy rights

6 NOTWITHSTANDING ANY OTHER LAW:

7 1. THE STATE BOARD OF EDUCATION, THE SUPERINTENDENT OF PUBLIC
8 INSTRUCTION AND THE DEPARTMENT OF EDUCATION SHALL NOT ADOPT ANY EDUCATIONAL
9 STANDARDS, CURRICULA OR INSTRUCTIONAL APPROACHES THAT MAY BE MANDATED BY THE
10 FEDERAL GOVERNMENT.

11 2. THE DEPARTMENT OF EDUCATION SHALL NOT APPLY FOR ANY FEDERAL GRANT
12 THAT REQUIRES, AS A CONDITION OF APPLICATION, THE ADOPTION OF ANY FEDERALLY
13 DEVELOPED EDUCATIONAL STANDARDS, CURRICULA OR INSTRUCTIONAL APPROACHES.

14 3. CONSISTENT WITH THE LAWS OF THIS STATE, THE DEPARTMENT OF EDUCATION
15 MAY PROVIDE GUIDANCE AND TECHNICAL ASSISTANCE TO SCHOOLS, BUT MAY NOT REQUIRE
16 THE ADOPTION OF SPECIFIC CURRICULA OR INSTRUCTIONAL APPROACHES.

17 4. ANY CHANGES TO THE STATE ACADEMIC STANDARDS MUST BE DONE THROUGH A
18 TRANSPARENT PUBLIC PROCESS THAT ALLOWS THE PEOPLE OF THIS STATE AMPLE TIME
19 AND OPPORTUNITY TO REVIEW PROPOSED CHANGES AND PROVIDE FEEDBACK. THE STATE
20 BOARD OF EDUCATION SHALL ENSURE THAT ANY PROPOSED CHANGES TO THE STATE
21 ACADEMIC STANDARDS ARE POSTED FOR PUBLIC REVIEW AND COMMENT ON ITS WEBSITE AT
22 LEAST SIXTY DAYS BEFORE ANY PUBLIC MEETING AT WHICH THE STATE BOARD VOTES ON
23 PROPOSED CHANGES. ANY PUBLIC COMMENTS RECEIVED BY THE STATE BOARD DURING THE
24 SIXTY-DAY PERIOD SHALL BE POSTED ON ITS WEBSITE BEFORE ANY PUBLIC MEETING AT
25 WHICH THE STATE BOARD VOTES ON PROPOSED CHANGES.

26 5. SCHOOL DISTRICTS, CHARTER SCHOOLS, THE STATE BOARD OF EDUCATION,
27 THE DEPARTMENT OF EDUCATION AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION MUST
28 COLLECT STUDENT DATA IN A MANNER CONSISTENT WITH STATE AND FEDERAL LAWS THAT
29 ARE DESIGNED TO PROTECT STUDENT PRIVACY. PERSONALLY IDENTIFIABLE INFORMATION
30 SHALL NOT BE REPORTED OR SHARED WITH THE FEDERAL GOVERNMENT OR PROVIDED TO
31 PRIVATE VENDORS FOR THE PURPOSE OF MARKETING OR BUSINESS DEVELOPMENT WITH
32 RESPECT TO A STUDENT'S OR THE STUDENT'S FAMILY'S:

33 (a) RELIGION.

34 (b) POLITICAL PARTY AFFILIATION.

35 (c) PSYCHOMETRIC INFORMATION.

36 (d) BIOMETRIC INFORMATION, UNLESS OTHERWISE PROVIDED FOR IN SECTION
37 15-109.

38 (e) VOTING HISTORY.

39 Sec. 2. Laws 2014, chapter 17, section 18 is amended to read:

40 Sec. 18. Joint committee on broadband expansion and education
41 technology; members; duties; reports; delayed repeal

42 A. The joint committee on broadband expansion and education technology
43 is established consisting of the following members:

1 1. Three members of the house of representatives, two of whom are
2 appointed by the speaker of the house of representatives and one of whom is
3 appointed by the minority leader of the house of representatives.

4 2. Three members of the senate, two of whom are appointed by the
5 president of the senate and one of whom is appointed by the senate minority
6 leader.

7 3. The state chief information officer or the chief information
8 officer's designee.

9 4. The state superintendent of education or the superintendent's
10 designee.

11 ~~5. Two members who represent an internet services provider or~~
12 ~~telecommunications organization with a presence in this state, one of whom is~~
13 ~~appointed by the president of the senate and one of whom is appointed by the~~
14 ~~speaker of the house of representatives.~~

15 ~~6. Two representatives from school districts within this state, one of~~
16 ~~whom is a representative from a school district located in a county with a~~
17 ~~population of no more than four hundred thousand persons as determined by the~~
18 ~~2010 decennial census and who is appointed by the president of the senate,~~
19 ~~and one of whom is appointed by the speaker of the house of representatives.~~

20 ~~7. A parent of a child who is currently enrolled in the free and~~
21 ~~reduced lunch program at a school district or charter school within this~~
22 ~~state and who is appointed by the governor.~~

23 ~~B. The speaker of the house of representatives shall select one member~~
24 ~~who is a member of the house of representatives to serve as cochairperson of~~
25 ~~the committee and the president of the senate shall select one member who is~~
26 ~~a member of the senate to serve as cochairperson of the committee.~~

27 ~~C. The department of administration, the department of education and~~
28 ~~the legislature shall provide staff services and support for the committee.~~

29 ~~D. Committee members are not eligible to receive compensation or~~
30 ~~reimbursement of expenses.~~

31 ~~E. The committee shall review the extent of available information on~~
32 ~~the following:~~

33 ~~1. The availability of high-speed internet access within this state,~~
34 ~~particularly in rural areas.~~

35 ~~2. The technological needs of school districts and charter schools in~~
36 ~~this state, including infrastructure, internet connectivity, data security~~
37 ~~and information technology personnel.~~

38 ~~3. Federal programs relating to internet accessibility, including the~~
39 ~~federal e-rate program, and availability and access to federal monies,~~
40 ~~especially for rural districts.~~

41 ~~4. The development of high-speed internet access in other states,~~
42 ~~including model governance structures.~~

43 ~~5. The state's current contracts for carrier services and~~
44 ~~telecommunications and the potential to incentivize the expansion of internet~~
45 ~~access throughout the state.~~

1 ~~F. On or before December 1, 2014, the committee shall submit a report~~
2 ~~of its preliminary findings pursuant to subsection E of this section to the~~
3 ~~governor, the president of the senate, the speaker of the house of~~
4 ~~representatives, the joint legislative budget committee and the information~~
5 ~~technology authorization committee established by section 41-3521, Arizona~~
6 ~~Revised Statutes.~~

7 ~~G. On or before December 1, 2015, the committee shall submit a report~~
8 ~~that includes recommendations to increase internet access to underserved~~
9 ~~populations, including best practices, funding sources and a model governance~~
10 ~~structure, to the governor, the president of the senate, the speaker of the~~
11 ~~house of representatives, the joint legislative budget committee and the~~
12 ~~information technology authorization committee. The committee shall provide~~
13 ~~a copy of this report to the secretary of state.~~

14 5. TWO MEMBERS WHO REPRESENT AN INTERNET SERVICES PROVIDER OR
15 TELECOMMUNICATIONS ORGANIZATION THAT HAS A SIGNIFICANT PRESENCE IN THIS STATE
16 AND THAT PRIMARILY PROVIDES SERVICE TO A MAJOR METROPOLITAN AREA IN THIS
17 STATE, ONE OF WHOM IS APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF
18 WHOM IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

19 6. TWO MEMBERS WHO REPRESENT AN INTERNET SERVICES PROVIDER OR
20 TELECOMMUNICATIONS ORGANIZATION THAT PRIMARILY PROVIDES SERVICE TO THE RURAL
21 AREAS OF THIS STATE, ONE OF WHOM IS APPOINTED BY THE PRESIDENT OF THE SENATE
22 AND ONE OF WHOM IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

23 7. TWO REPRESENTATIVES FROM A SCHOOL DISTRICT OR CHARTER SCHOOL
24 LOCATED IN A COUNTY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND
25 PERSONS WHO ARE KNOWLEDGEABLE IN INFORMATION TECHNOLOGY, ONE OF WHOM IS
26 APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS APPOINTED BY THE
27 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

28 8. TWO REPRESENTATIVES FROM A SCHOOL DISTRICT OR CHARTER SCHOOL
29 LOCATED IN A COUNTY WITH A POPULATION OF NOT MORE THAN FIVE HUNDRED THOUSAND
30 PERSONS WHO ARE KNOWLEDGEABLE IN INFORMATION TECHNOLOGY, ONE OF WHOM IS
31 APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS APPOINTED BY THE
32 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

33 9. ONE MEMBER WHO HAS SIGNIFICANT EXPERIENCE AND KNOWLEDGE IN E-RATE
34 AND OTHER FEDERAL EDUCATION PROGRAMS, WHO REPRESENTS SCHOOL DISTRICTS OR
35 CHARTER SCHOOLS FOR THE PURPOSE OF SECURING E-RATE GRANTS AND WHO IS
36 APPOINTED BY THE GOVERNOR.

37 B. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT ONE MEMBER
38 WHO IS A MEMBER OF THE HOUSE OF REPRESENTATIVES TO SERVE AS COCHAIRPERSON OF
39 THE COMMITTEE AND THE PRESIDENT OF THE SENATE SHALL SELECT ONE MEMBER WHO IS
40 A MEMBER OF THE SENATE TO SERVE AS COCHAIRPERSON OF THE COMMITTEE.

41 C. THE DEPARTMENT OF ADMINISTRATION, THE DEPARTMENT OF EDUCATION AND
42 THE LEGISLATURE SHALL PROVIDE STAFF SERVICES AND SUPPORT FOR THE COMMITTEE.

43 D. COMMITTEE MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR
44 REIMBURSEMENT OF EXPENSES.

1 E. THE COMMITTEE SHALL REVIEW THE EXTENT OF AVAILABLE INFORMATION ON
2 THE FOLLOWING:

3 1. THE AVAILABILITY OF HIGH-SPEED INTERNET WITHIN THIS STATE,
4 PARTICULARLY IN RURAL AREAS.

5 2. THE TECHNOLOGY NEEDS AND CURRENT STATUS OF THE TECHNOLOGY ADOPTED
6 ON THE CAMPUSES OF SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THIS STATE,
7 INCLUDING INFRASTRUCTURE, INTERNET CONNECTIVITY, EQUIPMENT, DATA SECURITY AND
8 INFORMATION TECHNOLOGY PERSONNEL.

9 3. FEDERAL PROGRAMS RELATING TO INTERNET ACCESSIBILITY, INCLUDING THE
10 FEDERAL E-RATE PROGRAM, AND AVAILABILITY AND ACCESS TO FEDERAL MONIES,
11 ESPECIALLY FOR RURAL DISTRICTS.

12 4. BEST PRACTICES FOR THE EXPANSION OF HIGH-SPEED INTERNET, INCLUDING
13 COMPARISONS OF GOVERNANCE STRUCTURES IN OTHER STATES.

14 5. THIS STATE'S CURRENT CONTRACTS FOR CARRIER SERVICES AND
15 TELECOMMUNICATIONS.

16 6. THE ESTIMATED COSTS TO DELIVER NECESSARY INTERNET SERVICES TO
17 SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THIS STATE AND TO PROVIDE OR UPGRADE
18 INFRASTRUCTURE, INTERNET CONNECTIVITY, EQUIPMENT, DATA SECURITY AND
19 INFORMATION TECHNOLOGY PERSONNEL ON THE CAMPUSES OF SCHOOL DISTRICTS AND
20 CHARTER SCHOOLS IN THIS STATE.

21 7. A DESCRIPTION OF LOCAL, STATE AND FEDERAL FUNDING SOURCES AVAILABLE
22 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THIS STATE FOR THE PURPOSES OF
23 BUILDING INFRASTRUCTURE AND PROVIDING ON-CAMPUS INFRASTRUCTURE, INTERNET
24 CONNECTIVITY, EQUIPMENT, DATA SECURITY AND INFORMATION TECHNOLOGY PERSONNEL
25 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THIS STATE.

26 F. ON OR BEFORE DECEMBER 1, 2014, THE COMMITTEE SHALL SUBMIT A REPORT
27 ON THE INFORMATION REVIEWED PURSUANT TO SUBSECTION E OF THIS SECTION TO THE
28 GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
29 REPRESENTATIVES, THE JOINT LEGISLATIVE BUDGET COMMITTEE, THE INFORMATION
30 TECHNOLOGY AUTHORIZATION COMMITTEE AND THE SECRETARY OF STATE. THE REPORT
31 MAY MAKE RECOMMENDATIONS TO INCREASE INTERNET ACCESS AND IMPROVE INFORMATION
32 TECHNOLOGY INFRASTRUCTURE AT SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THIS
33 STATE.

34 G. THE COMMITTEE MAY CONTINUE TO RESEARCH THE EXPANSION OF HIGH-SPEED
35 INTERNET ACCESS IN THIS STATE AFTER DECEMBER 1, 2014 AND MAY SUBMIT REPORTS
36 AND RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE AS NECESSARY.

37 H. This section is repealed from and after December 31, ~~2016~~ 2015.

38 Sec. 3. Intent

39 The legislature finds and declares that:

40 1. In this state, the ultimate goal with respect to its schools is
41 that the schools will enable students to gain the knowledge necessary for
42 postsecondary education, careers, citizenship and the military.

43 2. Rigorous state standards that detail expected learning outcomes for
44 students are essential if this state is to meet the goal prescribed in
45 paragraph 1 of this section.

1 3. The adoption of state standards for learning outcomes should be
2 done in an open, transparent way that includes ample opportunity for public
3 review and comment.

4 4. The federal government has no constitutional authority to set
5 learning standards in this state or to determine how the children of this
6 state or any other state will be educated.

7 5. The constitution of the state of Arizona specifically states that
8 "the general conduct and supervision of the public school system shall be
9 vested in a state board of education, a state superintendent of public
10 instruction, county school superintendents, and such governing boards for the
11 state institutions as may be provided by law".

12 6. It is therefore the right of local governing boards to develop or
13 adopt, or both, curricula and instructional approaches that are consistent
14 with the state learning standards.

15 7. The protection of student and family privacy is a fundamental right
16 of all people in this state.

Passed the House March 10, 2014

Passed the Senate April 21, 2014

by the following vote: 33 Ayes,

by the following vote: 16 Ayes,

22 Nays, 5 Not Voting

7 Nays, 7 Not Voting



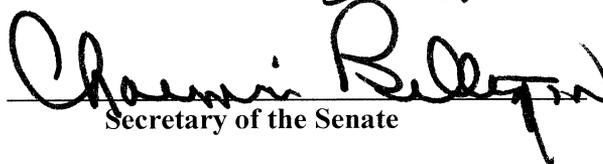
Speaker of the House



President of the Senate



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2316

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 21, 2014,

by the following vote: 35 Ayes,

20 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22 day of April, 2014,

at 8:30 o'clock A M.

[Signature]
Secretary to the Governor

Approved this _____ day of

VETO²⁰
at _____ o'clock _____ M.

Governor of Arizona

H.B. 2316

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State