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Legislative Briefing

CAPITOL MEDIA SERVICES

English learners

Gov. Janet Napolitano criticized state Schools Superintendent Tom Horne on Wednesday for his decision to appeal a court order dividing up \$21 million in accumulated fines among schools based on the number of English learners.

"I think it is sad when the superintendent of public instruction is appealing a ruling that would actually put more money into classrooms," the Democratic governor said. Napolitano said Horne, a Republican, has opposed additional funding "at every turn."

Horne responded that he has worked for more classroom funding, including for English learners. "But I think it should be done scientifically and systematically," he said, with schools using accepted teaching methods and showing their actual costs.

He called the method preferred by the governor and the plaintiffs in a federal court lawsuit "haphazard" because it would simply give a flat amount of additional cash to each school based on the number of English learners.

Horne, in his appeal, contends that U.S. District Judge Raner Collins of Tucson lacks the legal authority to fine the state for not meeting his Jan. 24 deadline for enacting a financing plan. Horne says Collins also didn't have the authority when he decided last week to divide up the \$21 million in penalties among school districts on a per-student basis.

Collins has yet to rule whether the latest funding plan approved by lawmakers earlier this month complies with federal law and court rulings. Napolitano allowed that plan to become law without her signature but said she believes it is inadequate and should be rejected.

Property rights

The Senate voted 21-5 Wednesday to tighten rules on when governments can take private property.

Senate Concurrent Resolution 1019 would require every city, county or the state to prove by clear and convincing evidence there is no reasonable alternative to taking a parcel for redevelopment or slum clearance. Property owners would be entitled to a jury trial on the issue.

The same measure would mandate that landowners be compensated for any government action that causes a reduction in property value. This can be a change in zoning or just new regulations governing how property can be used or developed.

Exceptions are provided for public health and safety as well as for property located in high-noise or accident-potential areas near airports.

The measure has been opposed by municipal lobbyists who said it would interfere with legitimate planning functions.

The House has a similar measure awaiting a final vote. Sen. Chuck Gray, R-Mesa, said the two proposals will be put together, with further changes possible, before final votes to put the measure on the November ballot for voters to decide.

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