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Arizona judge orders inflation funding for schools

FRIDAY JUL 11, 2014 | PAUL DAVENPORT FOR THE ASSOCIATED PRESS

PHOENIX (AP) — A ruling Friday concerning how public schools are funded could be disastrous for Arizona's budget but could also benefit students who have seen reduced funding during the last several years.

Maricopa County Superior Court Judge Katherine Cooper ruled that Arizona public schools are entitled to at least \$317 million in additional state funding for inflation this year and set the stage for further proceedings that could bump the total to \$2.9 billion over the next five years.

The ruling is a partial win for school officials who argued that the state violated a voter-approved law by failing to adjust per-pupil funding levels according to inflation since the 2009 budget crunch.

Cooper ordered the state to reset funding levels for the current fiscal year, and she said she'll hold hearings on whether to order retroactive funding requested by school districts for past fiscal years.

With coming years' per-student funding raised to account for inflation and possible retroactive funding for past years' spending levels, the five-year cost could reach an estimated \$2.9 billion.

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The current state budget has \$9.2 billion of spending, and the state's lawyers argued that retroactive payment of inflation funding could blow a hole in the state finances.

"Left to stand, this judicially imposed spending will have a disastrous impact on our state's public safety and vulnerable populations, since funding for the court mandate must come at the expense of these vitally important programs," Andrew Wilder, spokesman for Gov. Jan Brewer, said in a statement.

But Cooper said the state's financial troubles should not withhold it from paying what it owes.

"Granted the state faces many financial needs and challenges," Cooper said in her order. "However, it is not for this court to say how a judgment is satisfied, not to question the practicality or wisdom of the law that the Legislature wrote and voters enacted."

Any retroactive funding "obviously will not be used to compensate teachers" for past years' work, but districts have argued that the money could be used for such things as books, computers and building improvements, Cooper said.

The judge said further hearings are warranted because the state and the school districts are at odds over whether Arizona can afford to make back payments, which the schools have suggested be paid over five years.

But attorneys for the state argued that the Legislature increased base funding levels for schools at rates higher than they needed to prior to the recession and that therefore the schools aren't owed anything.

Arizona Senate President Andy Biggs, R-Gilbert, said he was refraining from commenting on the case until after the evidentiary hearing is complete.

"The ruling released today in the Cave Creek Unified School District case does not conclude the matter. We are waiting for the written order, and the judge has said she will need another hearing on the case," Biggs said.

In a statement, Superintendent John Huppenthal praised the decision.

"Today's ruling in favor of restoring funding for Arizona schools honors what voters approved in 2000," Huppenthal said. "Our public schools were hit especially hard by the recession and I look forward to working with the Governor and Legislature to implement this decision. When these funds become available, I strongly encourage school governing boards to take a thoughtful and deliberative look at how to best allocate the funding to ensure the investment made by Arizona taxpayers directly impacts student academic success and provides more Arizona children a world-class

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education."

School advocates are also celebrating the decision.

Tim Ogle, executive director of the Arizona School Boards Association, said the ruling reaffirmed that the state cannot break its own laws "and that our students and teachers won't lose any more ground."

"It's sad that we have students now that are more than one-third of the way of their educational career that have never been in a fully funded classroom," Ogle said.

Cooper's decision comes after a September ruling by the Arizona Supreme Court that said voters required annual inflation adjustments to school funding when they passed Proposition 301 in 2000. That ruling sent the case back to Cooper for further proceedings.

The 2000 ballot measure known as Proposition 301 raised the state sales tax by 0.6 percent and required the Legislature to adjust school funding by about 2 percent per year to allow for inflation.

Associated Press reporter Bob Christie contributed.

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