

Board President's Message

By Stacy Gabriel



As my tenure as President of the Board of the Center comes to a close and we approach the Center's 50th anniversary in 2024, I feel a combined sense of pride, gratitude

and optimism. I am proud of the Board's efforts to successfully lead the search for and transition of a new Executive Director to replace Tim Hogan after 25 years at the helm. I am proud of our new Executive Director, Danny Adelman, stepping into Tim's very big shoes and diving into the work of the Center with integrity and gusto. I am proud of the highly impactful cases that the Center has tirelessly pursued, such as the ones described in this newsletter.

I am grateful for the unwavering loyalty of the Center supporters. For nearly five decades, our supporters have stood by the Center as it has effectively used the court system to combat the abuse of power by government and big business interests on behalf of all Arizonans, particularly the

most vulnerable members of our community. Indeed, the Center is often the only organization willing and able to take on these cases on a pro bono basis, thanks to your support.

Although it's easy to become despondent during these unsettling times, when attacks on the judiciary and vulnerable populations have reached a fever pitch, I'm optimistic about the Center's future. That's because the Center's supporters, Board and staff are committed to the Center's mission of litigating for causes that serve the public interest. They know that the prospect of an Arizona without the Center standing as a bulwark against abuse by those in power is unacceptable. To ensure the Center is around to continue the fight for future generations, I'm pleased to announce that the Board is spearheading the establishment of an endowment to commemorate the Center's 50th anniversary in 2024. We hope we can count on your continued support to make this endowment a reality.

Don't miss our annual event on April 13th!

See page 5 for more information or visit
<https://aclpi.org/event-information/>

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Executive Director's Message

By Danny Adelman

Close to two years ago, we filed a lawsuit to force the State to obey the Constitution and adequately fund public schools. After defeating the State's year-long attempt to get the case dismissed, we have been fighting nonstop. The litigation is extraordinarily active. Literally hundreds of thousands of pages of documents have been produced, and we are busy taking testimony from dozens of witnesses.

It is sometimes difficult for us to communicate what massive cases like this are all about. What does it mean to say that the State has failed to adequately fund the capital needs of public schools?

I want to give you a few examples of what we're fighting for in the school finance case:

- **Safety and security.** After the Sandy Hook massacre, Arizona devoted significant resources to determining basic safety features that are recommended for all schools. Obviously, nothing is foolproof, but there are definite steps that can and should be taken to make schools reasonably safe for our children. After extensive study, a list of recommendations was officially adopted and published on the State's School Facilities Board website. Recommendations include things like classroom doors that lock from the inside so a teacher does not have to open the door in the middle of an active shooter situation, exposing the children and the teacher to the shooter.

Unfortunately, the State has steadfastly refused to approve funding that would enable schools to

(Continued on page 3)

Executive Director's Message, Continued

implement the State's own recommendations. The result? If a district has sufficient resources to pass a bond, they can implement the changes. If the district lacks those resources, ... oh well.

- **Crumbling infrastructure.** Twenty plus years ago, the State adopted a formula that provided funds that all districts could use to keep their facilities from falling below state standards. But then, the State repealed the funding source for that money. The result? If a district has sufficient resources to pass a bond, they can invest in order to keep their facilities in good shape. If the district lacks those resources, then they have to wait for their systems to fail. Only after the facilities are deemed sufficiently "deficient" will the State allow the district to start a long bureaucratic process to try to correct the deficiency. So, at the same time the State is telling districts to "compete" with charter and private schools, the State is putting its thumb on the scales by depriving school districts of the resources that would allow them to keep their facilities in good shape so they can compete on a level playing field.
- **Technology.** The State will only fund the technology that was defined in standards developed about 20 years ago. These outdated standards include things like overhead projectors and a

ratio of one computer for eight students! The State's own studies have shown that these standards are obsolete and inadequate. But will it fund adoption of modern standards? Of course not. Again, students who live in districts without sufficient wealth are left in the dust.

These are only a few examples. There are many, many more. At the Arizona Center for Law in the Public Interest, we believe that the Arizona Supreme Court meant what it said when it ruled the State cannot shirk its responsibility to provide safe and adequate public schools. We believe that, under our Constitution, the quality of education a child receives should not depend on whether the child lives in a wealthy or a poor school district.

Our case has already made a difference. But there's a long way to go, and we're not taking our foot off the gas. The State has wrongfully withheld billions of dollars from public schools. Thanks to your support, we are doing everything we can to hold it accountable.

Electric Vehicles

Center Advocates for Expanded Adoption of Electric Vehicles

Center attorneys Tim Hogan and Jennifer Anderson have been advocating before the Arizona Corporation Commission (“ACC”) and other forums to expand the adoption of electric vehicles (EVs). The ACC recently adopted a policy statement about EVs that has two important components for EV owners, ratepayers, and the environment.

First, the policy supports the adoption of EVs around the state by authorizing and encouraging electric utilities to invest in EV infrastructure (such as public charging stations) in places that might not otherwise be served. These include rural and low-income areas, apartment buildings, and highways. Utilities can potentially recover their costs in a later rate case provided the investments are just and reasonable.

Second, the policy directs utilities to offer electric rate designs that encourage EV owners to delay charging their vehicles at home until after the daily “peak” in electricity demand, when overall demand on the electric grid is reduced and the cost of providing electricity is cheaper.

The policy is important because expanded EV use benefits everyone.

Transitioning from gas-powered vehicles to EVs can dramatically reduce emissions of gases that cause harmful ozone pollution. Ground-level ozone attacks lung tissue, causes breathing and cardiovascular problems, and increases the risk of early death. Children, the elderly, and people with existing diseases like asthma are particularly at risk.

Expanded EV adoption can also have significant economic benefits, according to a recent study performed by M.J. Bradley & Associates that was commissioned by the Southwest Energy Efficiency Project (a Center client) and Western Resource Advocates. Ratepayers benefit because, among other things, increased revenues from EV charging can be used to help operate and maintain the electric grid and reduce the need for future electricity rate increases. These benefits are enhanced by shifting EV charging to off-peak hours.

Center attorneys and their clients will continue to promote the goals of the electric vehicle policy through future ACC workshops and in upcoming rate cases. For example, the Center will advocate to ensure that Tucson Electric Power provides favorable off-peak rates for EV charging in an upcoming rate case due to be filed on April 1, 2019.

Disability Rights

Center Demands Appropriate Quality of Care in State-Funded Group Homes

Much has been reported about the tragedy of the young woman assaulted in a health care facility for the developmentally disabled. Sadly, the incident reflects a pattern of failure by the State to ensure that safe and quality care is provided in state-funded homes for the developmentally disabled. Over the past year, Center attorney Anne Ronan has investigated numerous complaints from families concerning the care provided to their children in group homes funded by the Division of Developmental Disabilities. The investigation revealed: (1) staff were unqualified and poorly trained to meet the residents' needs; (2) living conditions in the homes were unsafe and unsanitary; (3) residents' rights were frequently violated; and (4) despite reports to the Division, nothing changed.

In a letter outlining these conditions, the Center demanded a corrective action plan be developed immediately to resolve the complaints. In response to the Center's concerns, as well as concerns from family members and the community, the Arizona Cost Care Containment System ("AHCCCS") audited the Division's quality management processes and confirmed much of what the Center's investigation found. Following the audit, AHCCCS took aggressive enforcement action against the Division. The current plan is to replace the quality assurance system with an independent outside company. The Center will continue to monitor this situation to assure the State fulfills its obligation to assure those with disabilities receive appropriate care.



JOIN US!

The Arizona Center for Law in the Public Interest's **Annual Event** will be held on **April 13, 2019** at Harley-Davidson of Scottsdale with music provided by the Repeat Offenders.

We are excited to honor **Terry Goddard!**

To purchase tickets or become a sponsor, visit <https://aclpi.org/event-information/>

THANK YOU

The Center would like to thank **LEXIS-NEXIS** for its continuing grant of computerized legal research

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