

## Relief for Arizona Foster Children Is On the Way

Finally. After more than five years of litigation, the Center and our co-counsel have entered into a settlement agreement that—if approved by the court—will improve the lives of more than 13,000 children who were placed in the foster care system.

In 2015, the Center, along with advocacy organization Children’s Rights and the law firm Perkins Coie, filed a class action to force the State of Arizona to address massive shortcomings in our child welfare system. The litigation was incredibly hard fought, with multiple appeals including an attempt by the State to bring the case to the United States Supreme Court.

Finally. After prevailing in defeating all of those appeals, the parties entered into a settlement agreement that focuses on four main areas:

- **Behavioral health care:** The state will ensure the quality and accessibility of behavioral health care services available to children in its care and regularly assess the mental health status and needs of children.
- **Medical and dental care:** The state will adequately track the physical health needs of children and implement training for case managers to identify and facilitate specialized care for children with disabilities.
- **Case manager workloads:** DCS will

monitor case manager workloads to ensure that case managers have the time they need to meaningfully engage with children and their families and help keep them safe.

- **Placements:** The state will ensure that foster children are able to stay with relatives or in family-like homes, which are the best settings for children’s development and well-being, and work to reduce the system’s use of “congregate care.”

The settlement sets benchmarks and deadlines to achieve all of these goals.

“Children develop and succeed when they are in stable family homes,” said Center attorney Anne Ronan. “Our agreement is a major step toward ensuring that children who are in the state’s custody can receive the care they desperately need, and can live in their home communities, stay in the same schools, and live with their brothers and sisters.” The settlement agreement has received preliminary approval from the court. A hearing for final approval is scheduled on February 12, 2021.

### ***WE’VE MOVED!***

The Center has moved into its new offices at  
**352 E. Camelback Road, Suite 200**  
**Phoenix, AZ 85012**

*Please update your address book!*

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## Stan Marks Fellowship

### Sam Schnarch Joins the Center as the First Stan Marks Fellow

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I am indescribably thankful to be the Center’s first Stan Marks Fellow and the newest addition to the team. I grew up in Durango, Colorado and received my Bachelor’s degree from Fort Lewis College where I specialized in cultural ecology—the study of the way a society’s culture shapes, and is shaped by, its environment. At Fort Lewis I learned to love and appreciate the unique blend of cultures and landscapes that comprise the American Southwest.

I then went to Lewis and Clark Law School in Portland, Oregon, where I received their Certificate in Environmental and Natural Resources Law as well an award for leadership in the environmental field. At Lewis and Clark, I found a niche for my undergraduate studies to intersect with my legal education and helped to found Students Engaged in Eco-Defense (“SEED”), a student group focused on environmental justice. SEED’s mission was to offer a human context to inform our environmental education. As part of SEED I strove to broaden the discussion of environmental issues on campus to include the often-unseen impacts on at-risk populations.

The opportunity to work at the Center is so attractive because it allows me to use my background, personal convictions, and legal education to tackle issues challenging the region where I grew up. The matters I’m able to work on at the Center are the sort that I would normally have to work for many years in another practice setting before I could handle them full-

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# Clean Energy and Environmental Justice

## Center Advocates for Tribal and Other Communities Impacted by Coal Plant Closures

For decades, the Navajo Nation, Hopi Tribe, and other communities have depended economically on coal-burning power plants and coal mines located on or near their lands. However, the residents of these communities have paid a heavy price and now face economic devastation as coal plants across the West are retiring.

Until it closed a year ago, Navajo Generating Station (“NGS”) near Page, Arizona was the largest coal plant in the western United States. During its nearly half century of operation, it was also one of the biggest sources of pollution in the Southwest. NGS’s three 800-megawatt units burned a thousand tons of coal per hour to generate electricity that was delivered to customers in California, Arizona, and Nevada. The plant pumped more than a half-billion tons of carbon dioxide into the atmosphere and released millions of tons of other harmful pollutants into the air every year.

NGS and its associated mine closed because NGS’s owners (including Arizona Public Service (“APS”)) are increasingly turning to renewable and cleaner-burning energy sources. Other coal plants, like Four Corners Power Plant, are not far behind. This is a good thing—closing coal plants benefits the environment, improves public health, and

alleviates the carbon emissions causing our current climate crisis. But coal plant closures leave economic suffering in their wake for the communities that depended upon the plants for jobs and tax revenues.

The utilities that long profited from coal plants have an obligation to provide support to coal-impacted communities as they retire the plants. For this reason, the Center has intervened in two electric rate cases before the Arizona Corporation Commission on behalf of tribal and non-tribal citizen groups Tó Nizhóní Ání, Diné CARE, San Juan Citizens Alliance, and Black Mesa Water Coalition. These groups have long demanded that utilities provide “just and equitable transition” funding and support so coal-impacted communities can recover and shift their economies to ones based on renewable resources like solar and wind.

Recently, after years of advocacy by the citizen groups, the Center, and others, APS proposed a package of financial and other assistance that will help these communities transition towards clean energy economies. If approved by the Commission, the package will include support for economic development on the Navajo Nation, support for the electrification of Navajo homes and businesses without electricity, renewable

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## Education Finance

### Arizona Ranks Dead Last

For more than three years, the Center has been fighting to force the State to adequately fund the capital needs of Arizona's public schools. It's important to remind our supporters why this fight is so necessary. Many of us live in neighborhoods with nice public schools, and it's natural to wonder how that can be if the overall funding levels are so bad. Unfortunately, Arizona has returned to a system that relies heavily on the property wealth in each district. If you live in a low-wealth district, it is impossible to raise sufficient money to adequately support the needs of your schools. If you live in a wealthier district, your voters can pass hundreds of millions of dollars in bonds and overrides to ensure that your schools are kept safe and in good shape. This system of "haves" and "have nots" is unconstitutional and intolerable.

If you watch the commercials that flooded our airwaves this year, you'd think that Arizona schools are awash in money. If only that were true. Arizona's overall funding for public schools is among the worst in the United States. The Education Law Center (a nonpartisan, nonprofit organization) recently released an in-depth analysis of school funding systems in all 50 states. **Arizona ranked dead last in overall school funding and in our funding effort (amount spent taking into account the income of the state).** The United

States Census Report on State Spending confirms much of this analysis (48th in total funding; 50th in funding effort). Note, contrary to the commercials you may have seen, the Census data also show that Arizona schools spend less on administration than any other state.

Over the last 15 years, the Legislature and Governor have robbed the schools of the funds needed to keep facilities in good shape, to build new schools when they were needed, to buy buses and computers and textbooks, and to provide reasonable safety and security measures. COVID-19 has only served to shine a light on the vast disparities that exist in our schools.

For the past three years we, along with Phoenix law firm Osborn Maledon, have been litigating to force the State to fairly fund the capital needs of public schools. It has been an enormous undertaking, involving taking the testimony of over 50 witnesses, including experts from all over the country, and reviewing hundreds of thousands of pages of documents. This part of the case is now wrapping up, and we will soon ask the Court once again to force the State to comply with our Constitution and to provide funding that will enable all Arizona children to learn in good, safe schools with adequate technology. Every child deserves that, regardless of their zip code.

## The Center Stands Up for Democracy

Arizona's Constitution gives the people the right to make laws through the initiative process. When the Legislature fails year after year to tackle important issues, or when it continues to act contrary to the will of the people, the Constitution gives the people the power to take matters into their own hands.

The Center has always stood up for this fundamental right. In 2020, we helped save the initiative process by representing three groups as amici before the Supreme Court. If we had lost, direct democracy in Arizona through the initiative process

would have been severely damaged.

We also helped to preserve the rights of disabled persons to vote during the pandemic. The Attorney General and Governor went to court and argued that disabled persons who cannot have visitors because of the pandemic shouldn't be able to vote with the assistance of a videoconference. Disabled persons have long faced discrimination when it comes to voting rights, but federal law requires this type of reasonable accommodation. We stood with these voters, and the court agreed.

## Sam Schnarch Joins Center, cont'd

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time. I cannot begin to describe how grateful I am to be able to begin my legal career doing such meaningful work. Though my time with the Center has only just begun, I am already impressed with the intelligence and capability of the other attorneys. I have been heartily welcomed

into the office and I can tell just how interested each of my coworkers is in helping me to learn and grow as an attorney. My experience thus far has already been more than I could have ever hoped for and I am excited to see what the future holds for the Center and for myself as a part of it.

## Center Advocates for Coal-Impacted Communities, cont'd

*(Continued from page 3)*

energy development on the Navajo Nation and nearby communities, and a minimum of \$128.75 million in direct financial assistance to the Nation, of which \$23.75 million will be provided by APS shareholders. Although the amount

is not enough to fully alleviate the economic hardship experienced by these communities, it represents an acknowledgment that APS and other utilities have a responsibility to help coal-impacted communities rebuild into brighter, cleaner futures.



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