

Message From the Executive Director

By Danny Adelman

Our New Staff Attorney

I'm so pleased to report that – with your support – we have hired an experienced and dedicated attorney to help carry on the Center's important work. Jennifer Anderson started in early November and hit the ground running. Although Jennifer will be involved in many issues, she will primarily focus on environmental work (including clean air and water and preservation of natural resources) and clean energy. The Center has a long and successful history of fighting for clean air and water, and in advocating for clean, renewable energy before the Arizona Corporation Commission. Adding Jennifer to our staff will enable us to continue our work in these important areas. I also want to thank Tim Hogan, who has continued to work on clean energy issues for the Center, and who has already begun working with Jennifer on this.

Foster Children and Healthcare

The Center has also continued to advocate for foster children and to fight to assure that appropriate medical care is provided to Arizona's most vulnerable and needy populations. Center attorney Anne Ronan

continues to use her decades of experience to force insurers and the government to provide legally mandated care for children with autism, for the developmentally disabled, and others. For example, Anne is (1) working to ensure that families who have children with autism can obtain appropriate therapies under their private insurance or AHCCCS (read story below of a recent victory in this area); (2) fighting to force providers to pay for necessary home nursing for medically fragile children; and (3) battling to ensure safe, quality care is provided in AHCCCS-funded group homes. Anne's work changes lives every single day.

The Education Funding Lawsuit

My primary litigation focus continues to be the education funding lawsuit. As most of our supporters know, one of the Center's most important and time-intensive efforts involves litigation against the State of Arizona for its failure to properly fund the capital needs of public schools. Capital needs include everything from building and renovating schools to being able to afford necessary technology, school buses,

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New Staff Attorney

Jennifer Anderson Returns to the Center



I recently joined the Center as its newest staff attorney, but in many ways, I feel like I've come home after a long journey.

I originally joined the Center in 1998 after having spent a few years in private Phoenix law firms. Working at the Center with Tim Hogan,

David Baron, and (later) Joy Herr-Cardillo fulfilled the very reason I chose law as a profession—to advocate on behalf of social justice and the public good, for people and non-profit organizations that otherwise could not afford legal representation. My personal circumstances intervened, however, and I left the Center in 2000 to move to Las Vegas, Nevada.

Since leaving the Center, I have taught legal research and writing at UNLV Law School, clerked for the Honorable Johnnie B. Rawlinson at the Ninth Circuit Court of Appeals, and further honed my litigation and appellate skills at law firms in Las Vegas and Phoenix. I believe the additional experience, skills, and insight I gained will allow me to be an even more effective advocate on behalf of the Center's clients

Whenever I look back on my legal career, the experiences that are most meaningful to me are the times I was able to correct an injustice or make a positive difference in someone's life. That is why I'm so thrilled to rejoin the Center as a staff attorney alongside Danny, Anne, and Tim. I look forward to telling Center supporters about the important issues and cases I am working on.

Executive Director's Message, Continued

safety and security modifications, as well as curriculum materials like textbooks and software.

The Center successfully brought a similar case against the State over 20 years ago, which culminated in the Arizona Supreme Court ruling that Arizona's school finance system was unconstitutional. The system relied far too much on a local district's wealth, so that schools in affluent areas could afford appropriate facilities, but schools in poorer areas were left behind. As a result of that case, a new system was created that involved inspecting all schools and providing State funding to rebuild or refurbish schools that were deficient. The system also created funding sources from the State so that all schools had sufficient funds to keep their buildings working and to afford other items like technology and school buses. For a few years, the system worked well.

Unfortunately, over the last 10 to 15 years, the Legislature has gutted State funding for our public schools' capital needs. To give an example, the capital funding for most public schools has been slashed by more than 85%! Can you imagine trying to keep a business running when your facilities, transportation, curriculum, and technology budgets are underfunded year after year by more than 85%? What ensued was predictable. Districts with sufficient property wealth have turned to their voters to pass bonds and overrides so they can get sufficient funds to keep their

facilities in decent shape. They can afford new buses. They can buy computers and tablets for their students. However, districts in poorer areas don't have the wealth to support a bond or override. They are transporting their children in 35-year-old buses. They cannot keep their technology current. They cannot afford fixes to make their campuses secure. Many people ask us whether the victories obtained as a result of the Red for Ed movement address these issues. Unfortunately, the teacher raises won earlier this year at the Legislature — although well-deserved — do nothing to address the capital needs of schools.

The Center sued the State again in 2017. We are in the middle of very hard-fought litigation. The litigation has uncovered a lot of crucial information to date, and we are making important (yet unsurprising) discoveries every day. For example, the State *knows* it does not provide sufficient funds to build modern schools. It *knows* the technology it will fund is woefully inadequate in today's world. Sadly, the State *knows* what measures are required to protect against school shootings, but it will not fund them. Thus, schools can only provide these methods if they have the wealth and capacity to pass a bond. Should children's ability to attend a safe and secure campus really depend on whether they live in a wealthy district? It shouldn't, but in Arizona it does. With your support, we'll continue working tirelessly to remedy this.

Clean Elections

Suit to Block Prop 306 Fails, But Establishes Important Precedent

By Danny Adelman

As its last official act of the 2018 legislative session, the Legislature passed a referendum for the ballot, which became known as Prop 306. This measure did two different things affecting Clean Elections. First, it prohibited Clean Elections candidates from providing any campaign funds to political parties or certain consultants. Second, the proposition subjected the Clean Elections Commission's rule-making power to the Governor's Regulatory Review Council. The Center filed a lawsuit claiming that the Legislature violated the Single Subject Rule of the Arizona Constitution by placing both of those provisions in the same proposition.

The State and the Legislature's leaders argued strenuously that the Single Subject Rule never applies to acts the legislature seeks to place on the ballot. The State also claimed that the Court could not rule on this question until after the election. Finally, the State denied that Prop 306 dealt with two subjects because both provisions pertained to Clean Elections.

As a result of the Center's lawsuit, the Arizona Supreme Court ruled — for the first time in Arizona history — that the Single Subject Rule in the Arizona Constitution precludes the Legislature from putting unrelated measures in a single referendum to be placed on the ballot. The Court also ruled that citizens can challenge a legislative referral prior to an election. However, the Court ultimately refused to rule that Prop 306 violated the Single Subject Rule, holding that the two provisions both related to the subject of Clean Elections.

While we were disappointed with the final outcome, this case established important legal precedents. If the Court had accepted the State's argument that the Single Subject Rule never applies to acts the Legislature refers to the ballot, then the Legislature could combine in one proposition a measure outlawing sex trafficking, with another provision gutting funding for public schools. And they could have forced voters to cast a single up-or-down vote on both measures. Under the law established in this case, such "logrolling" would be clearly prohibited.

The Supreme Court also ruled that citizens can challenge ballot measures like this prior to an election. This too is an important win for Arizonans.

Autism Therapy Coverage

Major Health Plan Agrees to Cover Important Autism Therapy for Children

Banner Health has changed its employee health plan to include coverage for Applied Behavior Analysis (ABA), a form of treatment for Autism Spectrum Disorder (ASD). This matter was brought to the organization's attention by the Arizona Center for Law in the Public Interest.

Though the change became effective on July 1, 2017, Banner will also consider requests for reimbursement of the expenses that its employees paid out of pocket for ABA previous to this plan year. Banner, in resolution of a related lawsuit, will be providing a notice of claims process to current and former plan members who submitted a claim or claims where ASD was listed as one of the patient's diagnoses.

Noting that Banner Health is the largest private employer in Arizona, Anne Ronan, an attorney for the Arizona Center for Law in the Public Interest, commended Banner Health. "We are pleased to have worked with Banner Health during this process and applaud it for providing this important benefit to its employees and their children diagnosed with autism. We hope this serves as an example to other employers. And we will continue our efforts to get employers with self-funded health plans to cover ABA."



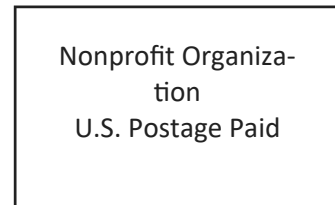
SAVE THE DATE!

The Arizona Center for Law
in the Public Interest's
Annual Event
will be held on
April 13, 2019
at Harley-Davidson of
Scottsdale—a new and
unique venue—with music
provided by the
Repeat Offenders!

Have questions or need
sponsorship info? Please
contact Bryn DeFusco at
bdefusco@defuscolaw.com.

THANK YOU

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