INVEST IN ARIZONA (FORMERLY INVEST IN ED) DECRIES POLITICALLY MOTIVATED, CYNICAL ARIZONA SUPREME COURT RULING AGAINST PROP 208; DEMANDS GOVERNOR CALL IMMEDIATE SPECIAL SESSION TO PREVENT PERMANENTLY UNDERFUNDED ARIZONA SCHOOLS

In a destructive, politically motivated decision related to the state’s outdated education funding cap, the Arizona State Supreme Court issued a ruling that, barring legislative action, essentially requires a lower court to overturn Prop 208, undercuts Prop 301, and guarantees Arizona schools will be permanently underfunded.

The Ducey-packed Court’s cynical and contradictory decision undermines the will of 1.7 million voters, ignores previous court precedent, and leaves trial court with no discretion in deciding the constitutionality of Prop 208.

The Invest in Arizona Coalition demands Governor Ducey immediately call a special session of the legislature to remove the archaic education spending cap at heart of the flawed ruling.

(PHOENIX) – Today, in a ruling that reeked of partisan politics and cronyism, the Arizona Supreme Court went out of its way to strike down Prop 208 – Invest in Ed, while forcing the lower court to do its dirty work. The measure, which was passed by 1.7 million Arizona voters in November, would raise nearly a billion dollars annually in K-12 education funding to help address the state’s longstanding teacher shortage crisis, lower class sizes, hire aides and counselors, and expand career and technical education.

On April 20, the court heard oral arguments in the case brought by a small group of political opponents of Prop 208 – Invest in Ed who represent ultra-wealthy Arizonans as an end-run around the citizen initiative process simply because they opposed the outcome of an election. Now, the Supreme Court, which is comprised almost entirely of Governor Ducey’s appointees, has agreed to further the interests of the minority over the majority.

At issue in the case is the definition of a “grant” to school districts. Prop 208 – Invest in Ed used the exact language passed by voters via Prop 301 in 2000 which established a sales tax and provides about $300 million to schools each year. Yet, when deciding the law passed by the voters, the Court assumed that the legislature would not raise the education expenditure limit, which it has already done numerous times for measures passed by the legislature – as recently as 2020. In fact, the legislature will have to raise it again by March 2022 in order for school districts to spend Prop 301 funds.

In addition, although Prop 208 – Invest in Ed made it clear that voters intended any provision found unconstitutional could be “severed” from the full law in order to make it implementable, the court reversed previous decisions to justify that in this case the grant issue was not severable. In her dissent regarding severability, Judge Timmer stated, “Today’s decision marks a departure from our previous decisions.” (ital. added)

“This is a punch in the gut to 1.1 million students and their families, and 55,000 hardworking Arizona educators – and a slap in the face to the 1.7 million voters that voted for this funding to flow to schools. They voted for it to be a grant, and to be severable. The Ducey-packed Court had an opportunity to honor voters
and uphold the rule of law, but instead they issued a legally contradictory, politically motivated, manipulatively crafted ruling,” said Rebecca Gau, Executive Director of Stand for Children Arizona.

Joe Thomas, President of the Arizona Education Association added: “Today’s decision not only negates the will of the voters to raise Arizona’s school spending from among the lowest in the nation, but without legislative action it jeopardizes existing Arizona school revenue sources like Prop 301 and would lead to permanently underfunded Arizona schools – and a weaker Arizona economy.”

The coalition calls upon Governor Ducey and the legislature to immediately raise the expenditure limit or eliminate it. The limit will have to be raised by March 2022 for schools to spend currently appropriated funds, including Prop 301.

“We were worried the Court would bow to political pressure from the Executive and Legislative branches, rather than act impartially and remain independent. This is exactly what happened. This ruling is a political act, undermining the will of the voters and doing the bidding of politicians. But they have not stopped our commitment to education funding, addressing the teacher shortage, building stronger schools and a stronger economy” said coalition partner David Lujan, CEO of Children’s Action Alliance.

“Our children, who have been through a tumultuous year with the pandemic and represent one of many vulnerable populations in Arizona, need the support of our communities right now – including our elected officials. Now is the time for our governor and legislators to raise the expenditure limit – if not eliminate it altogether – and to protect our students. For leaders of today to be good stewards of the Arizona of the future requires that we invest in the education of our children now,” said Reverend Hunter Ruffin, Rector at Church of the Epiphany in Tempe and a leader with the Arizona Interfaith Network.

The Prop 208 – Invest in Education campaign, which accomplished a historic election win at the ballot box last November, is now Invest in Arizona. The new coalition includes the original members – Arizona Education Association, Stand for Children Arizona, Children’s Action Alliance, Arizona Center for Economic Progress, Arizona Interfaith Network, and is now joined by Save Our Schools, and Friends of the Arizona School Boards Association. The coalition is committed to keeping up the fight to ensure that Arizona students have a bright future by gathering signatures right now to overturn massive tax cuts for the wealthy enacted this year. Visit www.investinaznow.com to learn more.

###