



## Return To School Benchmarks Released

### AZDHS and ADE release Benchmarks

Arizona Department of Health Services (AZDHS) and Arizona Department of Education (ADE) officials announced a list of health benchmarks schools should use to determine whether it's safe to resume in-person instruction either partly or in full. The proposed benchmarks are guidelines and ultimately school district's and charter schools can opt to ignore them.

The plan suggests that schools may open if there is minimal to moderate virus spread in the community, but should take extensive precautions, such as keeping some students at home, requiring masks and creating physical distancing. According to AZDHS Director Christ, the benchmarks could help schools decide if they need to close later in the year. If any benchmark goes in the red, it is recommended that school leaders switch back to all-remote learning. The Benchmarks for Safely Returning to In-Person Instruction plan is broken up into three data benchmarks including:

1. **The number of cases.** Schools can open in a limited capacity when their county's rate of new cases per 100,000 people falls below 100 per week for two weeks, or there is a two-week consecutive decline in cases.
2. **People testing positive.** Schools may open in a limited capacity when the percentage of people testing positive for COVID-19 in their county falls below 7%.
3. **Hospitalizations.** Schools could open on a limited basis when the percent of hospital visits caused by COVID-like illness falls below 10% for two consecutive weeks.

A dashboard available [here](#), indicates whether counties meet the recommended benchmarks for initial reopening of in-person learning in schools. AZDHS recommends that all three benchmarks fall into the moderate or minimal transmission ranges before schools in a county consider a hybrid approach of virtual and in-person learning. When one or more benchmark categories are in the range of substantial transmission, AZDHS recommends that schools work with their local health departments and start preparing for virtual learning. Data on the dashboard will be updated weekly on Thursdays.

Governor Ducey's existing executive order requires that schools must consider the benchmarks set by state health officials, along with guidance from county health officials. Schools also must open in some capacity on August 17th for students with no place to go during the day.

To review Benchmarks for Safely Returning to In-Person Instruction, click [here](#).

To review School Benchmarks by County, click [here](#).

## Virtual Training Institute launched

Governor Ducey, in collaboration with Superintendent of Public Instruction Kathy Hoffman, Helios Education Foundation and Arizona State University (ASU), announced a \$7.5 million partnership that will help K-12 teachers deliver quality virtual instruction and support online and blended learning environments during COVID-19.

With financial support from the Governor's office, Arizona Department of Education (ADE) and Helios, the Virtual Training Institute will provide both group and personal training to help Arizona teachers succeed in delivering online instruction. Free training programs for schools and teachers begin August 11th, with a three-day program, "Thriving as a Digital Teacher." Topics are relevant to all digital learning tools and include: best practices in online instruction; Web 2.0 tools; setting up a virtual instruction plan and pace charts; monitoring student progress; teaching time and stress management and more. Synchronous and asynchronous sessions will be available through the school year. After-school sessions are available Monday through Thursday and Saturday morning to provide ultimate flexibility. Leadership tracks will support school and district leaders in managing instructional programs and teachers at a distance. In addition, Professional Learning Communities, facilitated by ASU Prep Digital, will offer an avenue for educators to work on specific challenges throughout the year.

Training through the Arizona Virtual Institute will be provided at no cost to state K-12 public schools and teachers.

For more information about the Arizona Virtual Teacher Institute, click [here](#).

## COVID-19 Cases Continue to Decline

Arizona Department of Health Services (AZDHS) reported on August 7th that COVID-19 new cases and coronavirus-related hospitalizations are at or near the lowest figures in weeks. According to AZDHS officials, the state has the lowest COVID-19 rate of spread (Rt) in the nation at 0.86 (the average number of people a COVID-positive individual will infect) and the rolling seven-day average for newly reported cases was 1,835.57, the fewest since June 18th. In addition, the number of Arizona's confirmed or suspected COVID-19 inpatients fell to 1,772, the fewest since June 17th.

Since the Governor established a series of executive orders and counties implemented face masking requirements, COVID-19 related hospitalizations have drastically declined across the state. Inpatient and ICU bed usage rates remained several percentage points below the high marks officials saw a month ago. AZDHS figures indicate that the number of ICU beds fell to 565, the fewest since June 20th, and ventilator use was at 770, the fewest since June 16th. The state's weekly positive rate for diagnostic polymerase chain reaction (PCR) tests, which indicates how much the virus is spreading, is on pace to fall for the fifth consecutive week. It stands at a rate of 9%.

Since the pandemic began, AZDHS reports that 1.218 million Arizonans have been tested for COVID-19 and the state's positive test ratio currently stands at 12.6%. Residents between the ages of 20 and 44 have had the highest number of positive tests (89,347), with 229 deaths. Seniors 65-and-older have tested positive 20,764 times with 2,827 deaths.

For more information on how to receive a COVID-19 test click [here](#).

## Maricopa County Superior Judge rejects Governor's appeal

After Governor Ducey filed a notice of appeal and a motion to delay enforcement

of a ruling that gave the state one week to offer gyms a way to apply for reopening, Maricopa County Superior Court Judge Timothy Thomason rejected his request.

Earlier, Judge Thomason ruled in favor of a lawsuit filed by Mountainside Fitness and EOS Fitness chains against the Governor's executive order that closed gyms indefinitely. In response, the Governor filed an appeal and argued that the court's decision opened the state up to other lawsuits that would hamper efforts to deal with the coronavirus pandemic. The Governor's filing stated that "if this ruling is allowed to stand, its erroneous legal conclusion will open the floodgates to additional lawsuits against the Governor's COVID-related executive orders, and down the road during other emergency situations, which will hamper the Governor's ability to focus on the pressing battle against the pandemic." The filing continued by saying "put simply, the Superior Court's ruling threatens the lives of Arizona citizens and should be reversed immediately."

Thomason rejected the appeal and stated that the executive orders "are in full force and effect and there is nothing preventing the Executive Branch from enforcing those orders and preventing the spread of the coronavirus." He continued by saying "the only thing that this Court's Order did was require a modicum of due process to aggrieved parties." Moreover, the decision said that "a stay would further delay and impair plaintiffs' procedural due process rights for weeks and perhaps months." The Governor's office responded to the latest decision by saying that "we will not be asking for a stay from the Court of Appeals. Our appeal of the previous ruling remains ongoing."

It is important to note that the rejected appeal does not necessarily mean that fitness centers are any closer to being allowed to reopen. The Governor's executive order has no set end date but includes a provision calling for it to be reconsidered for repeal or revision every two weeks starting July 27th. Another review occurred on Monday, August 10th.

To review the decision by Judge Thomason, click [here](#).

To review the existing executive order, [click here](#).

### **Invest in Education Appeals**

Organizers in support of Invest in Education are appealing a court ruling that would keep the measure off of the November ballot. The measure which sought to raise \$940 million each year for K-12 education by imposing a 3.5% tax surcharge, was ruled off the ballot on July 31st by Maricopa County Superior Court Judge Christopher Coury.

In his decision, Judge Coury wrote that "instead of identifying all principal provisions in the initiative's description, Invest in Education circulated an opaque 'trojan horse' of a 100-word description, concealing principal provisions of the initiative." Coury stated that it was the description as a "surcharge" that became a key mistake. He said that some voters might understand that would add 3.5 percentage points on the current top state income tax rate of 4.5 percent. But others, might interpret it to be a temporary tax, or even just a 3.5 percent increase in taxes when, in fact, the taxes owed on earnings above that point would increase by 77.7 percent. He continued by stating "no matter how well-intentioned the initiative was, its non-transparent description violates Arizona law."

Supporters of the initiative called the ruling "déjà vu" – the second time that measure was removed from the general election ballot. In 2018, the State Supreme Court wrote that the 2018 measure did not clearly state its impact on taxpayers. The Arizona Education Association and other groups claim that compared to the 2018 version, the current measure was significantly revised and crafted to withstand legal challenges. Joe Thomas, President of the Arizona Education Association, voiced his dissent to the ruling stating that "435,669 voters

signed this petition during the COVID-19 pandemic and triple-digit heat to give all voters a say to fix the Arizona education crisis. Instead of respecting the voters, Judge Coury inserted his own political views throughout his baseless ruling."

Oral arguments for the case begin August 10th. As more information becomes available, we will update you.

### **Smart and Safe Arizona Act Legal Decision**

Smart and Safe Arizona, a measure which aims to legalize cannabis survived a legal challenge.

Arizonans for Responsible Drug Policy, a group funded by Center for Arizona Policy filed a lawsuit against the initiative alleging that the 100-word summary was misleading to voters about key provisions. According to the suit, the summary of the proposal failed to tell voters who signed petitions that the proposed initiative would cover more potent forms of marijuana; would potentially allow a 16% tax on cannabis sales to be increased by the Legislature; and would change state law on driving under the influence.

Maricopa County Superior Court Judge James Smith rejected the group's appeal and concluded that the 100-word summary cannot include everything and the initiative must accompany the petition. Smith also rebuked the groups claim that voters might not understand all the implications of what the measure would do. He wrote "this initiative is plain: it wants to legalize recreational marijuana. That is the principal provision." Smith continued by stating "It is unlikely electors signing these petitions would be surprised by cascading effects of legalizing a formerly illegal substance."

Lisa James, who chairs Arizonans for Responsible Drug Policy indicated that an appeal is likely.

As more information becomes available, we will update you.

To review Judge Smith's decision, click [here](#).

To review Smart and Safe Arizona Act, click [here](#).

### **Criminal Justice Reform Legal Decision**

Second Chances Rehabilitation and Public Safety act, a criminal justice reform measure that involves "earned release credits," which offenders can use to cut down their prison sentences withstood a legal challenge.

A lawsuit filed against the initiative by Pima County Attorney Barbara LaWall, alleged that the 100-word description was misleading because it failed to inform signers of key provisions. According to the lawsuit, the verbiage in the description said that it would only amend two sentencing statutes. LaWall alleged that the initiative if passed would actually alter a provision of state law which now lets prosecutors charge people who commit separate crimes on multiple days as repeat offenders, allowing them to seek enhanced sentences.

Maricopa County Superior Court Judge Joseph Mikitish rejected LaWall's challenge and found the 100-word description contained nothing that was either fraudulent or created a significant danger of confusion or unfairness. Mikitish specifically rebuked LaWall's claim that the initiative would be misleading to voters by stating that additional judicial leeway would apply only to "non-dangerous" offenses. In his decision, Mikitish wrote "from a layman's perspective, a 'dangerous' offense frankly could apply to almost any crime in the criminal code." He continued, "conduct is made criminal because it involves the actual or risk of injury, danger, or harm of some person in the community at large."

Looking at it that way, Mikitish ruled that some people might conclude there is no

such thing as a “non-dangerous offense” while others might conclude it is one that does not involve injury to others. Anyone who was unclear about what a “non-dangerous offense” is could simply read the actual petition language which, by law, has to be attached to signature sheets. And there, Mikitish said, voters would have learned that the measure defines “non-dangerous” offenses as anything other than first- and second-degree murder, child molestation, rape, and anything defined by the legislature as a dangerous offense.

Attorney LaWall is likely to seek an Arizona Supreme Court review.

To review Judge Mikitish's decision, click [here](#).

To review Second Chances Rehabilitation and Public Safety act, click [here](#).



### Governor Ducey discusses COVID-19 response with President Trump



## Arizona Update on Issues



Click here to find COVID-19 resources and volunteer opportunities

Click here to read AGA's 2020 Primary Election Wrap Up



### Gretchen Jacobs Nominated by Arizona Capitol Times

Gretchen Jacobs was nominated by her Capitol peers as the “Toughest Lobbyist To Go Against” during tonight’s annual Arizona Capitol Times, Best of the Capitol event. Gretchen has previously been nominated and won numerous accolades at the event including: Best Female Lobbyist (2014); Best Lobbyist (2018, 2013); One of the Most Effective Lobbyists (2009); and Legislative Leader of the Year (2007). The virtual event will be featured tonight beginning at 6:00 PM. We will let you know the outcome.

## Upcoming Legislators' Birthdays



Happy Birthday      Rep.  
T.J. Shope (R)  
Wednesday, August 12th

Representing LD8, Representative Shope was first elected to the Legislature in 2012. An Arizona native, he was appointed to be Speaker Pro Tempore of the House in 2016 and reappointed in 2018. A graduate of Arizona State University where he earned a B.S. in political science, Shope is the owner of an independent grocery store in Coolidge. At the Legislature, he serves as Chairman of House Ethics and is Vice Chairman of the Rules Committee. Additionally, he is a member of the House Education and Natural Resources Committees. This session his top legislative priority was HB2243 which would have appropriated \$28 million from the general fund to the Department of Transportation to replace and expand the Gila River bridge on Interstate 10. To wish Representative Shope happy birthday: [tshope@azleg.gov](mailto:tshope@azleg.gov).



Happy Birthday      Sen.  
Frank Pratt (R)      Thursday,  
August 27th

Representing LD8, Senator Pratt was first elected to the Legislature in 2009. An Arizona native, he has owned and operated a swimming pool construction business since 1986. At the Legislature, he serves as Chairman of the Senate Natural Resources and Energy committee and is Vice Chairman of both the Senate Transportation and Water committees. A former rancher, his top legislative priority this session was SB1206 which would have established the Agricultural Workforce Development Program in the Department of Agriculture to provide incentives to food-producing agricultural organizations to hire interns by partially reimbursing internship costs. To wish Senator Pratt happy birthday: [fpratt@azleg.gov](mailto:fpratt@azleg.gov)

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