



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FACT SHEET FOR S.B. 1416

state board; superintendent; power; duties

Purpose

Delineates various powers and duties of the State Board of Education (SBE), the Arizona Department of Education (ADE) and the Superintendent of Public Instruction (SPI).

Background

Article 11, Section 3, of the Arizona Constitution establishes SBE to provide general conduct and supervision of public schools. According to the Constitution, SBE is comprised of the following 11 members: the SPI, the president of a state university or college, four lay members, a president or chancellor of a community college district, a person who is an owner or administrator of a charter school, a superintendent of a high school district, a classroom teacher and a county school superintendent. With the exception of the SPI, each member is appointed by the Governor and confirmed by the Senate to a four year term. Statute lists the various power and duties of SBE which include: 1) exercise general supervision over and regulate the conduct of the public school system; 2) employ staff on the recommendation of the SPI; 3) prescribe the duties of its employees if not prescribed by statute; 4) prescribe a minimum course of study in common schools; and 5) prescribe minimum course of study and competency requirements for the graduation of pupils from high school (A.R.S. § 15-203).

Article 11, Section 4, of the Arizona Constitution establishes the position of SPI who is elected to a four year term. In addition to being a voting member and executive officer of SBE, the SPI is required to direct the performance of executive, administrative or ministerial functions by ADE and is required to execute the policies of SBE.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Personnel

1. Requires SBE to supervise the duties of its employees and removes a requirement to employ staff on the recommendation of the SPI.
2. Removes the responsibility of the SPI to direct the work of SBE employees and eliminates language stating those employees work for ADE.
3. Specifies the SPI shall execute SBE's policies in cooperation with SBE staff.

4. Requires the Department of Administration, rather than the SPI, to approve travel expenses and subsistence claims.

Powers and Duties

5. Charges the SPI with the responsibility to execute rules and policies adopted by SBE.
6. Allows SBE to request from ADE or the SPI any data, information or technical support related to SBE's powers and duties.
7. Adds to the list of the SPI's duties to include the following:
 - a) suggesting discussion items, initiatives or policies to be reviewed or approved by SBE;
 - b) regularly updating SBE; and
 - c) requesting the delegation of duties or changes in policies and rules subject to review and approval by SBE.
8. Requires SBE to do the following:
 - a) prescribe the manner to identify the primary or home language for new pupils enrolled in public schools;
 - b) assess the English language proficiency of pupils with a home language other than English;
 - c) adopt the test scores; and
 - d) prescribe the manner to reevaluate English language learners.
9. Directs the SPI to do the following:
 - a) administer the identification the primary or home language of new pupils enrolled in public schools; and
 - b) administer the reevaluation of English language learners.

Certification

10. Requires SBE, rather than ADE, to prescribe procedures for the investigation of written complaints against certificated persons.
11. Requires reports concerning allegations of immoral and unprofessional acts and other acts involving a minor that require a mandatory report, to be made to SBE rather than ADE.
12. Charges SBE with sole responsibility of incomplete and denied certification applications.
13. Requires complaints against a certified teacher made by a school district board to be filed with SBE, rather than with ADE.
14. Empowers SBE, rather than ADE, to issue subpoenas concerning the investigation of certificated persons and states SBE, rather than ADE, is responsible for the investigation of certificated persons.
15. States SBE is responsible for the following concerning the Alternative Teacher Development Program:

- a) establishing rules and policies;
- b) reviewing and approving the application process and selection criteria; and
- c) approving and submitting the annual report.

16. Requires ADE to prepare the annual report on the Alternative Teacher Development Program and removes requirements for ADE to submit the report.

Fund Management

17. Requires ADE, rather than SBE, to include within its budget the cost of contracting for the purchase, distribution and scoring of proficiency examinations.

18. Charges ADE with the sole responsibility of the Adult Education Fund and its appropriations.

19. Requires ADE, rather than SBE, to submit, as part of its budget request, items sufficient to cover the expenses of the Special Education Advisory Council.

20. States SBE approves applications for supplemental state aid and ADE pays the supplemental state aid.

21. States claims for the printing of laws and reports of the SPI shall be paid as other claims against the state are paid from appropriations for ADE rather than SBE.

Program Management

22. Transfers responsibility of the K-3 Reading Program from SBE to ADE.

23. Requires ADE to review the K-3 reading program plans of schools with a letter grade of C, D or F and requires ADE to provide recommendations to SBE.

24. Stipulates SBE is responsible for establishing the rules and procedures for the Arizona Critical Language and Economic Development Pilot Program (Critical Language Pilot) and ADE is responsible for administering the Critical Language Pilot.

25. Eliminates a requirement for SBE to consult with ADE in the development and implementation of courses of study for the Critical Language Pilot.

26. States SBE is responsible for the following concerning the K-6 Technology-based Language Development and Literacy Intervention Pilot Program (Technology Pilot):

- a) developing rules and policies;
- b) reviewing and approving requests for proposals for software;
- c) establishing guidelines for the application process and selection criteria;
- d) approving the distribution of monies to the selected provider; and
- e) delivering and approving the progress report.

27. States ADE is responsible for:

- a) administering the Technology Pilot and its application and selection process;

- b) submitting a request for proposal for software; and
- c) preparing the progress report for delivery and approval by SBE.

Miscellaneous

- 28. Increases the statutory number of SBE members from nine to ten by adding an owner or administrator of a charter school and an additional lay member in order to conform to the state Constitution.
- 29. Subjects ADE to review and approval by SBE concerning the adoption of a system of recognition, accreditation and compliance of schools.
- 30. Adds SBE to the list of entities immune from civil liability for providing information concerning background checks and fingerprint requirements for certain school personnel.
- 31. Subjects the Office of English Language Acquisition Services, established in ADE, to review and approval by SBE.
- 32. Makes technical and conforming changes.
- 33. Becomes effective on the general effective date.

Prepared by Senate Research
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