Governance of Education in Arizona: What Role do the Different Levels Play?

Building Arizona Education is Good Business - Symposium
June 3, 2003
Topics to Be Covered

- Role of the State Legislature - Passing mandates, granting authority and appropriating funds for operation
- Role of the State Board of Education - Passing Rules and Regulations pursuant to statutory authority
- Arizona Department of Education
- Role of School District Governing Board - Setting policy and district spending
- Others - SFB, Governor, Federal role, site councils, charter schools
State Legislature - Restrictions on Action

Must Follow State Constitution:

- Requires the Legislature to “provide for the establishment and maintenance of a general and uniform public school system” (Art. XI, Sec. 1)
- Education is established as a fundamental right of “all pupils between the ages of six and twenty-one.” (Art. XI, Sec. 6)
State Legislature - Funding

General Fund Appropriation
- Sets base level of per student funding
- Responsible for all state funding both in terms of weight of items funded and the amount of funding for those weights
- Students FIRST - Roosevelt v. Bishop
- Soft Capital
- Proposition 301 - Mandated Funding
State Legislature - Policy

- Can enact laws that govern curriculum, administration and local governance of schools
  - School districts: like cities or counties are political subdivisions of the state - no home-rule authority
- Can delegate to State Board of Education power to draft rules
- Authority over Arizona Department of Education (along with State Superintendent and Governor)
State Legislature - Oversight

- Over one-half of all state spending
- Special committees that oversee expenditure and operations of schools
- Auditor General
- Headlines and anecdotes drive law making
  - Education Committee chairpersons
- Arizona School Boards Association:
  - Seek adequate funding and preserve local
State Board of Education

- 9 members appointed by Governor to staggered 4-year terms
- “Exercise general supervision over and regulate the conduct of the public education system”
- Minimum course of study for elementary grades and requirements for high school graduation
State Board of Education

- Responsible for adopting rules pursuant to statutory and legislative authority regarding school districts, teacher certification
- General supervision of the public school system
- Require testing by districts (AIMS & SAT-9)
- Adopts criteria for school classification system under Arizona LEARNS: underperforming, failing, performing, highly performing
- Oversees investigations for unprofessional or immoral conduct of certified employees
State Superintendent of Public Instruction

- Statewide elected official (many states this is an appointed position)
- Responsible for all executive and administrative functions of the ADE
- Executes policies of the State Board of Ed
- Correcting school budgets that do not conform to state law
Arizona Department of Education

Led by State Superintendent of Public Instruction

Responsible for:

- administration of school finance disbursements and accounting (incl. Federal)
- state reporting requirements
- teacher certification
- publish annual report
- dissemination of information about districts
County School Superintendent

- Authority over education of students in circumstances outside normal operation of school districts
  - unorganized territory
  - long distances
- Operates accommodation schools
  - located on military bases, unorganized territory, detention facilities, homeless students
County School Superintendent

- Handles accounting responsibilities for some districts
- Has election responsibilities:
  - fills governing board vacancies and conducts regular and special school district elections
- Parents of home school students required to file affidavit with county supt., showing intent to educate at home
School District Governing Boards - Membership

- Registered voters; reside in district for at least one year prior to election
- Unpaid
- 4 year term of office - can be recalled; appointments for vacancies (must run for 4 year term at next election or special election if called)
- Almost 1,000 board members in state
  - 230 districts, most have 5 members
- No authority as individual
School District Governing Boards - Responsibilities

- Represents community - local democratic control of public schools
- Sets mission, vision, goals and policies for district in consultation with superintendent
  - most policy mandated
- Evaluates implementation and success of programs
- Hires and evaluates superintendent
- Should NOT be involved in day-to-day operation of schools
School District Governing Boards - Legal Authority

• Sue and be sued as agents of district
  ▶ no personal liability for acting under good faith in scope of authority of office

• A.R.S. §§15-341 & 15-342
  ▶ list of mandates and authorities for school district governing boards
  ▶ CANNOT do anything unless pursuant to expressed, implied or general grant of authority
  ▶ most duties can be delegates - except evaluation of superintendent
School District Governing Boards - Authority

- Prescribe the academic curriculum that determines the content of classroom instruction
- Determine the criteria for the promotion of elementary grade students
- Set competency requirements for graduation that are in addition to or higher than the requirements set by the State Board
School District Governing Boards - Authority (cont.)

- Review the decision of a teacher to promote/retain a student
- Development and supervision of improvement plan if failing or underperforming
- Jurisdiction over student discipline
- Financial authority over district
- Employer of school personnel
Arizona School Boards Association

❖ 52 years; used to be state agency; private in 1974; statutory authority (15-342 (8))
  ▲ Non-profit; Board of Directors governs
❖ 230 member districts - almost all
❖ Service - Advocacy - Membership
❖ Policy Services - Subscription service; standardization of policies using coding system; all mandates tracked and updated
❖ Legal, Membership Services; Governmental Relations
State School Facilities Board

Since 1997, responsible for the construction and maintenance of school facilities based on state standards for construction.

School districts can build beyond state standards but must pick up the cost through district resources or Class B bonds approved by district voters.
Governor’s Role in Education

- Can set the agenda
  - Prop. 301
  - First draft budget
- Sign and veto legislation
- Bully pulpit
- Assistance with Federal Government and Congressional Delegation
- Appointments: SFB, SBOE
Site Councils

- Advisory to governing board
  - Governing board can delegate curriculum development or other powers
- Made up of a principal (serve as chairman), teachers, parents, students, representative from classified employees, community members
Charter Schools

- Must follow financial reporting and health/safety laws
- Exempt from almost all other laws in Title 15
- Must be sponsored by State Board, State Board for Charter Schools or School District
- Charter must set forth terms and conditions of operation
Federal Role in Education

- Only 7% of all funding comes from the federal government
- Vast majority of legal and regulatory framework that governing boards need to be concerned with is provided by the state through its Constitution, Statutes, Rules, Regulations and Advisory Opinions
- Mandates: Civil Rights, Title IX, ADA, IDEA, FERPA, 504, FLSA, ESEA/NCLB
Questions?

Cthomas@azsba.org