

SB292 INTRODUCED



1 SB292
2 DG7FMHT-1
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 03-Apr-25



SYNOPSIS:

Under existing law, the State Superintendent of Education is responsible for explaining, deciding controversies and disputes regarding, and enforcing school laws and rules of the State Board of Education and also for filing charges and instituting proceedings for the removal of individuals appointed under school laws for misconduct in office.

This bill would authorize the State Superintendent of Education to issue subpoenas and summon witnesses to testify regarding matters within his or her purview.

This bill would also authorize the State Superintendent of Education to appoint special investigators within the Office of General Counsel of the State Department of Education as needed to help facilitate necessary investigations.

A BILL
TO BE ENTITLED
AN ACT

Relating to the State Superintendent of Education; to amend Section 16-4-4, Code of Alabama, to authorize the



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superintendent to issue subpoenas and summon witnesses to testify relating to matters which the State Department of Education has authority to administer or regulate; and to authorize the superintendent to appoint special investigators within the Office of General Counsel as necessary.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-4-4 of the Code of Alabama 1975, is amended to read as follows:

"§16-4-4

(a) The State Superintendent of Education shall explain the true intent and meaning of the school laws and of the rules and ~~regulations~~ policies of the State Board of Education. He or she shall decide, without expense to the parties concerned, all controversies and disputes involving the proper administration of the public school system. The State Superintendent of Education shall enforce ~~all the provisions of~~ this title and the rules and ~~regulations~~ policies of the State Board of Education. He or she shall file charges with the State Board of Education or other controlling authority and shall recommend for removal or institute proceedings for the removal of any ~~person~~ individual appointed under ~~the provisions of~~ this title for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty.

(b) (1) The State Superintendent of Education may summon any witness to appear and give testimony, and summon by subpoena duces tecum any records, books, or other information of any kind relating to any matter which the State Department



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57 of Education or the State Board of Education has authority to
58 administer or regulate.

59 (2) The witness may be summoned by subpoena issued by
60 the State Superintendent of Education or any circuit judge,
61 magistrate, or district judge in the name of the department
62 and directed to any sheriff of the state or process server and
63 returnable to the department.

64 (3) The subpoena may be served in like manner as
65 subpoenas issued out of any circuit court or may be served by
66 an authorized employee of the department or by either U.S.
67 mail with delivery confirmation or certified mail, return
68 receipt requested.

69 (4) If any witness is subpoenaed to appear and testify
70 or appear and produce records, books, or other information,
71 and fails or refuses to appear or testify or to produce the
72 books, records, or other information, that witness shall be
73 subject to contempt proceedings in the circuit court of the
74 judicial circuit in which the witness resides, and, upon proof
75 of the fact to a circuit court, may be punished for contempt
76 as provided in cases of contempt in circuit court.

77 (c) (1) The State Superintendent of Education may
78 appoint special investigators as necessary within the Office
79 of General Counsel of the State Department of Education. An
80 appointed special investigator shall sign an agency access
81 agreement before access to any law enforcement records or
82 systems is granted. The grant of access to law enforcement
83 records and systems is subject to state and federal law and
84 may be audited by the Criminal Justice Information Services



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Division of the Alabama State Law Enforcement Agency.

(2) An appointed special investigator shall have general investigative powers including, but not limited to, all of the following:

a. To serve subpoenas issued for examination, investigation, and trial or hearing of all administrative, regulatory, certification, and litigation matters involving the department.

b. To access any public school property while fulfilling his or her responsibilities.

c. To interview witnesses and other individuals who may have indirect information.

d. To access pertinent law enforcement records and systems in the performance of his or her official duties including, but not limited to, investigating misconduct by school employees whose certification may be subject to revocation by the State Superintendent of Education.

e. To obtain information or evidence in any form.

f. To perform additional duties as the State Superintendent of Education may direct."

Section 2. This act shall become effective on August 1, 2025.