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HSLDA[®]

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March 6, 2018

Dear Honorable Members of the Government Accountability and Oversight Committee:

My name is Michael Donnelly, and I am Senior Counsel and Director of Global Outreach for the Home School Legal Defense Association. I am a graduate of the Boston University School of Law and hold an LLM from the London School of Economics in comparative constitutional and human rights law. I am admitted to the bar of New Hampshire, Massachusetts, West Virginia, and the District of Columbia. I am a professor of government at Patrick Henry College where I teach Constitutional Law. I have published numerous articles in peer reviewed journals about homeschooling.

HSLDA is a global advocacy organization with over 80,000 member families, and we represent the interests of several tens of thousands of homeschooling individuals in the state of Ohio. I would like to thank our members who are here today for coming to participate in this important civic process. I would also like to recognize your service as legislators. As a national advocate, I go to many state capitals, and your service to your fellow citizens is commendable.

HSLDA opposes HB 512 for a variety of reasons. Our primary concerns relate to issues of both substance and process.

H O M E S C H O O L L E G A L D E F E N S E A S S O C I A T I O N

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HB 512 is a complicated 2400-page bill that we believe could undermine the ability of Ohio citizens to have the appropriate impact on education policy by stripping the currently elected school board of virtually all its powers and transferring those powers to the new Department of Learning and Achievement (“DLA”). The DLA would be run by a director and would subsume most of the current powers of the constitutionally created board of education, the board of regents, and the Ohio Department of Education.

Our organization believes fundamentally that the more input citizens have through elected officials the better. Proponents of HB 512 have stated that the bill would “streamline” education in Ohio from K-12 and beyond. In the process of streamlining, the bill would also remove important accountability through elected officials. The director of the DLA and staff would be appointed or hired and thus be insulated from the political process. Proponents have expressed frustration that the state of education in Ohio demands just this kind of streamlining, that the current players have had their chance to get the job done. They argue that somehow taking away the power from existing entities would make it easier to get the job done. This may be true, but precisely what is the job that needs to get done?

In the words of Representative Reineke, with whom I have had the pleasure of speaking, HB 512 is at least about this – it is “about a lifetime of learning – crib to career – birth to work.” As much as I appreciate the good intentions of Representative Reineke to provide better educational opportunity to Ohio citizens – the idea of a huge new government bureaucracy with a mandate to control anything from crib to career is chilling.

In talking with Representative Reineke I am convinced that he is a practically minded man who is sincere in his desire to improve education in Ohio. He told me how frustrated he is with the status quo that he feels is not serving Ohio employers

or Ohio students. Too many students require remediation in college. There should be more career-oriented education opportunities for vocational and technical education. Too many people feel like they have to go to college and then end up with too much debt. He expressed a desire to make education more efficient and to allow Ohio families more choices.

These are commendable goals with which I would, and I am sure many here do, agree.

But as much as I, or anyone else, might share his concerns and desires, HB 512 is a risky, massive endeavor. Will structural changes that bypass existing policy-making bodies result in the outcomes he hopes for? Some have said these opportunities already exist – if that is true, why do the problems that Representative Reineike is concerned about still exist? This is a fair question. But is fast-tracking legislation to go around constitutionally mandated decision-making bodies the right way to address the problem?

HB 512 takes authority away from some people and concentrates it under fewer people answering only to the governor. This concentration does not change the underlying educational mandates that have been one of the problem causes; it just creates another bureaucracy. And in so doing it undermines the principle of representative democracy.

While efficiency can be good because it can help get things done, there is a tension. Efficiency's merits depend on whether you agree with the goals of those in charge: Does Ohio need a deep state education bureaucracy?

Do you remember how it felt when the United States Congress decided to “fast track” Obamacare legislation? The Democrats had the majority and they could get it through – there were no amendments allowed from Republicans. There was

no time to read the bill – as Nancy Pelosi famously said – we must pass the bill to find out what’s in it. It feels a little bit like that here.

Why should people have confidence that a new government bureaucracy will be more efficient or respect the will of the people more?

Across the country, states have recognized the importance of the role of a state board of education. Only two states do not have one.

Twenty-six states have outlined a formal constitutional role specific to education for their governor. Forty-one have statutory language giving the governor a formal role. Twenty-four states detail the governor’s authorities and duties in education policy in constitutional language and in statute.¹

Every state has constitutional language detailing the authority and duties of state legislatures in education, and 43 states give the legislature some role in appointing or confirming the chief state school officer or state board of education members.²

Twenty-seven chief state school officers have a formal constitutional role in state government. Additionally, how they are selected for office varies: 20 are appointed by state boards of education, 17 are appointed by the governor, 13 are elected, and one is appointed by the state executive-level secretary.³

State board of education authority and duties are also detailed in state constitutions and statute. Twenty-three states include state boards in the constitution, and 49 have statutory powers and duties. Only Minnesota and Wisconsin do not

¹ <https://www.ecs.org/k-12-governance-structures/>

² *Id.*

³ *Id.*

have a state board, and New Mexico's public education commission is advisory only.⁴

Thirty states have some variation of an executive-level secretary. Such positions may mean additional formal duties for chief state school officers, or they may be individually appointed positions designated to serve the state board of education or work in some other capacity. Only four states have school boards that are completely governor appointed.⁵

The Ohio Constitution was changed to create an elected school board. While you do have the duties to assign the scope of the board's duty and operation by law, HB 512 does not seem to align with the intent of the constitutional change to put education policy in a body that is closer to the people and with electoral legitimacy. If the legislature wants to get rid of the board, then a constitutional amendment would be a more appropriate way to go about doing so. Let the people decide.

For my specific constituency, the impact would be the centralization of current rules under an unelected and unaccountable bureaucracy. This consolidation would take away virtually all our ability to influence government control over how homeschooling works through elected representatives. I have seen this process happen in other states where the education bureaucracy is insulated from the people as it is in New Hampshire. It is a frustrating process.

In most states home education is provided for specifically by law and not regulation. As it turns out, in Ohio there is more transparency in the rules process than the legislative process. Chapter 119, the Administrative Procedures Act, requires notice, comment, and hearing for changes to rules. But in the over the 12

⁴ Id.

⁵ Id.

years I have been involved with Ohio I have seen language pop into bills overnight, just days before passage, never having been heard by committee, and not being debated on the floor.

With an elected school board our community has the ability to go to an elected representative to have an impact on policy affecting us. This would not be the case under HB 512.

Education is the largest single line item the state spends the people's money on. It should do so in an efficient and accountable way of course. But education policy deals with the most precious of all things in the lives of Ohio citizens – their children. Major changes to this policy should be done in a thoughtful and deliberative way, respectful of the constitutional intent and with opportunity for meaningful input and dialogue as to the best way to solve the difficult and real problems that exist in the current law and with the current bureaucracy.

I understand your desire for change and frustration with the current system. But I urge you to take a different approach to dealing with these problems. Thank you for your kind attention.

A handwritten signature in black ink, appearing to read "Michael P. Donnelly". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael P. Donnelly, Esq.



EDUCATION COMMISSION
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What constitutional or statutory powers does the legislature have as it relates to education policy?

November 2017

Data are collected using publicly available state constitutional language and state statutes. Updated as of Nov. 1, 2017.

	What constitutional or statutory powers does the legislature have as it relates to education policy?
Alabama	<p>The legislative power of this state shall be vested in a legislature, which shall consist of a senate and a house of representatives.</p> <p>The legislature may provide for the establishment and operation of schools.</p>
Alaska	<p>The legislative power of the State is vested in a legislature consisting of a senate with a membership of 20 and a house of representatives with a membership of 40.</p> <p>The legislature may establish and maintain a system of public schools open to all children in the state.</p>
Arizona	<p>The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives.</p> <p>The legislature shall enact laws to provide for the establishment and maintenance of a general and uniform public school system.</p>
Arkansas	<p>The General Assembly is required to provide for the support of a common schools by general law.</p> <p>The supervision of public schools are vested and confided to the General Assembly.</p>
California	<p>The legislative power of the state is vested in the California Legislature.</p> <p>The legislature is required to provide for a system of common schools in which free school is supported in each district for at least six months in every year.</p>
Colorado	<p>The legislative power of the state is vested in the general assembly</p>

	<p>consisting of a senate and house of representatives.</p> <p>The general assembly must provide for the establishment and maintenance of a uniform system of free public schools throughout the state. One or more public schools must be maintained in each school district for at least three months in each year.</p> <p>The general assembly is required to provide for the organization of school districts of convenient size, to be governed by three or more elected directors.</p>
Connecticut	<p>The legislative power of the state is vested in two distinct houses: the house of representatives and the senate.</p> <p>The general assembly is required to implement free elementary and secondary schools through appropriate legislation.</p>
Delaware	<p>The legislative power of the state is vested in the general assembly, which consists of a senate and house of representatives.</p> <p>The general assembly is required to provide for the establishment and maintenance of a general and efficient system of free public schools and may require every child to attend public school unless educated by other means.</p>
District of Columbia	<p>The Council of the District of Columbia has the authority to pass acts and adopt resolutions by a vote of a majority of the members of the council.</p>
Florida	<p>The legislature shall make adequate provision to ensure that there are a sufficient number of classrooms so that:</p> <ul style="list-style-type: none"> -The maximum number of students for each public school teacher in prekindergarten through grade 3 does not exceed 18 students. -The maximum number of students for each public school teacher in grades 4 through 8 does not exceed 22. -The maximum number of students for each public school teacher in grades 9 through 12 does not exceed 25. <p>The legislature is required to provide every four-year old child high quality pre-kindergarten learning opportunities including basic skills the legislature deems appropriate.</p>
Georgia	<p>The legislative power of the state shall be vested in a General Assembly which shall consist of a senate and a house of representatives.</p> <p>The general assembly may, by general law, provide for the establishment of education policies for public education.</p>
Hawaii	<p>The legislative power of the state shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives.</p>

Idaho	<p>The legislative power of the state shall be vested in a senate and house of representatives.</p> <p>It shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools.</p>
Illinois	<p>The legislative power is vested in a general assembly consisting of a senate and house of representatives.</p> <p>The state shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the general assembly provides by law.</p>
Indiana	<p>The legislative authority of the state shall be vested in a general assembly, which shall consist of a senate and a house of representatives.</p> <p>Each house shall have all powers necessary for a branch of the legislative department of a free and independent state.</p> <p>It shall be the duty of the general assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide, by law, for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.</p>
Iowa	<p>The legislative authority of the state shall be vested in a general assembly, which shall consist of a senate and house of representatives.</p> <p>No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the general assembly.</p> <p>The educational and school funds and lands shall be under the control and management of the general assembly.</p> <p>The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The general assembly may use revenue generated by property and other sources in the state to support common schools.</p>
Kansas	<p>The legislative power of this state shall be vested in a house of representatives and senate.</p> <p>The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.</p> <p>The legislature shall provide for a state board of education, which shall have general supervision of public schools, educational institutions, and all the educational interests of the state. The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education.</p> <p>The legislature may prescribe overlapping terms for the state boards of</p>

	<p>education and regents. The legislature shall make provision for ten member districts for the state board of education.</p>
Kentucky	<p>The legislative power shall be vested in a house of representatives and senate, which, together, shall be styled the "General Assembly of the Commonwealth of Kentucky."</p> <p>The general assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the state.</p> <p>The general assembly shall by general law prescribe the manner of the distribution of the public school fund among the school districts and its use for public school purposes.</p>
Louisiana	<p>The legislative power of the state is vested in a legislature, consisting of a senate and a house of representatives.</p> <p>The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.</p> <p>The legislature shall create parish school boards and provide for the election of their members.</p> <p>The legislature shall appropriate funds for the operating and administrative expenses of the state board.</p>
Maine	<p>The legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state, not repugnant to this constitution, nor to that of the United States.</p> <p>The legislature is authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools. The legislature of the state shall have the right to grant any further powers to alter, limit or restrain any of the powers vested in any such literary institution, as shall be judged necessary to promote the best interests thereof.</p>
Maryland	<p>The legislature shall consist of two distinct branches; a senate, and a house of delegates, and shall be styled the General Assembly of Maryland.</p> <p>The general assembly shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested, by the constitution, in any department, or office of the government, and the duties imposed upon them thereby.</p> <p>The general assembly shall by law establish throughout the state a thorough and efficient system of free public schools; and shall provide by taxation, or otherwise, for their maintenance.</p>
Massachusetts	<p>The department of legislation shall be formed by two branches, a senate and a house of representatives: each of which shall have a negative on the other.</p>

	<p>It shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people.</p>
<p>Michigan</p>	<p>The legislative power of the State of Michigan is vested in a senate and house of representatives.</p> <p>The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color, or national origin.</p> <p>No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school.</p>
<p>Minnesota</p>	<p>The legislature consists of the senate and house of representatives.</p> <p>The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.</p>
<p>Mississippi</p>	<p>The legislative power of this state shall be vested in a legislature which shall consist of a senate and a house of representatives.</p> <p>The legislature shall, by general law, provide for the establishment, maintenance and support of free public schools upon such conditions and limitations as the legislature may prescribe.</p> <p>The legislature shall by general law prescribe the compensation which members of the board shall be entitled to receive.</p>
<p>Missouri</p>	<p>The legislative power shall be vested in a senate and house of representatives to be styled "The General Assembly of the State of Missouri."</p> <p>The general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state within ages not in excess of 21 years as prescribed by law.</p> <p>In the event the public school fund cannot sustain schooling for eight months a year, the general assembly may provide for such deficiency but may not set aside less than 25 percent of state revenue to provide for</p>

	<p>schools.</p> <p>The general assembly may levy an annual tax sufficient to pay the accruing interest of all state certificates of indebtedness.</p> <p>The general assembly shall adequately maintain the state university and such other educational institutions as it may deem necessary.</p>
<p>Montana</p>	<p>The legislative power is vested in a legislature consisting of a senate and house of representatives.</p> <p>The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.</p> <p>The legislature is required to form a school funding interim commission in the 2015-2016 interim and each successive fifth interim to study educational needs and costs and make recommendations.</p>
<p>Nebraska</p>	<p>The legislative authority of the state shall be vested in a legislature consisting of one chamber.</p> <p>The legislature shall pass all laws necessary to carry into effect the provisions of the state constitution.</p> <p>The legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and 21 years. The legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.</p> <p>The legislature shall prescribe the powers and duties of the state board of education.</p> <p>The general management of all lands set apart for educational purposes shall be vested under the direction of the legislature.</p> <p>The legislature may use funds arising from perpetual funds, income from unsold school lands, all other grants or gifts that are made to the state, or other support as the legislature provides for early childhood education.</p> <p>The legislature may provide by law for the establishment of a school or schools for the safe keeping, education, employment, and reformation of all children under the age of 18 years who, for want of proper parental care, or other cause, are growing up in mendicancy or crime.</p>
<p>Nevada</p>	<p>The legislative authority of this state shall be vested in a senate and assembly which shall be designated "The Legislature of the State of Nevada" and the sessions of such legislature shall be held at the seat of government of the state.</p> <p>The legislature shall encourage by all suitable means the promotion of</p>

	<p>intellectual, literary, scientific, mining, mechanical, agriculture, and moral improvements, and also provide for a superintendent of public instruction and by law prescribe the manner of appointment, term of office and duties thereof.</p> <p>The legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year, and any school district which shall allow instruction of a sectarian character therein may be deprived of its proportion of the interest of the public school fund during such neglect or infraction.</p>
<p>New Hampshire</p>	<p>The supreme legislative power, within the state, shall be vested in the senate and house of representatives, each of which shall have a negative on the other.</p> <p>The full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions for the benefit of the welfare of the state.</p> <p>It shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country.</p>
<p>New Jersey</p>	<p>The legislative power shall be vested in a senate and general assembly.</p> <p>The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the state between the ages of five and 18 years.</p> <p>The legislature may provide, within reasonable limitations as to distance to be prescribed, provide for the transportation of children within the ages of five to 18 years inclusive to and from any school.</p>
<p>New Mexico</p>	<p>The legislative power shall be vested in a senate and a house of representatives which shall be designated the legislature of the state of New Mexico, and shall hold its sessions at the seat of government.</p> <p>The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages.</p> <p>Children of Spanish descent in the state of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the state, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the state, and the legislature shall provide penalties for the violation of this section.</p>

New York	<p>The legislative power of this state shall be vested in the senate and assembly.</p> <p>The legislature shall provide for the maintenance and support of a system of free common schools, wherein all children of this state may be educated.</p> <p>The legislature may provide for the transportation of children to and from any school or institution of learning.</p>
North Carolina	<p>The legislative power of the state shall be vested in the general assembly, which shall consist of a senate and a house of representatives.</p> <p>The general assembly shall provide by taxation and otherwise for a general uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.</p> <p>The general assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate.</p> <p>The general assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.</p>
North Dakota	<p>The legislative assembly shall enact all laws necessary to carry into effect the provisions of the state constitution.</p> <p>The legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. The legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.</p> <p>The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education.</p> <p>The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.</p>
Ohio	<p>The legislative power of the state shall be vested in a general assembly consisting of a senate and a house of representatives but the people reserve to themselves the power to propose to the general assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided.</p> <p>The general assembly shall make such provisions, by taxation, or otherwise as, with the income arising from the school trust fund, will</p>

	<p>secure a thorough and efficient system of common schools throughout the state.</p>
Oklahoma	<p>The legislative authority of the state shall be vested in a legislature, consisting of a senate and a house of representatives.</p> <p>The legislature shall establish and maintain a system of free public schools wherein all the children of the state may be educated.</p> <p>The legislature shall, by appropriate legislation, raise and appropriate funds for the annual support of the common schools of the state.</p> <p>The legislature shall provide for the establishment and support of institutions for the care and education of persons within the state who are deaf, deaf and mute or blind.</p> <p>The legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided, of all the children of the state who are sound in mind and body, between the ages of eight and 16 years, for at least three months each year.</p> <p>The legislature shall provide for a system of textbooks in the common schools of the state, and the state through appropriate legislation shall furnish such textbooks free of cost for all pupils therein.</p>
Oregon	<p>The legislative power of the state, except for the initiative and referendum powers reserved to the people, is vested in a legislative assembly, consisting of a senate and a house of representatives.</p> <p>The legislative assembly shall provide by law for the establishment of a uniform general system of common schools.</p> <p>The legislative assembly shall appropriate each biennium a sum of money sufficient to ensure that the state's system of public education meets quality goals established by law.</p>
Pennsylvania	<p>The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and a house of representatives.</p> <p>The general assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.</p>
Rhode Island	<p>The general assembly shall pass all laws to carry the state constitution into effect.</p> <p>The legislative power shall be vested in a house of representatives and a senate.</p> <p>It shall be the duty of the general assembly to promote public schools and public libraries, and to adopt all means which it may deem necessary and proper to secure to the people the advantages and opportunities of education and public library services.</p>

South Carolina	<p>The legislative power of the state shall be vested in two distinct branches, the one to be styled the "Senate," and the other the "House of Representatives," and both together in the "General Assembly of the State of South Carolina."</p> <p>The general assembly shall provide for the maintenance and support of a system of free public schools open to all children in the state and shall establish, organize and support such other public institutions of learning as may be desirable.</p>
South Dakota	<p>The legislative power of the state shall be vested in a legislature which shall consist of a senate and a house of representatives.</p> <p>It shall be the duty of the legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge and equally open to all; and to adopt suitable means to secure to the people the advantages and opportunities of education.</p>
Tennessee	<p>The legislative authority of the state is vested in a general assembly, which shall consist of a senate and a house of representatives.</p> <p>The General Assembly shall provide for the maintenance, support and eligibility standards of a system of free public schools. The General Assembly may establish and support such postsecondary educational institutions, including public institutions of higher learning, as it determines.</p>
Texas	<p>The Legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."</p> <p>It shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.</p> <p>The Legislature may provide for the formation of school districts by general laws, and all such school districts may embrace parts of two or more counties.</p> <p>The Legislature shall be authorized to pass laws for the assessment and collection of taxes in all school districts.</p>
Utah	<p>The legislative power of the state shall be vested in a Senate and House of Representatives which shall be designated the Legislature of the State of Utah.</p> <p>The legislature shall provide for the establishment and maintenance of the state's education systems including a public education system, which shall be open to all children of the state and a higher education system.</p> <p>The public education system shall include all public elementary and secondary schools and such other schools and programs as the legislature may designate. Public elementary and secondary schools shall be free,</p>

	<p>except the legislature may authorize the imposition of fees in the secondary schools.</p>
Vermont	<p>The supreme legislative power shall be exercised by a senate and a house of representatives.</p> <p>The senate and the house of representatives shall be styled, The General Assembly of the State of Vermont. Each shall have and exercise the like powers in all acts of legislation, and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other.</p> <p>A competent number of schools ought to be maintained in each town unless the general assembly permits other provisions for the convenient instruction of youth.</p>
Virginia	<p>The legislative power of the commonwealth shall be vested in a general assembly, which shall consist of a senate and house of delegates.</p> <p>The general assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained.</p> <p>The general assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality, and shall provide for the apportionment of the cost of such program between the commonwealth and the local units of government comprising such school divisions.</p> <p>The general assembly shall provide for the compulsory elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law.</p>
Washington	<p>The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington.</p> <p>The legislature shall provide for a general and uniform system of public schools.</p>
West Virginia	<p>The legislative power shall be vested in a senate and house of delegates.</p> <p>The legislature shall provide, by general law, for a thorough and efficient system of free schools.</p> <p>The legislature may provide for county superintendents and such other officers as may be necessary to carry out the objects of this article and define their duties, powers and compensation.</p> <p>The legislature shall provide for the support of free schools by appropriating thereto the interest of the invested "School Fund."</p> <p>The legislature shall foster and encourage, moral, intellectual, scientific</p>

	<p>and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning as the best interests of general education in the state may demand.</p>
Wisconsin	<p>The legislative power shall be vested in a senate and assembly.</p> <p>The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years.</p>
Wyoming	<p>The legislative power shall be vested in a senate and house of representatives, which shall be designated "the legislature of the State of Wyoming."</p> <p>The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the state allow, and such other institutions as may be necessary.</p> <p>The legislature shall make such further provision by taxation or otherwise, as with the income arising from the general school fund will create and maintain a thorough and efficient system of public schools. the legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and 18 years for a time equivalent to three years, unless educated by other means.</p>

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What constitutional or statutory powers and duties does the state board have?

November 2017

Data are collected using publicly available state constitutional language and state statutes. Updated as of Nov. 1, 2017.

	What constitutional or statutory powers and duties does the state board of education have as it relates to education policy?
Alabama	The state board of education provides general supervision of the public schools in Alabama.
Alaska	<p>The board must adopt goals for the public education system as well as regulations for the application and award of grants, and regulations for public schools providing domicile.</p> <p>Additionally, the board may adopt bylaws for department management and must provide a report on the quality of public education in the state to the legislature.</p>
Arizona	<p>The general supervision of the public education system is vested in the state board. The board may adopt rules and policies it deems necessary to accomplish this purpose.</p> <p>Additionally, the board is required to prescribe a minimum course of study for all students, supervise the certification of instructors, and provide a variety of administrator and educator preparation programs. These provisions include requirements to determine high school graduation requirements and competency certifications.</p> <p>The board is also required to provide a process for the department of education to manage complaints. State law requires the board to develop data gathering methods and rules.</p>
Arkansas	The state board of education provides general supervision of the public schools in Arkansas including recommending courses of study, issue licenses based on credentials, prescribe requirements of accrediting and grading public schools, supervise the operation of school district budgets, and take action necessary to promote the physical welfare of school children, and the organization and efficiency of public schools.
California	The state board of education determines all questions of policy within its

	<p>powers.</p> <p>The board is required to adopt policies for its own government, for the government of its appointees and employees, for the government of elementary and secondary schools, and for the government of any other schools except for state universities.</p> <p>The board must also study the educational needs and conditions of the states.</p>
<p>Colorado</p>	<p>The state board of education provides general supervision over public schools in Colorado.</p> <p>The state board has the power to:</p> <p>Perform duties delegated by law.</p> <p>Promulgate and adopt policies, rules, and regulations.</p> <p>Maintain administrative organization for personnel of the department.</p> <p>Duties include:</p> <p>Aligning graduation requirements with postsecondary and workforce readiness.</p> <p>Recognize and address multiple and diverse pathways to diplomas offered by school districts in the state.</p> <p>Appoint a commissioner of education and annually evaluate the job performance of the commissioner.</p> <p>Approve the annual budget request for the department prior to submission.</p>
<p>Connecticut</p>	<p>The state board of education is responsible for the general supervision and control of education in Connecticut. Supervision includes promoting the improvement of education, adopting content standards, keeping informed on the condition of education within the state, and develop evaluation and assessment programs, among others.</p> <p>The board is also required to prepare a comprehensive state education plan every five years and must include a policy statement and long-term and short-term objectives.</p>
<p>Delaware</p>	<p>The state board of education provides the secretary of education with advice and guidance with respect to policy development and where rule and regulation-making authority is jointly entrusted to the secretary and the state board.</p> <p>The board provides advice and guidance to the secretary on the department's annual operating budget. Additionally, the board provides the secretary of education with guidance concerning the implementation of the student achievement and statewide assessment program.</p>

<p>District of Columbia</p>	<p>The board serves in an advisory capacity to the state superintendent of education.</p> <p>Advisory duties include state standards and policies governing special, academic, vocational, charter, and other schools.</p> <p>Additionally, the board is required to conduct monthly meetings and have access to public comments.</p> <p>The board has the authority to approve state standards, high school graduation requirements or equivalence credentials, teacher preparation programs, accountability plans, parental involvement policies, charter school authorizers, and attendance requirements.</p>
<p>Florida</p>	<p>The state board of education is the chief implementing and coordinating body of public education in Florida. The board is required to adopt comprehensive educational objectives for public education as well as comprehensive short-term and long-term plans for the state system of public education. The board is also required to work with the governor and legislature to develop a budget for K-20 education.</p> <p>The board has the authority to adopt cohesive rules within statutory authority and to enforce systemwide education goals and policies. Additionally, the board must develop/maintain curricular standards and support the department of education.</p> <p>The board appoints the commissioner of education.</p>
<p>Georgia</p>	<p>The state board of education is required to prepare and submit budget estimates to the governor and the general assembly. The board has general supervision of the department of education and may delegate to the state superintendent the authority to employ and dismiss employees of the department.</p> <p>The board may use and allocate money for educational research and preparation of publication of instructional material. Such funds must be approved by the governor.</p> <p>The state board is authorized to receive any federal funds made available to it for schoolhouse construction or improvement. The board is authorized to make comprehensive studies to determine the need for and location of new school buildings.</p>
<p>Hawaii</p>	<p>The board of education shall have the power, as provided by law, to formulate statewide educational policy and appoint the superintendent of education as the chief executive officer of the public school system.</p> <p>The board shall establish statewide performance standards and the means to assess the standards.</p> <p>The board may adopt rules for the government of all teachers, educational officers, other personnel, and pupils, and for carrying out transaction of its business.</p>

Idaho	<p>The general supervision of the public education system is vested in the state board.</p> <p>The board has the power to perform all duties prescribed for it by the school laws of the state. It may hold real property. The board must provide general supervision of all entities of public education supported in whole or in part by state funds.</p> <p>The board may delegate duties and powers to executive officers as needed.</p>
Illinois	<p>The state board of education, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing.</p> <p>The board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and vocational education in the state of Illinois.</p> <p>The state board of education may, after proper investigation, certify that a district is in financial difficulty, provide recommendations, and require districts to produce a financial recovery plan.</p>
Indiana	<p>The state board shall do the following:</p> <ul style="list-style-type: none"> -Establish educational goals of the state, developing standards and objectives for local school corporations. -Assess the attainment of the established goals. -Assure compliance with established standards and objectives. -Coordinate with the commission for higher education and department of workforce development to develop entrepreneurship education programs for elementary and secondary education, higher education, and individuals in the workforce. -Make recommendations to the governor and general assembly concerning the educational needs of the state. -Provide for reviews to ensure the validity and reliability of the statewide assessment program.
Iowa	<p>The state board of education shall:</p> <ul style="list-style-type: none"> -Adopt and establish policy for programs and services of the department pursuant to law. -Prescribe standards and procedures for the approval of practitioner preparation programs and professional development program offered in the state. -Adopt and update annually a five-year plan for the achievement of educational goals.

	<p>-Adopt rules and procedures for accrediting all apprenticeship programs in the state.</p> <p>-Adopt rules relating to health services.</p>
Kansas	<p>The state board of education has general supervision of public schools, educational institutions and all the educational interests of the state.</p> <p>The state board of education shall adopt and maintain standards, criteria, guidelines or rules and regulations for school libraries, courses of study and curriculum, the accreditation of schools, and certify teachers and administrators.</p> <p>The board shall also administer the laws of this state concerning the matters relating to the general supervision of public schools and institutions under its supervision.</p> <p>The board has the authority to appoint assistant commissioners of education to perform duties prescribed by the board or the commissioner.</p>
Kentucky	<p>The primary function of the board shall be to develop and adopt policies and administrative regulations, with the advice of the Local Superintendents Advisory Council, by which the department of education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the educational programs, services, and activities within the department of education which are within the jurisdiction of the board.</p>
Louisiana	<p>The state board of elementary and secondary education shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools.</p> <p>The board may adopt, amend, or repeal rules, regulations, and policies necessary or proper for the conduct of business of the board.</p> <p>The board may enter contracts which have been recommended by the state superintendent.</p> <p>The board may delegate powers and duties as necessary to the superintendent of elementary and secondary education.</p> <p>The board shall adopt a minimum foundation program and adopt a formula for the equitable allocation of minimum foundation funds to parish and city school systems.</p> <p>The board shall be responsible for all planning functions for the department of education.</p> <p>The board determines teacher qualifications and certification requirements.</p>
Maine	<p>The state board of education is responsible for formulating policy,</p>

	<p>advising the commissioner, and enforcing regulatory requirements.</p> <p>The board's duties include:</p> <ul style="list-style-type: none"> -Making recommendations to the legislature. -Approve the formation of school administrative districts. -Review, when necessary, decisions made by the commissioner on applications for additions to, dissolution of, transfers among, withdrawals from and closing of schools in school administrative districts and community school districts. -Establish standards for the certification of teachers. -Develop and adopt a plan for the establishment of career and technical education centers. -Approve standards for school construction. -Develop long-range education goals and standards for school performance and student performance. -Review the organization of school administrative units statewide to identify current cooperative agreements between school administrative units.
<p>Maryland</p>	<p>The state board shall:</p> <ul style="list-style-type: none"> -Determine the elementary and secondary educational policies of this state. -Adopt bylaws, rules, and regulations, for administration of public schools. -Institute legal proceedings to enforce article, bylaws, rules, and regulations. -Exercise general control over public schools and the educational interests of the state, except for Baltimore schools. -Establish basic policy and guidelines for the program of instruction for the public schools. -Recommend an annual budget to the governor. -Coordinate the growth and development of elementary and secondary education in the state.
<p>Massachusetts</p>	<p>The board of education is required to establish policies relative to the education of students in public early childhood, elementary, secondary and vocational-technical schools.</p> <p>The board establishes standards for certifying all teachers, principals, and administrators in early childhood, elementary, secondary and vocational-technical schools.</p>

	<p>Additionally, the board directs and supports the administrative duties of local schools by establishing the process and standards for audits, providing technical assistance on curriculum and materials, ensuring compliance with board policy and statute, ensuring administrative efficiencies in the department and in schools, identifying low-performing schools, and overseeing school accountability and reporting in addition to other duties.</p> <p>The board also recommends the commissioner of elementary and secondary education to the secretary of education.</p>
<p>Michigan</p>	<p>Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education.</p> <p>The state board of education is head of the department of education.</p>
<p>Minnesota</p>	<p>N/A</p>
<p>Mississippi</p>	<p>The state board of education shall adopt rules and regulations and set standards and policies for the organization, operation, management, planning, budgeting and programs of the state department of education.</p> <p>The board is directed to identify, maintain, and provide the necessary organizational structure for department of education to perform its duties.</p> <p>The board must maintain a system-wide plan of performance, policy and directions of public education not otherwise provided for.</p> <p>The board shall adopt and maintain a curriculum and a course of study to be used in the public school districts that is designed to prepare the state's children and youth to be productive.</p> <p>The state board shall develop personal living and finance objectives for appropriate, existing courses at the secondary level.</p>
<p>Missouri</p>	<p>The supervision of instruction in the public schools shall be vested in a state board of education.</p> <p>The state board shall:</p> <ul style="list-style-type: none"> -Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education. -Carry out policies relating to public schools. -Direct the investment of moneys received to be applied to support of public education.

	<ul style="list-style-type: none"> -Grant professional certification to public school employees. -Classify the public schools of the state, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools. -Annually report to the general assembly. -Promulgate rules under which the board shall classify the public schools of the state.
<p>Montana</p>	<p>The board of education shall:</p> <ul style="list-style-type: none"> -Affect an orderly and uniform system for teacher certification. -Consider the suspension or revocation of teacher or specialist certificates. -Administer school financial aid. -Adopt uniform regulations for school buses. -Adopt standards of accreditation. -Approve or disapprove of educational media selected by the superintendent of public instruction. -Adopt rules for the issuance of documents certifying equivalency of completion of secondary education. -Adopt policies for the conduct of programs for gifted and talented. -Adopt rules for student assessment.
<p>Nebraska</p>	<p>The state board of education's powers and duties are prescribed by the legislature.</p> <p>The state board of education, acting as a unit, shall be the policy-forming, planning, and evaluative body for the state school program.</p> <p>The state board of education shall:</p> <ul style="list-style-type: none"> -Appoint and fix the compensation of the commissioner of education. -Oversee the commissioner's performance. -Appoint and fix the compensation of all new professionals in the department with the advice of the commissioner. -Organize the state department of education into divisions, branches, and sections as may be necessary to perform its duties and functions. -Provide enlightened professional leadership, guidance, and supervision of the state school system.

	<ul style="list-style-type: none"> -Adopt and promulgate rules and regulations for the guidance, supervision, accreditation, and coordination, of educational service units. -Make studies, investigations, and reports and assemble information as necessary for the formulation of policies. -Submit a budget to the governor and legislature. -Adopt standards for school vehicles that transport children. -Administer the Interstate Compact on Educational Opportunity for Military Children.
Nevada	<p>The state board of education shall establish policies to govern the administration of all functions of the state relating to supervision, management and control of public schools not conferred by law on some other agency.</p>
New Hampshire	<p>The state board of education shall:</p> <ul style="list-style-type: none"> -Regularly review all programs and activities of the department of education and make recommendations to the commissioner of education. -Advise the commissioner of education with regard to department goals, information gathering and any other aspect of elementary and secondary education. -Hear appeals and issue decisions, which shall be considered final decisions of the department of education. -Appoint members of the professional standards board and other advisory bodies. -Adopt rules.
New Jersey	<p>The general supervision and control of public education in this state, except for higher education, and of the state department of education shall be vested in the state board, which shall formulate plans and make recommendations for the unified, continuous and efficient development of public education.</p> <p>The state board shall, if necessary, take and condemn land according to eminent domain provisions.</p> <p>The state board shall conduct all building operations coming within its direct supervision.</p> <p>The state board shall prescribe a uniform system of bookkeeping which is consistent with generally accepted accounting principles.</p> <p>The state board shall make and enforce, and may alter and repeat, rules for its own government and for implementing and carrying out the school laws of this state under which it has jurisdiction.</p> <p>The state board shall report to the legislature annually.</p>

New Mexico	<p>The public education commission shall advise the department on policy matters and shall perform other functions as provided by law.</p> <p>The commission shall work with the department to develop the five-year strategic plan for public elementary and secondary education in the state. The plan should be updated at least biennially.</p> <p>Additionally, the commission shall solicit input from local school boards, school districts and the public on policy and governance issues and report its findings and recommendations to the secretary and the legislature and recommend to the secretary conduct and process guidelines and training curricula for local school boards.</p>
New York	<p>Subject and in conformity to the constitution and laws of the state, the regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and, except, as to the judicial functions of the commissioner of education, establish rules for carrying into effect the laws and policies of the state, relating to education, and the functions, powers, duties and trusts conferred or charged upon the university and the education department.</p>
North Carolina	<p>The state board of education shall supervise and administer the free public school system and the educational funds provided for its support, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the general assembly.</p> <p>The board has the following powers and duties:</p> <ul style="list-style-type: none"> -Financial powers. -Power to alter boundaries of city school administrative units and approve agreements for the consolidation and merger of school administrative units located in the same county. -Power to provide for sick leave with pay and determine salary and benefits for all public school employees. -Establish benchmarks by which to measure the progress that each local school board of education has made in implementing the basic education program. -Conduct hearings throughout the state when making substantial policy changes. -Develop exit standards and graduation requirements. -Provide programs or projects in the cultural and fine arts areas. -Provide for school transportation programs. -Develop uniform education reporting system. -Assist Schools in meeting adequate yearly progress. -Power to accredit schools.

<p>North Dakota</p>	<p>The state board of education shall:</p> <ul style="list-style-type: none"> -Assist county committees in carrying out their duties. -Provide county committees with clerical assistance, plans of procedure, standards, data, maps, forms, and other materials. -Appoint members of county committees, if county superintendent does not fulfill his duty. -Provide oversight for regional education associations. <p>The board may adopt rules.</p>
<p>Ohio</p>	<p>There shall be a state board of education which shall be selected in such manner for such terms as shall be provided by law.</p> <p>The state board of education shall exercise general supervision of the system of public education. The state board has the following powers and duties:</p> <ul style="list-style-type: none"> -The state board shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law. -The state board shall exercise leadership in the improvement of public education and administer policies relating to public schools including budgeting, finance, transportation, building facilities, officials and personnel, and others. -The state board shall formulate and prescribe minimum academic and operating standards for all elementary and secondary schools in the state for the purpose of providing general, high quality education to all students. -Establish and submit to the governor and general assembly a set of clear and measurable goals with specific timetables for their achievement in support of improving student achievement. -The state board shall adopt rules for a statewide education management information system.
<p>Oklahoma</p>	<p>The supervision of the public school system of Oklahoma shall be vested in the state board of education.</p> <p>The state board of education shall:</p> <ul style="list-style-type: none"> -Adopt rules and policies for the operation of the public school system of the state. -Appoint and prescribe the salary and duties of the personnel necessary for the proper performance of the state board of education. -Submit to the governor a departmental budget.

	<ul style="list-style-type: none"> -Provide for the formulation and adoption of curriculum. -Have authority in matters relating to licensure and certification for instructional, supervisory, and administrative positions in public schools. -Have general supervision of the school lunch program. -Provide for the supervision of the transportation of pupils.
<p>Oregon</p>	<p>The state board of education shall consider the modern goals of education when carrying out its duties.</p> <p>The state board shall establish standards and minimum courses of study for public kindergarten, public elementary, and public secondary schools. The board shall also establish rules for the governance of kindergarten, elementary, and secondary schools.</p> <p>The board may adopt rules for participation in interscholastic sports and provide that no school shall discriminate in the participation of interscholastic sports.</p>
<p>Pennsylvania</p>	<p>The board shall have the power, and its duty shall be, to review statements of policy, standards, rules and regulations formulated by the Council on Basic Education and the Council of Higher Education, and adopt broad policies and principles, and establish standards for governing education in the Commonwealth.</p> <p>The board and secretary of education shall jointly fix salaries for staff deemed necessary to perform the duties of the board.</p> <p>The board shall develop an annual operating budget.</p> <p>The board shall provide general supervision of the state-owned universities, community colleges, and state-related universities by adopting policies for approving new schools and requiring long-range plans from the Council of Higher Education.</p> <p>Every five years, the board shall adopt a master plan for higher education for the guidance of the governor.</p> <p>Every five years, the board shall adopt a master plan for basic education for the guidance of the governor. The plan shall address program approval and evaluation, personnel certification and licensure, testing and assessment, governance and organization, curriculum and learning materials, transportation, and others.</p>
<p>Rhode Island</p>	<p>The state board of education is a P-20 governance board consisting of the Council of Elementary and Secondary Education and the Council of Higher Education.</p> <p>The state board of education shall:</p> <ul style="list-style-type: none"> -Develop and adopt a strategic plan outlining the broad goals and objectives of education in the state.

	<ul style="list-style-type: none"> -Prepare and maintain a five-year funding plan for all levels of education in the state. -Develop policies and maximize collaborative potential between elementary, secondary, and higher education. -Approve the appointment of the commissioner of elementary and secondary education. -Approve the appointment of the commissioner of postsecondary education.
<p>South Carolina</p>	<p>The state board of education has the power to:</p> <ul style="list-style-type: none"> -Adopt policies, rules, and regulations for the government of free schools. -Approve and submit budget requests to the governor and the general assembly. -Adopt minimum academic standards. -Prescribe and enforce rules for the licensure and certification of school personnel. -Prescribe and enforce courses of study. -Prescribe and enforce textbooks and materials used in free schools. -Cooperate fully with the state superintendent for the improvement of schools. -Assume other responsibilities and duties as provided by law.
<p>South Dakota</p>	<p>The South Dakota board of education standards and the state department of education shall work jointly to ensure students enter the K-12 system ready to learn. The board and the department shall work to develop standards and practices that ensure that, by the third grade, all children have learned fundamental reading, mathematics, language, science, and technology skills that form the foundation for further learning. The board and the department shall work together to develop standards and practices that ensure that, by completion of the twelfth grade, all students, to the best of their abilities, have learned the educational and personal skills that will allow them to enter adulthood as responsible members of society.</p> <p>The board shall promulgate administrative rules to establish the state accountability system based on achievement and other indicators.</p>
<p>Tennessee</p>	<p>The state board of education has the following powers and duties:</p> <ul style="list-style-type: none"> -Study programs of instruction in grades K-12. -Set policies for completion of elementary, middle, junior high and senior high schools and evaluate the progress and performance of teachers,

	<p>students, and schools.</p> <ul style="list-style-type: none"> -Develop and maintain a master plan for grades K-12 and make recommendations to the governor and general assembly. -Develop and adopt policies, formulas and guidelines for the fair and equitable distribution and use of public funds among public schools. -Adopt policies governing teacher and school professional licensure/certification, professional development, and evaluation. -Set graduation requirements, adopt standards, and determine textbooks and class materials. -Promulgate rules and regulations.
<p>Texas</p>	<p>The state board has the following powers and duties:</p> <ul style="list-style-type: none"> -The board shall develop and update a long-range plan for public education. -The board shall establish curriculum and graduation requirements. -The board shall establish a standard of performance considered satisfactory on student assessment instruments. -The board may establish rules and regulations for charter schools. -The board shall adopt rules prescribing the form and content of information school districts are required to provide concerning programs offered by state institutions. -The board shall perform duties in connection with the public school accountability system. -The board shall adopt rules concerning school district budgets and audits of school district fiscal accounts.
<p>Utah</p>	<p>The state board of education has general control and supervision of the state's public education system.</p> <p>The board may make rules to execute the board's duties and responsibilities under the Utah Constitution and state law.</p> <p>The board may sell any interest it holds in real property upon a finding by the board that the property interest is surplus.</p> <p>The board may audit the use of state funds by an education entity that receives those state funds as a distribution from the board.</p> <p>The board may appoint an attorney to provide legal advice to the board and coordinate legal affairs for the board and the board's employees.</p>
<p>Vermont</p>	<p>The state board of education shall evaluate education policy proposals and establish and advance education policy for the state.</p>

	<p>Additionally, the board shall:</p> <ul style="list-style-type: none"> -Establish such advisory commissions as in the judgment of the board will be of assistance to it in carrying out its duties. -Have the authority to enter into agreements with school districts, municipalities, states, the United States, foundations, agencies, or individuals for service, educational programs, or research projects. -Review and comment on an agency budget prepared by the secretary for the governor. -Make regulations governing the attendance and records of attendance of all students and the deportment of students attending public schools. -Implement and continually update standards for student performance in appropriate content areas and at appropriate intervals for K-12 schools. -If deemed advisable, determine educational standards for admission to and graduation from the public schools. -Report annually on the condition of education statewide and on a school-by-school basis. -The state board of education shall adopt a statewide strategic education plan and update and readopt a plan every five years.
<p>Virginia</p>	<p>The general supervision of the public school system shall be vested in the board of education.</p> <p>The powers and duties of the state board of education include:</p> <ul style="list-style-type: none"> -The board shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose. -Make annual reports to the governor and the general assembly concerning the condition and needs of public education in the Commonwealth, and shall in such report identify any school divisions which have failed to establish and maintain schools meeting the prescribed standards of quality. -It shall certify to the school board of each division a list of qualified persons for the office of division superintendent of schools, one of whom shall be selected to fill the post by the division school board. -It shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the commonwealth. -Subject to the ultimate authority of the general assembly, the board shall have primary responsibility and authority for effectuating the educational policy set forth in this Article, and it shall have such other powers and duties as may be prescribed by law

<p>Washington</p>	<p>The purpose of the state board of education is to provide advocacy and strategic oversight of public education, implement a standards-based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement, provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles, and promote achievement of state education goals.</p> <p>In addition to other powers and duties provided by law, the board shall:</p> <ul style="list-style-type: none"> -Seek advice from the public and interested parties regarding the work of the board. -Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level. -Identify the scores students must achieve in order to meet the standard on the statewide student assessment. -Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system. -Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation. -Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes.
<p>West Virginia</p>	<p>The state board of education shall exercise general supervision of the public schools of the state. Additionally, the board shall promulgate rules relating to standards for performance and accountability, the welfare of students, education of all school age children, school attendance, evening or part-time day schools, classification of schools, issuing credentials, and the general powers and duties of county boards.</p> <p>The state board, in exercising its constitutional responsibility for the general supervision of public schools, must do so as provided by general law.</p>
<p>Wisconsin</p>	<p>N/A</p>
<p>Wyoming</p>	<p>The state board of education shall:</p> <ul style="list-style-type: none"> -Establish policies for public education in this state consistent with the Wyoming Constitution and statutes and may promulgate rules. -Implement and enforce the uniform standards for educational programs. -Establish graduation requirements in consultation with local school

districts.

-Implement a statewide assessment system comprised of a coherent system of measures that provide a reliable and valid measure of individual student achievement for each public school.

-In consultation with local school districts, implement a statewide accountability.

-Promulgate rules and regulations for the implementation and administration of a comprehensive school district teacher performance evaluation system.

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What is the composition of the state board of education?

November 2017

Data are collected using publicly available state constitutional language and state statutes. Updated as of Nov. 1, 2017.

	What is the composition of the state board of education?
Alabama	The state board is composed of the governor as an ex officio member and eight members from districts prescribed by law.
Alaska	The state board consists of seven members. No more than four members may be members of the same political party as the governor.
Arizona	The state board is composed of the superintendent of public instruction, the president of a state university, four lay members, a president or chancellor of a community college, 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 superintendent.
Arkansas	The state board of education consists of nine members. Two members are selected from each of the congressional districts in the state as they exist at the time, and one member is appointed at large.
California	The state board of education consists of ten members.
Colorado	The state board of education consists of one member elected from each congressional district in the state and, if the total number of districts is even, one member elected from the state at large.
Connecticut	The state board of education consists of 14 members. At least two members must have experience in manufacturing or a trade offered at the technical education and career schools. At least one member must have experience in agriculture or be an alumni of or have served as an educator at a regional agricultural school. Finally, two members must be nonvoting student members.
Delaware	The state board of education is composed of 7 members.

District of Columbia	The state board consists of nine members.
Florida	The state board consists of seven residents of Florida.
Georgia	The state board of education consists of one member from each congressional district in the state.
Hawaii	The state board consists of one member from the county of Hawaii, one member from the county of Maui, one member from the county of Kauai, three members from the city and county of Honolulu, and three at-large members. The governor shall select an at-large member as the chairperson.
Idaho	The state board of education consists of seven members as well as the superintendent of public schools who serves as an ex officio member.
Illinois	The state board of education consists of 8 members and a chairperson. Two appointees shall be selected from among those counties of the state other than Cook County and the five counties contiguous to Cook County. Two appointees shall be selected from Cook County, one of whom shall be a resident of the City of Chicago and one of whom shall be a resident of that part of Cook County which lies outside the city limits of Chicago. Two appointees shall be selected from the five counties of the state that are contiguous to Cook County; and three members shall be selected as members-at-large (one of which shall be the chairperson).
Indiana	<p>The state board consists of the following members:</p> <ul style="list-style-type: none"> -The state superintendent. -Eight members appointed by the governor of which six (6) must have professional experience in the field of education. Members shall be appointed from different parts of Indiana with not more than one (1) member being appointed from a particular congressional district. Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party. -One member, who is not a member of the general assembly, appointed by the speaker of the house of representatives. -One member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.
Iowa	The state board of education consists of ten members: nine voting members and one nonvoting student member. The voting members shall be registered voters in the state with not more than five voting members being members of the same political party. Three of the voting members shall have substantial knowledge of the community college system. The remaining six members shall be members of the general public. A voting member may not have active business interests in education.
Kansas	The state board of education shall be comprised of ten members from ten

	individual board districts.
Kentucky	The state board of education consists of 11 appointed members and the president of the council on postsecondary education serving in an ex officio role. Seven of the 11 appointed members shall represent each of the supreme court districts and four shall represent the state at large.
Louisiana	The board shall consist of 11 members, eight of whom shall be elected from single-member districts established by law.
Maine	The state board of education consists of nine voting members and two nonvoting student members. Four members must reside in the state's first congressional district at the time of appointment, four members must reside in the state's second congressional district at the time of appointment, and one member may reside in either congressional district. The nonvoting student members must include one junior and one senior in high school. One student must reside in the first congressional district and one student must reside in the second congressional district.
Maryland	The state board of education consists of 11 regular members appointed from the general public and 1 student member that is regularly enrolled and in good standing in a public high school in the state.
Massachusetts	The state board of elementary and secondary education consists of the chairman of the student advisory council, the secretary of education, and nine appointed members consisting of 1 representative of a labor organization provided by the state chapter of the AFL-CIO, 1 representative of business or industry, 1 representative of parents of school children selected from a list of three submitted by the state PTA, and six additional members.
Michigan	The state board of education consists of eight members who are nominated by party conventions and elected at large.
Minnesota	N/A
Mississippi	The state board of education consists of one member who is a resident of the Third Supreme Court District, one member who shall be a resident of the First Supreme Court District, one member who shall be a resident of the Second Supreme Court District, one member who shall be employed on an active and full-time basis as a school administrator, and one member who shall be employed on an active full-time basis as a schoolteacher. There are an additional four members selected from the state at-large.
Missouri	The state board of education consists of eight lay members.
Montana	The state board of education consists of seven members as well as the governor, commissioner of higher education, and the state superintendent of public instruction as ex officio non-voting members.

Nebraska	The state board of education is composed of eight members, who shall be from eight districts substantially equal in population as provided by the legislature.
Nevada	<p>The state board of education consists of seven voting members:</p> <ul style="list-style-type: none"> -One elected from each of the four congressional districts in the state. -One appointed by the governor. -One appointed by the governor, nominated by the majority leader of the senate. -One appointed by the governor, nominated by the speaker of the assembly. <p>Additionally, there are four nonvoting members:</p> <ul style="list-style-type: none"> -One member appointed by the governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards. -One member appointed by the governor who is the superintendent of schools in a school district, nominate by the Nevada Association of School Superintendents. -One member appointed by the governor who represents the Nevada System of Higher Education, nominate by the board of regents. -One member appointed by the governor who is a pupil enrolled in a public school in the state, nominated by the Nevada Association of Student Councils.
New Hampshire	The state board of education consists of seven members. Five of the members shall be selected one each from the 5 executive councilor districts and 2 members shall be selected from the public at large.
New Jersey	The state board of education consists of 13 members, who are citizens of the state and have resided therein not less than five years immediately preceding their appointment, not less than three shall be women, and not more than one member shall be appointed from any one county.
New Mexico	The public education commission consists of ten members.
New York	<p>The board of regents consists of membership that shall at all times be four more than the number of the existing judicial districts of the state and shall not be less than 15.</p> <p>In addition to the elected members of the board of regents, there are two elected officers, a chancellor and a vice-chancellor.</p>
North Carolina	The state board of education shall consist of the lieutenant governor, the

	<p>state treasurer, and 11 other members. Not more than two public school employees paid from state or local funds may serve as appointive members of the state board of education. No spouse of any public school employee paid from state or local funds and no spouse of any employee of the department of public instruction may serve as an appointive member of the state board of education. Of the appointive members of the state board of education, one shall be appointed from each of the eight educational districts and three shall be appointed as members at large.</p>
North Dakota	<p>The state board of education consists of the superintendent of public instruction and:</p> <ul style="list-style-type: none"> -An individual representing Barnes, Cass, Grand Forks, Griggs, Nelson, Steele, and Traill Counties. -An individual representing Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh Counties. -An individual representing Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, and Sargent Counties. -An individual representing Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman, and Wells Counties. - An individual representing Burke, Divide, McKenzie, Mountrail, Ward, and Williams Counties. -An individual representing Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties. <p>Two of the members must be members of the North Dakota school boards association.</p>
Ohio	<p>The state board of education consists of 19 voting members as well as the chairperson from the senate education committee and the chairperson from the house of representatives education who are nonvoting ex officio members.</p>
Oklahoma	<p>The state board of education shall consist of seven members. The superintendent of public instruction is an ex officio member and chairperson of the board. Five members represent each of the state congressional districts and one member shall represent the state at large.</p>
Oregon	<p>The state board of education shall consist of the state treasurer, or a designee, the secretary of state, or a designee, five members that represent each of the congressional districts in the state, and two at large members.</p>
Pennsylvania	<p>The state board of education shall consist of 22 members, 21 of whom are voting members.</p>
Rhode Island	<p>The state board of education consists of 17 members. Eight are from the</p>

	Council of Elementary and Secondary Education and eight are from the Council of Higher Education. There is one additional member who is the nonvoting chairperson of both councils.
South Carolina	The state board of education consists of 16 members, one from each of the judicial circuits of the state. Additionally, there is one appointed member.
South Dakota	The state board of education standards consists of seven members.
Tennessee	The state board of education consists of 11 members. One member is a public high school student, another is an ex officio member. The remaining members are individuals representing congressional districts in which they reside.
Texas	The state board of education consists of 15 members.
Utah	The state board of education consists of 15 members.
Vermont	The state board consists of ten members. Two members shall be secondary students, one shall be a full member, the other a junior member who may not vote. The secretary of education shall serve on the board as a nonvoting member.
Virginia	The state board of education consists of nine members. At least two of whom shall represent business and industry in the commonwealth.
Washington	The board consists of 16 members who are residents of the state of Washington state.
West Virginia	The state board consists of 12 members, of whom one is the state superintendent of schools, one of whom is the chancellor of higher education policy commission, and one of whom is the chancellor of the West Virginia council for community and technical college education, none of whom is entitled to vote.
Wisconsin	N/A
Wyoming	<p>The board consists of 14 members. The superintendent of public instruction, the executive director of the Wyoming community college commission and the president of the University of Wyoming, or their designees, shall be ex-officio members and shall not have the right to vote.</p> <p>From the appointed members, one shall be appointed at large and be a certified classroom teacher, another shall also be appointed at large and be a certified school administrator. Two appointed members shall be appointed at large and be representative of private businesses or industry in Wyoming. The remaining seven shall be appointed from</p>

established elector districts. Not more than 75% of the board shall be from the same political party.

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Does the state have an executive level secretary?

November 2017

Executive level secretaries are meant to include other formal education policy roles in state governance structures that relate to K-12 education policy. In some case, the executive level secretary position is the chief state school officer with a formal role on the state board of education, in other cases, the executive level secretary is an independent cabinet position. We broadly identify the role to encompass many of the variations that may exist.

Data are collected using publicly available state constitutional language and state statutes. Updated as of Nov. 1, 2017.

	Does the state have an executive-level secretary?
Alabama	The superintendent is the secretary and executive officer of the board.
Alaska	N/A
Arizona	N/A
Arkansas	The commissioner of education acts as ex officio secretary of the state board without a vote.
California	The state superintendent of public instruction serves as the ex officio director of education. The superintendent of public instruction may employ one deputy superintendent of public instruction.
Colorado	The commissioner of education acts as ex officio secretary of the state board without a vote.
Connecticut	The commissioner of education serves as secretary to the board. The commissioner may appoint an assistant secretary provided he/she is not a board member.
Delaware	The secretary of education, in addition to the secretary's other duties of office, shall serve as executive secretary to the board of education.
District of Columbia	The deputy mayor for education is the executive level secretary. The

	deputy mayor for education serves at the pleasure of the mayor.
Florida	N/A
Georgia	The state school superintendent serves as the executive officer of the state board of education.
Hawaii	N/A
Idaho	The state board of education may appoint an executive officer who shall serve at the pleasure of the board. The executive secretary - superintendent of public instruction - may be appointed as the executive officer.
Illinois	N/A
Indiana	The state board may appoint an executive director.
Iowa	The director of the department of education acts as the executive officer of the state board.
Kansas	N/A
Kentucky	N/A
Louisiana	N/A
Maine	N/A
Maryland	N/A
Massachusetts	The governor appoints the secretary of education, who oversees the executive office of education.
Michigan	N/A
Minnesota	The commissioner of education may appoint two deputy commissioners who shall serve in the unclassified service.
Mississippi	The state superintendent of public education shall serve as secretary to the state board of education.
Missouri	N/A

Montana	<p>The state board of public education may appoint an executive secretary and other persons within legislatively authorized appropriations.</p> <p>Additionally, the state superintendent of public instruction shall appoint a deputy as well as other professional staff.</p>
Nebraska	The commissioner of education shall be the secretary to the state board of education.
Nevada	The superintendent of public instruction is the secretary of the board.
New Hampshire	The governor appoints a deputy commissioner of education.
New Jersey	The commissioner of education shall be the secretary to the state board of education, but may designate one of his clerks to perform the duties of secretary.
New Mexico	N/A
New York	N/A
North Carolina	The superintendent of public instruction shall be the secretary and chief administrative officer of the state board of education.
North Dakota	The superintendent of public instruction shall serve as the executive director and secretary of the board.
Ohio	The superintendent of public instruction shall be the secretary to the state board of education.
Oklahoma	<p>The superintendent of public instruction is the chairperson of the state board of education.</p> <p>Additionally, there is a secretary of education who oversees the office of educational quality and accountability.</p>
Oregon	The governor shall appoint a deputy superintendent of public instruction.
Pennsylvania	N/A
Rhode Island	The Council of Elementary and Secondary Education that is part of the state board of education, provides general supervision over elementary and secondary education issues.
South Carolina	N/A
South Dakota	N/A

Tennessee	The state board of education is authorized to appoint an executive director and other staff it deems necessary.
Texas	N/A
Utah	N/A
Vermont	The secretary of education serves on the state board as a nonvoting member. The secretary may employ such number of deputy secretaries as he or she deems necessary.
Virginia	The superintendent of public instruction serves as secretary to the state board of education.
Washington	The superintendent of public instruction is a member of the state board of education.
West Virginia	The state superintendent shall be the chief executive officer of the state board. The board shall appoint a secretary.
Wisconsin	N/A
Wyoming	N/A

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