

**State-Level Educational Governance
2011 Interim Project
Senate Early Learning and K-12 Education Committee**

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In the 2011 legislative session, the Governor introduced request legislation that creates a Department of Education (DOE) as an executive branch agency with a Secretary of Education appointed by the governor; abolishes most early learning, K-12, and higher education state-level agencies, councils and boards and transfers the functions, duties, and employees to the new DOE; but maintains the state-elected, constitutionally-created office of the Superintendent of Public Instruction (SPI) if a constitutional amendment to abolish the SPI is not passed by the voters. A P-20 Council is also created to advise the Secretary. The Council to be composed of the SPI, early learning and higher education representatives appointed by the Governor, and K-12 education representatives elected by school districts.

As a 2011 interim project, Senate Committee Services staff reviewed the models of education governance of other states; identified states in which the governor appoints an education official to the state executive cabinet to advise the governor; and reviewed the states that have two authoritative state education officials. **The Appendix contains a chart summarizing the information.** Additionally, information is provided on other states' recent legislative efforts to increase the gubernatorial influence on education.

I. Overview of State-Level Education Governance¹

In January of 2011, the Education Commission of the States (ECS) reviewed the education governance structure in all 50 states and found that the majority of the structures can be categorized into one of four models that describe how the State Board of Education (SBE) is constituted and whether the Chief State School Officer (CSSO) is appointed or elected. Forty of the 50 states use one of the four models and the other 10 states have education governance structures that are modified versions of the four models.

A. Model One: Governor appoints SBE/SBE appoints CSSO

Thirteen states use Model One: Alaska, Arkansas, Connecticut, Florida, Hawaii, Illinois, Kentucky, Maryland, Massachusetts, Missouri, Rhode Island, Vermont, and West Virginia.

B. Model Two: SBE elected/SBE appoints CSSO

Seven states use Model Two: Alabama, Colorado, Kansas, Michigan, Nebraska, Nevada, and Utah.

C. Model Three: Governor appoints SBE/CSSO elected

Eleven states use Model Three: Arizona, California, Georgia, Idaho, Indiana, Montana, North Carolina, North Dakota, Oklahoma, Oregon and Wyoming.

D. Model Four: Governor appoints SBE/Governor appoints CSSO

Nine states use Model Four: Delaware, Iowa, Maine, New Hampshire, New Jersey, Pennsylvania, South Dakota, Tennessee and Virginia.

E. Other: Modified versions of the four Models²

The remaining 10 states function under modified versions of the above four models: Louisiana, Minnesota, Mississippi, New Mexico, New York, Ohio, South Carolina, Texas, Washington and Wisconsin.

1. Washington: SBE appointed by multiple authorities & elected by school district directors/CSSO statewide elected

Washington's education governance model is a variation on the four models. The CSSO is elected. The SBE is composed of 16 members:

- Five elected by school district directors (*from western and eastern Washington*)
- One elected by members of state-approved private schools
- Superintendent of Public Instruction
- Seven members appointed by the governor
- Two student members (*non-voting*)

F. Summary of SBEs and CSSOs

1. State Boards of Education

- Appointed by Governor: 33 states³
- Elected: 8 states⁴
- No State Board or Advisory Only: 3 states⁵
- Appointed by Legislature: 2 states⁶
- Appointed by Multiple Authorities: 2 states⁷
- Appointed and Elected: 2 states⁸

2. Chief State School Officers

- Appointed by the SBE: 24 states⁹
- Elected: 14 states¹⁰
- Appointed by Governor: 12 states¹¹

II. Global Challenge States (10 states)¹²

In 1999, 2002, 2007, 2008, and 2010, a New Economy Index was used to assess states' fundamental capacity to successfully navigate economic change. The first two reviews were conducted by the Public Policy Institute; this year's report was conducted by The Information Technology and Innovation Foundation and the Ewing Marion Kauffman Foundation. The 2010 report uses 26 indicators to measure the extent to which state economies are knowledge-based, globalized, entrepreneurial, IT-driven and innovation-based to rank the degree to which state economies' structures and operations match the ideal structure of the New Economy. Indicators include percent of the population online, fastest growing firms, exports, industry and state R&D among others. In 2010, the top ten ranked states are Massachusetts, Washington, Maryland, New Jersey, Connecticut, Delaware, California, Virginia, Colorado, and New York. Washington Learns,¹³ a committee created by the Washington State Legislature in 2005 and chaired by the Governor, identified such states as the Global Challenge states.¹⁴

Washington and New York are the only top ten global challenge states that do not use one of the four main models of education governance identified by ECS.¹⁵ Three of the Global Challenge states use Model One: Connecticut, Maryland, and Massachusetts; one uses Model Two: Colorado; one uses Model Three: California; and three use Model Four: Delaware, New Jersey, and Virginia.

III. **Governors' Cabinets with Education Representation (24 states)**

According to state websites, at least 24 governors appoint an education official to the executive cabinet to advise the governor on education policy. These states are: California, Colorado, Connecticut, Delaware, Georgia, Idaho, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia and West Virginia.

In 19 of the 24 states with education representatives on the Executive Cabinet, the governor also appoints all or some of the members of the SBE: California, Connecticut, Delaware, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, New Jersey, North Carolina, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, and West Virginia.

In nine of the 24 states with education representatives on the Executive Cabinet, the governor also appoints the CSSO: Delaware, Maine, Minnesota, New Jersey, New Mexico, Pennsylvania, South Dakota, Tennessee, and Virginia.

IV. **Dual Offices for Education (5 states)**

Until 2011, five states implemented a governance model that includes two authoritative positions for the state educational system (California changed in 2011). Generally, one is the CSSO and one is a governor-appointed cabinet position with additional duties to advising the governor. Each of these states also implements either the ECS Model one, three, or four where the governor appoints the SBE and in the case of Virginia, the governor also appoints the CSSO.

A. **California¹⁶ (Model Three: Governor appoints SBE/CSSO elected)**

California has a Secretary of Education and also a Superintendent of Public Instruction (SPI).

The Secretary of Education position has been vacant since January 2011. The Secretary of Education is not a constitutionally-established office and upon taking office in January 2011, Governor Jerry Brown eliminated this position. His budget also eliminates funding for the Office of the Secretary of Education, which was estimated to save the state \$1.9 million.

The SPI is a state constitutionally-established office, is elected by the voters, and serves on the governor's cabinet. The SPI was maintained as the head of the California Department of Education.

B. **Kentucky¹⁷ (Model One: Governor appoints SBE/SBE appoints CSSO)**

Kentucky has a Secretary of Education and Workforce Development and a Commissioner of Education.

The Secretary is appointed by the Governor and is the Executive Officer of the Workforce Development Cabinet, which is composed of eight educational agencies¹⁸, including the Department of Education.

The Commissioner is appointed by the SBE and carries out the duties of the CSSO with the Department of Education and also serves as the Executive and Administrative Officer of the SBE

C. Massachusetts¹⁹ (Model One: Governor appoints SBE/SBE appoints CSSO)

Massachusetts has a Secretary of Education and a Commissioner of Elementary and Secondary Education.

The Secretary of Education appointed by the Governor and heads the Executive Office of Education, which was established in March 2008 by the State Legislature to foster strong and seamless connections between the myriad state agencies and departments. The Secretary oversees the three state education agencies: The Department of Early Education and Care, Department of Elementary and Secondary Education and Department of Higher Education -- as well as the University of Massachusetts.

The Commissioner is appointed by the SBE and is the CSSO in charge of the State Department of Elementary and Secondary Education.

D. Oklahoma²⁰ (Model Three: Governor appoints SBE/CSSO elected)

Oklahoma has a state constitutionally-established and statewide elected Superintendent of Education and a governor-appointed Secretary of Education.

The elected Superintendent of Education is the CSSO of the Department of Education and the President of the SBE. The Superintendent is responsible for overseeing, implementing and reviewing the policies of the Oklahoma's public school system.

The governor-appointed Secretary of Education oversees the State's public education system, including elementary education, secondary education, vocational education and higher education. The Secretary oversees the Office of Accountability, which is responsible for ensuring accountability and performance from the educational system. The Secretary also oversees all libraries in the State and is responsible for ensuring that teachers are appropriately prepared to perform their duties. Additionally, the Secretary also, "reviews and makes periodic public comment on the progress and effectiveness of the State Board and State Department of Education, the Office of the State Superintendent of Public Instruction."

E. Virginia²¹ (Model Four: Governor appoints SBE/Governor appoints CSSO)

Virginia has a governor-appointed Superintendent of Public Instruction and a governor-appointed Secretary of Education.

The SPI is created in statute and is appointed by the Governor but subject to the confirmation of the Legislature. The SPI serves as the executive officer of the Virginia Department of Education, which is the administrative agency for the public K-12 schools; and also serves as the secretary of the SBE, which is the governing and policy-making body for the public K-12 schools.

Additionally, the Governor appoints Secretaries as cabinet positions, including the Secretary of Education. The Secretary of Education assists the Governor in the development and implementation of the state's education policy. The Education Secretary provides guidance to the 15 public universities, the community college system, five higher education and research centers, the DOE and the state supported museums.

V. Recent State Actions to Increase Gubernatorial Influence in Education

Three states took action in the last calendar year to increase gubernatorial influence in education.

A. Georgia: Created a Governor's Education Advisory Board.²²

In Georgia, the governor already appoints the members of the SBE. However, in February 2011, the governor appointed an Education Advisory Board, composed of superintendents, principals, educators and school board members. The Board will meet quarterly with the governor to improve educational outcomes for Georgia students.

B. Hawaii: Changed State Board members to be appointed by the Governor.²³

A change in the State Constitution approved by Hawaii voters in November 2010 makes the SBE appointed by the governor, with the advice and consent of the state Senate, rather than directly chosen by the Hawaii electorate. (*The CSSO still is appointed by the SBE.*)

C. Oregon: Abolished the elected office of the Superintendent of Public Instruction.²⁴

Under the State Constitution, the governor is the Superintendent of Public Instruction but it authorizes the Legislature to create an elected Superintendent. Legislation passed in the 2011 legislative session abolishes the statewide elected position of SPI, (*at the end of the current term, which runs until 2014*), which had been statutorily created by the Legislature. The legislation also specifies the process for the governor to appoint a deputy superintendent of education and clarifies that overall, the governor is the responsible party.

VI. Recently Proposed but Unsuccessful State Actions to Consolidate Education Governance and/or Administration

In addition to Washington, there are other states that are considering legislation to combine multiple agencies into one entity under the governor's authority.

A. Washington: Consolidate most education boards and agencies and create a governor appointed Secretary of Education but maintain the constitutional, statewide elected Superintendent of Public Instruction.²⁵

In 2011, the Governor proposed request legislation to consolidate multiple education boards, councils, and agencies with authority for various components of early learning, K-12 and higher education into a single cabinet-level Department of Education, to be overseen by a governor-appointed Secretary of Education. The proposal was introduced in both houses of the Washington State Legislature (*Senate Bill 5639; House Bill 1974*) and received hearings but neither measure was passed out of the respective chambers.

B. Utah: Amend the State Constitution to move authority for K-12 and postsecondary education from the SBE to the Governor.²⁶

In 2011, Senate Joint Resolution 9 was introduced to amend the State Constitution to move the "general control and supervision" of K-12 and postsecondary education from the SBE to the governor. The SBE would be abolished, unless the governor chose to create one. The measure would require ratification by the voters of the state to amend the State Constitution. The bill passed both the Senate and the House but the House made changes and the measure was not brought up again during the 2011 legislative session.

C. North Dakota: Abolish the state constitutionally-established Superintendent of Public Instruction & State Board of Higher Education, and create an executive cabinet-level Director of K-12 and Postsecondary Education.²⁷

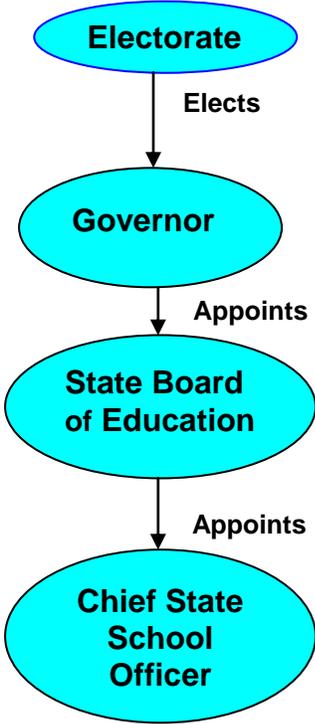
In 2011, House Concurrent Resolution 3046 was proposed to amend the State Constitution to abolish the office of the SPI and the State Board of Higher Education, and create an executive branch Department of Education responsible for overseeing all public education in the state, from early learning through postsecondary. The director of the Department of Education is to be appointed by the governor for a three-year term. The resolution also calls for the creation of an 11-member “educational council”, also appointed by the governor, with the advice and consent of specified legislative leaders, to advise the director of the Department of Education “in all matters pertaining to the delivery and administration of education in the State. The Resolution amendments to the State Constitution would have to be ratified by voters of the State. The measure passed out of the House but not the Senate Committee.

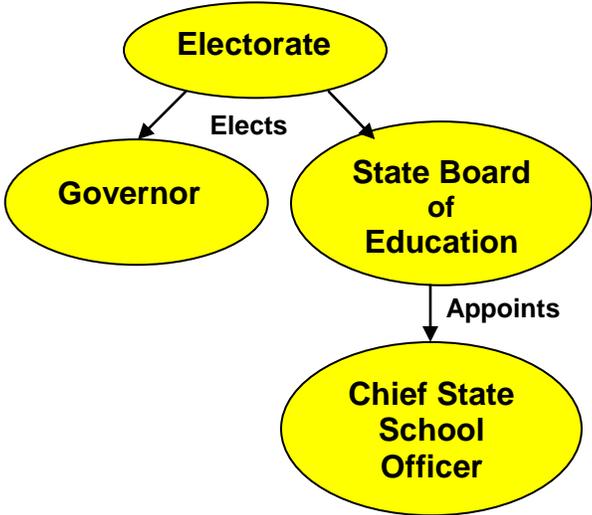
D. Kansas: Abolish the state constitutionally-established SBE, create an executive cabinet-level Secretary of Education, and place oversight of education with the Legislature²⁸

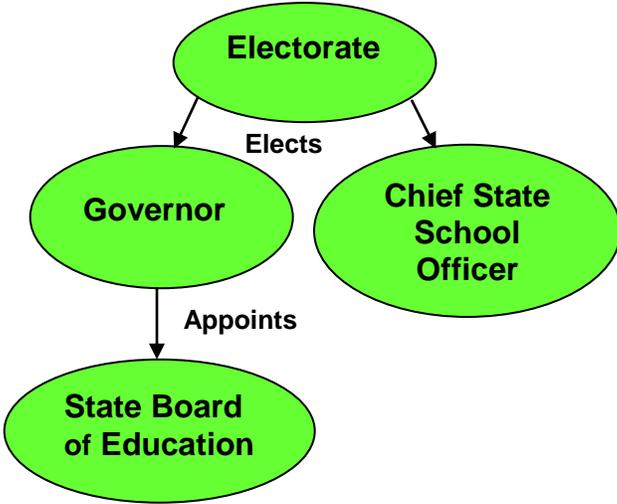
During the 2011 legislative session, House Concurrent Resolution 5018 was introduced to amend the State Constitution to abolish the SBE and the State Board of Regents, placing oversight of K-12 and postsecondary education with the State Legislature. The position of the Commissioner of Education (*who is currently appointed by the SBE*) would be replaced with a governor-appointed Secretary of Education, subject to confirmation by the Senate. The measure would require state voters’ approval to amend the constitution. The measure received a hearing but did not pass out of the House committee.

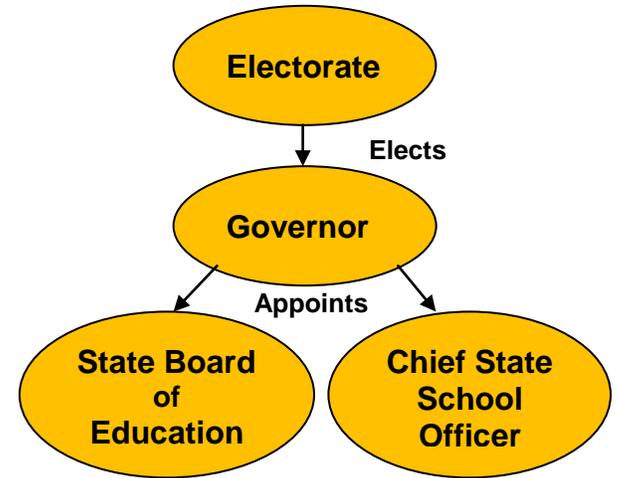
VII. Appendix

The chart below shows the four education models identified by the Education Commission of the States and the 40 states using the model. Eight of the top 10 Global Challenge States are also indicated. (*Washington and New York, the other 2 Global Challenge States, use modified version of the four models.*)²⁹ The chart also shows states with executive cabinet level education advisors and states with dual offices of education authority.

MODEL 1: Gov. Appoints SBE/SBE Appoints CSSO	States implementing	Global Challenge State	Governor Cabinet Advisory	Dual Offices of Education Authority
 <pre> graph TD A(Electorate) -- Elects --> B(Governor) B -- Appoints --> C(State Board of Education) C -- Appoints --> D(Chief State School Officer) </pre>	Alaska	--	--	--
	Arkansas	--	--	--
	Connecticut	Yes – 5 th	Yes	--
	Florida	--	--	--
	Hawaii <i>(since 2010)</i>	--	--	--
	Illinois	--	--	--
	Kentucky	--	Yes	Yes
	Maryland	Yes – 3 rd	Yes	--
	Massachusetts	Yes – 1 st	Yes	Yes
	Missouri	--	Yes	--
	Rhode Island	--	--	--
	Vermont	--	--	--
West Virginia	--	Yes	--	

MODEL 2: Elected SBE/SBE Appoints Chief	States Implementing	Global Challenge State	Governor Cabinet Rep	Dual Offices
 <pre> graph TD A(Electorate) -- Elects --> B(Governor) A -- Elects --> C(State Board of Education) C -- Appoints --> D(Chief State School Officer) </pre>	Alabama	--	--	--
	Colorado	Yes – 9 th	Yes	--
	Kansas	--	--	--
	Michigan	--	Yes	--
	Nebraska	--	--	--
	Nevada	--	Yes	--
	Utah	--	--	--

MODEL 3: Appointed SBE/Elected CSSO	States Implementing	Global Challenge State	Governor Cabinet Rep	Dual Offices
 <pre> graph TD Electorate([Electorate]) -- Elects --> Governor([Governor]) Electorate -- Elects --> CSSO([Chief State School Officer]) Governor -- Appoints --> SBE([State Board of Education]) </pre>	Arizona	--	--	--
	California	Yes – 7 th	Yes	Until 2011, had both a Secretary of Education & a SPI
	Georgia	--	Yes	--
	Idaho	--	Yes	--
	Indiana	--	--	--
	Montana	--	--	--
	North Carolina	--	Yes	--
	North Dakota	--	--	--
	Oklahoma	--	Yes	Yes
	Oregon <i>(At the end of the current SPI term in 2014, the CSSO is abolished, the governor is the CSSO but can appoint a deputy.)</i>	--	--	--
	Wyoming	--	--	--

MODEL 4: Appointed SBE/Appointed CSSO	States Implementing	Global Challenge State	Governor Cabinet Rep	Dual Offices
 <pre> graph TD Electorate([Electorate]) -- Elects --> Governor([Governor]) Governor -- Appoints --> SBE([State Board of Education]) Governor -- Appoints --> CSSO([Chief State School Officer]) </pre>	Delaware	Yes – 6 th	Yes	--
	Iowa	--	--	--
	Maine	--	Yes	--
	New Hampshire	--	--	--
	New Jersey	Yes – 4 th	--	--
	Pennsylvania	--	Yes	--
	South Dakota	--	--	--
	Tennessee	--	Yes	--
	Virginia	Yes – 8 th	Yes	Yes

Endnotes:

- ¹ The Education Commission of the States website: <http://www.ecs.org/clearinghouse/77/78/7778.pdf>
- ² **Louisiana:** 8 board members are elected & 3 are appointed by the governor. **Ohio:** 11 board members are elected; governor appoints 8 members. In both states, the CSSO is appointed by the SBE. **New York:** The state legislature appoints the SBE members and the CSSO is appointed by the SBE. **South Carolina:** The legislature appoints the SBE & the CSSO is elected. **Mississippi:** The governor, lieutenant governor and the speaker of the House appoint members to the SBE and the SBE appoints the CSSO. **Texas:** The SBE is elected & the governor appoints the CSSO who also serves as the executive secretary of the SBE. **Minnesota:** Does not have a SBE & the CSSO is appointed by the governor. **New Mexico:** Does not have a SBE but has an elected body (Public Education Commission) that is advisory only & the CSSO is appointed by the governor. **Wisconsin:** Does not have a SBE & the CSSO elected.
- ³ **SBE Appointed by the Governor:** Alaska, Arkansas, Arizona, California, Connecticut, Delaware, Florida, Hawaii, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wyoming.
- ⁴ **SBE Elected:** Alabama, Colorado, Kansas, Michigan, Nebraska, Nevada, Texas and Utah.
- ⁵ **No SBE or advisory only:** Minnesota and Wisconsin (no board); New Mexico (advisory only).
- ⁶ **SBE Appointed by the Legislature:** New York and South Carolina.
- ⁷ **SBE Appointed by multiple authorities:** Mississippi and Washington.
- ⁸ **SBE Appointed & Elected:** Louisiana and Ohio.
- ⁹ **CSSO Appointed by the SBE:** Alabama, Alaska, Arkansas, Colorado, Connecticut, Florida, Hawaii, Illinois, Louisiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New York, Ohio, Rhode Island, Utah, Vermont and West Virginia
- ¹⁰ **CSSO Elected:** Arizona, California, Georgia, Idaho, Indiana, Montana, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Washington, Wisconsin and Wyoming.
- ¹¹ **CSSO Appointed by Governor:** Delaware, Iowa, Maine, Minnesota, New Hampshire, New Jersey, New Mexico, Pennsylvania, South Dakota, Tennessee, Texas and Virginia.
- ¹² The Progressive Policy Institute New Economy Index: <http://progressivepolicy.org/tag/the-2010-state-new-economy-index> 2010 Report: http://www.kauffman.org/uploadedfiles/snei_2010_report.pdf
- ¹³ Washington Learns website: <http://www.washingtonlearns.wa.gov/>
- ¹⁴ Washington Learns website: <http://www.washingtonlearns.wa.gov/materials/GlobalChallengeStates.pdf>
- ¹⁵ **Washington:** SBE appointed by multiple authorities & elected by school district directors/CSSO statewide elected: **New York:** SBE appointed by the Legislature/CSSO appointed by the SBE.
- ¹⁶ California Governor's website: <http://gov.ca.gov/news.php?id=16869> ; (CAL. EDUC. CODE §33100 to 33191; CA. CONST. ART I, §2 and §7).
- ¹⁷ Kentucky State Statutes: <http://www.lrc.ky.gov/krs/titles.htm> ; KY. REV. STAT. ANN. Title XIII, Ch. 156 and Title III, Ch. O12.
- ¹⁸ Kentucky Education and Workforce Development Cabinet website: <http://educationcabinet.ky.gov/departments/>
The 8 agencies are: [Commission on the Deaf and Hard of Hearing](#) | [Department of Workforce Investment](#) | [Department of Education](#) | [Education Professional Standards Board](#) | [Kentucky Educational Television](#) | [Department for Libraries and Archives](#) | [Education](#) | [Environmental Education Council](#) | [Kentucky Center for School Safety](#)
- ¹⁹ Massachusetts Executive Office of Education website: http://www.mass.gov/?pageID=eduutilities&L=1&sid=Foedu&U=Foedu_bio ; Massachusetts DOE website: <http://www.doe.mass.edu/> ; Massachusetts Legislature website: <http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter15> Title II, Chapter 6A, section 14; and Chapter 15; and the Governor's Office website: <http://www.educationpioneers.org/becoming-a-partner/partner?cid=0014000000KFL9AAP>
- ²⁰ Oklahoma State Department of Education: <http://sde.state.ok.us/Services/Job/default.html> ; and <http://www.schoolreportcard.org/law.htm>
- ²¹ Virginia Legislature website: VA CODE ANN. §22.1-21 to 22.1-24 and 2.2-200; Virginia Department of Education website: www.doe.virginia.gov/about/index.shtml
- ²² Georgia Governor's website: http://gov.georgia.gov/00/press/detail/0,2668,165937316_166438447_168561127,00.html
- ²³ Hawaii DOE website: http://doe.k12.hi.us/about/intro_org.htm
- ²⁴ Oregon Governor's website: <http://governor.oregon.gov/Gov/priorities/education.shtml> ; Oregon State Constitution, Article VIII, Section 1: <http://www.leg.state.or.us/orcons/orcons.html>
- ²⁵ Washington State Legislature website: <http://apps.leg.wa.gov/billinfo/>
- ²⁶ Utah State Legislature website: <http://le.utah.gov/~2011/htmdoc/sbillhtm/sjr009.htm>
- ²⁷ North Dakota Legislature website: <http://legis.nd.gov/assembly/62-2011/bill-actions/ba3046.html>
- ²⁸ Kansas State Legislature website: http://www.kslegislature.org/li/b2011_12/year1/measures/documents/hcr5018_00_0000.pdf