

FOCUS *on Governance in K-12 Education:*

State-Level Models

SREB

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In elementary and secondary education governance, the need to build an effective system of public education is the driving force behind the selection of a state's key education leaders. Ultimately, the decisions made by these state officials are intended to lead to improvements in student performance, high school graduation rates, college readiness, teacher quality and more. Periodically, state policy-makers question how their state's governance structure compares with others. This paper provides a snapshot of what state K-12 governance looks like in the 16 SREB states.

While state constitutional language varies, every state in the nation is responsible for providing its citizens with this system of K-12 education. A state-level policy board in each state — most often called the state Board of Education — is charged with developing and approving policies for the state education system. Each state also has a chief state school officer — the superintendent of schools or commissioner of education — who carries out these policies and directs the work of the state Department of Education. Appointments to these positions in most states, including most SREB states, fall into four general types.

Common Governance Models

- The governor appoints the members of the state Board of Education, and the board selects the chief state school officer.
- The governor appoints the board, and the chief state school officer is elected by citizens of the state.
- The governor appoints both the members of the board and the chief state school officer.
- Citizens of the state elect the board, and the board appoints the chief state school officer.

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Governor is predominant appointer

Forty states, including most SREB states, use one of these four models to select state Board of Education members and the chief state school officer. Though no single model is used overwhelmingly, the authority for appointing members to the state Board of Education most often lies with the governor. In fact, 14 of the 16 SREB states grant the governor the authority to appoint members to the board. (See Table 1.)

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The Southern Regional Education Board Focus series includes this informational report on state-level education governance. Local education governance will be the topic of an upcoming report.

Table 1
Selection of State Board of Education Members

| State | Governor Appoints | Legislature Appoints | Elected | Confirmed by | Type of Ballot |
|----------------|-------------------|----------------------|---------|--------------|----------------|
| Alabama | | | ✓ | | Partisan |
| Arkansas | ✓ | | | Senate | |
| Delaware | ✓ | | | Senate | |
| Florida | ✓ | | | Senate | |
| Georgia | ✓ | | | Senate | Nonpartisan |
| Kentucky | ✓ | | | Legislature | |
| Louisiana | ✓ (3) | | ✓ (8) | Senate | |
| Maryland | ✓ | | | Senate | |
| Mississippi | ✓ (5) | ✓ (4) | | Senate | |
| North Carolina | ✓ | | | Legislature | |
| Oklahoma | ✓ | | | Senate | |
| South Carolina | ✓ (1) | ✓ (16) | | | |
| Tennessee | ✓ | | | Legislature | Partisan |
| Texas | | | ✓ | | |
| Virginia | ✓ | | | Legislature | |
| West Virginia | ✓ | | | Senate | |

Note: Numbers in parentheses indicate numbers of members appointed.

Sources: Education Commission of the States and the National Association of State Boards of Education

In addition, four SREB states — Delaware, Tennessee, Texas and Virginia — authorize the governor to appoint the chief state school officer. In contrast, in eight SREB states, the state Board of Education appoints the chief state school officer. Voters elect the chief state school officer in the remaining four SREB states — Georgia, North Carolina, Oklahoma and South Carolina.

Twelve states in the nation use the first model for selecting state board members and the chief state school officer, including five SREB states — Arkansas, Florida, Kentucky, Maryland and West Virginia. In these states, the governor appoints all or a majority¹ of the members of the state Board of Education, and the board selects the chief state school officer.

¹ Kentucky's state Board of Education membership includes the president of the Council on Postsecondary Education. In West Virginia, state board membership includes the chief state school officer, the Higher Education Policy Commission chancellor, and the Council for Community and Technical College Education chancellor.

The second model (which authorizes the governor to appoint state Board of Education members and calls for citizens to elect the chief state school officer) is used in Georgia, North Carolina,² Oklahoma³ and eight other states outside the SREB region. In North Carolina and Oklahoma, partisan elections are held to select the state superintendent. Georgia voters elect the state chief school officer using nonpartisan ballots.

Three SREB states — Delaware, Tennessee and Virginia — use the third model, authorizing the governor to appoint both the members of the state board and the chief state school officer. Nationwide, nine other states use this model.

Alabama uses the fourth model and is the lone SREB state that elects its state board members and empowers the board to appoint the chief state school officer. Nationwide, seven other states use this model.

Four SREB states have distinctive structures

The remaining 10 states in the nation — including the SREB states of Louisiana, Mississippi, South Carolina and Texas — have distinctive structures for education governance that do not follow the common models. For example, in Louisiana, three of the 11 state school board members are appointed by the governor. The remaining eight members are selected through nonpartisan elections. Louisiana board members appoint the chief state school officer.

The selection of South Carolina's board is divided similarly; in this case, between the Legislature and the governor. Sixteen of South Carolina's school board members are appointed by the Legislature. The governor appoints the one remaining member of the board. Voters elect the chief of schools in partisan elections.

The Mississippi Legislature also is involved in the selection of state board members: It selects four members of the nine-member board, with the governor appointing the remaining five members. The state board appoints Mississippi's chief of schools. In Texas, voters elect their state Board of Education members in partisan races. The governor appoints the state education chief.

While the governors of 14 SREB states appoint a number of state board members, the state senate or both houses of the legislature typically confirm the governor's appointments. In 13 of the 16 SREB states, confirmation from at least one branch of the legislature is required. In nine of these 13 states, the state senate confirms the board members selected by the governor. In the remaining four states — Kentucky, North Carolina, Tennessee and Virginia — both houses of the legislature provide confirmation. In contrast, Alabama, South Carolina and Texas do not require board member confirmation by either house of the legislature.

² North Carolina's lieutenant governor and state treasurer are required by law to be members of the state board and therefore are not appointed by the governor.

³ Oklahoma's chief state school officer is a member of the state board but is not appointed by the governor.

State board authority varies across the region

Powers and duties

Each state Board of Education receives its authority to operate through statutory or constitutional provisions. Five SREB states created their state boards by statutes — Arkansas, Delaware, Kentucky, Maryland and Tennessee. The remaining 11 state boards were charged to action by their state constitutions. The specific powers and duties of the board most often are outlined in statute, though constitutions in four states — Louisiana, Mississippi, North Carolina and Virginia — also include language relating to board responsibilities. Virginia is the only SREB state that includes detailed provisions regarding the powers of the board in its Constitution, but no further board responsibilities are provided by law. (See Table 2.)

Table 2
State Board of Education (SBE) Authorization and Terms in SREB States

| State | Authority | Term Length (Years) | Term Limit |
|----------------|--------------|---------------------|-----------------|
| Alabama | Constitution | 4 | No |
| Arkansas | Statute | 7 | Yes |
| Delaware | Statute | 6 | No |
| Florida | Constitution | 4 | No ¹ |
| Georgia | Constitution | 7 | No |
| Kentucky | Statute | 4 | No |
| Louisiana | Constitution | 4 ² | No |
| Maryland | Statute | 4 | Yes |
| Mississippi | Constitution | 9 | No |
| North Carolina | Constitution | 8 | No |
| Oklahoma | Constitution | 6 | No |
| South Carolina | Constitution | 4 | No ³ |
| Tennessee | Statute | 9 | No |
| Texas | Constitution | 4 | No |
| Virginia | Constitution | 4 | No ¹ |
| West Virginia | Constitution | 9 | No |

¹ Florida and Virginia SBE members may serve additional terms, not to exceed eight years (two terms) of consecutive service.

² Louisiana SBE member terms run concurrently with the governor's term of office.

³ South Carolina board members may not serve consecutive terms.

Sources: The National Association of State Boards of Education and SREB state constitutions and statutes

While language may vary, state boards generally provide statewide leadership and establish policies for an efficient education system. The boards carry out this mission by adopting and enforcing rules in areas such as school construction, facilities improvement, curriculum development, academic standards, graduation requirements, teacher certification, health and safety matters, and budgeting. Other duties commonly include developing procedures for uniform data reporting by local school districts, dividing the state into school districts, preparing annual reports, overseeing the development and implementation of the budget for the state Department of Education, approving instructional materials and accepting donations.

In addition to these common duties, some SREB states assign additional responsibilities to their boards that are unique and more specific to the individual state. Kentucky and North Carolina have provisions that require their boards to oversee interscholastic athletics. Florida also incorporates economic development duties for the board into statute, “developing a state-level planning process to identify future training needs for industry, especially high-technology in the public school system.” Though generally inherent in board powers and duties, Delaware’s statutory language is unique in that it specifically requires the board to provide “advice and guidance” to the chief state school officer.

Moreover, Tennessee’s board is the only SREB state board with the responsibility of hiring an executive director who works directly for the board as staff support and is not the chief state school officer. The executive director position is responsible to the state board only and does not administer or create any education policies, rules or laws.

Terms of office and composition

The size of state boards and their leadership structures also vary by state. Among SREB states, Delaware, Florida and Oklahoma have the fewest number of board members — seven — compared with South Carolina’s 17-member board, the largest. Nearly half of SREB states have either seven- or nine-member boards. Alabama, Arkansas, Mississippi and Virginia have nine board members. Louisiana and Tennessee have 11, and Kentucky, Maryland and West Virginia have 12. Georgia and North Carolina have 13-member boards. Texas is the only SREB state with 15 members on the board. (See Table 3.)

Board members in eight SREB states serve four-year terms. In three SREB states — Mississippi, Tennessee and West Virginia — members serve nine-year terms. The remaining five states have a variety of term lengths — Delaware and Oklahoma (six years), Arkansas and Georgia (seven years), and North Carolina (eight years). Only two SREB states have lifetime term limits: Arkansas board members serve one term, and Maryland members may serve two full, four-year terms.

State board member terms are staggered in all but three SREB states — Alabama, Louisiana and Texas. In these three states, all board members are elected together every four years. In fact, elections for Louisiana school board members are held concurrently with the governor’s election.

Most often, the makeup of the state Board of Education includes appointed or elected individual citizens. Unique members of the board include the governor, the lieutenant governor, the chief state school officer or a student, who all serve by virtue of their office or student status. Alabama is the only SREB state where the governor serves as a voting member of the board. The chief state school officer in Oklahoma is the only SREB chief officer who is a voting member of the state board. The chief state school officer in West

Table 3
State Board of Education (SBE) Membership

| State | Total Number of Members | Total Number of At-Large Members | Board Members of Note | Districts from Which Members are Selected |
|----------------|-------------------------|----------------------------------|---|---|
| Alabama | 9 | | Governor (voting) | SBE |
| Arkansas | 9 | 1 | | Congressional |
| Delaware | 7 | 1 ¹ | | City and county |
| Florida | 7 | | | |
| Georgia | 13 | | | Congressional |
| Kentucky | 12 | 4 | President of Council on Postsecondary Education (nonvoting) | Judicial |
| Louisiana | 11 | 3 | | SBE |
| Maryland | 12 | | Student ² (voting) | |
| Mississippi | 9 | 4 | | Judicial |
| North Carolina | 13 | 3 | Lieutenant Governor and Treasurer (both voting) | SBE |
| Oklahoma | 7 | 1 | Chief State School Officer (voting) | Congressional |
| South Carolina | 17 | | | Judicial |
| Tennessee | 11 | | Student ³ (voting) and Executive Director of Higher Education Commission (nonvoting) | Congressional |
| Texas | 15 | | | SBE |
| Virginia | 9 | | | |
| West Virginia | 12 | | Chief State School Officer, Chancellor of Higher Education Policy Commission, and Chancellor of Council for Community and Technical College Education (all nonvoting) | Congressional |

¹ The governor selects this member as the chair of the Delaware SBE at large from the state.

² The student member on Maryland's SBE may serve a limit of two full, one-year terms. The student member is selected by the governor.

³ The student member of the Tennessee SBE serves for a one-year term and is chosen from local board of education nominees.

Sources: The National Association of State Boards of Education and SREB state constitutions and statutes

Virginia is a nonvoting member of the board, along with the Higher Education Policy Commission chancellor, and the chancellor of the Council for Community and Technical College Education.

Two SREB states — Maryland and Tennessee — have voting student members who serve one-year terms. The executive director of the higher education commission in Tennessee also serves as a nonvoting member of the state board. Similarly, in Kentucky, the president of the Council on Postsecondary Education is a nonvoting member of the state school board.

The composition of North Carolina's board is unique as well. The lieutenant governor and the state treasurer of North Carolina serve as voting members. Furthermore, North Carolina has six advisors to the state school board: two students (a high school junior and a senior), the state teacher of the year, the superintendent from a local school district, the state principal of the year and the winner of the Raleigh Dingman Award (an annual award given to a local school board member for outstanding leadership and educational service).

Member districts

In most SREB states, state school board members are appointed or elected from select districts. In 12 SREB states, board members are selected by congressional, judicial or state board districts. Some board members in seven SREB states — Arkansas, Delaware, Kentucky, Louisiana, Mississippi, North Carolina and Oklahoma — are selected at large. Six of the seven states require the governor to select all of the specified at-large members. Only Mississippi grants authority to select these members to other state leaders; the lieutenant governor and the speaker of the House each choose two at-large members.

Delaware is the only SREB state that appoints members from each of the three counties in the state and from the city of Wilmington. In contrast, the governors of Florida, Maryland and Virginia appoint members from the state as a whole, not by district.

Qualifications

Qualifications for state school board members are not written into a statute or the constitution in every SREB state. Three SREB states — Alabama, Louisiana and Virginia — do not list any board member qualifications in statutes or in the constitution. The remaining 13 states have general or specific requirements. Examples of general qualifications include having high moral standards; having recognized ability; being a qualified voter; not holding an office with the state or other political subdivision; and, in most cases, not being employed by an education entity or institution.

Five SREB states — Delaware, Georgia, Kentucky, Oklahoma and Texas — have specific qualifications. Kentucky has many requirements that potential state board members must meet, including being no younger than 30 years of age, having at least an associate's degree, residing in the state for at least three years prior to appointment, and not having a relative employed by the state Department of Education.

In Oklahoma, an individual qualifies with a high school diploma or certificate of high school equivalency. Texas' member qualifications require that a person reside in the state school board district one year prior to election, be at least 26 years of age and not a registered lobbyist. Lastly, both Delaware and Georgia require qualifying members to have lived in the state for five years preceding appointment to the board.

Chair of the board

The state school board chair is customarily charged with overseeing and calling board meetings, selecting members for subcommittees and representing the board at events. In 12 SREB states, the state board elects the chair from among its membership. (See Table 4.)

In Oklahoma, the chief state officer serves as the chair of the board. In Alabama, the governor is the board chair. In Delaware and Texas, the chair is appointed by the governor. However, in Delaware, the chair is appointed at large from the state, as opposed to being chosen from among standing board members, as in Texas.

Only five SREB states have a defined term length for the board chair written into law. Alabama and Tennessee require the chair to serve a four-year term. Florida and Texas require their chairs to serve two years. Kentucky's chair serves a one-year term.

Table 4
State Board of Education Chair

| State | Chair | Chair Term Length (Years) |
|----------------|----------------------------|---------------------------|
| Alabama | Governor | 4 |
| Arkansas | Elected by Board | |
| Delaware | Appointed by Governor | Pleasure of Governor |
| Florida | Elected by Board | 2 ¹ |
| Georgia | Elected by Board | |
| Kentucky | Elected by Board | 1 |
| Louisiana | Elected by Board | |
| Maryland | Elected by Board | |
| Mississippi | Elected by Board | |
| North Carolina | Elected by Board | |
| Oklahoma | Chief State School Officer | |
| South Carolina | Elected by Board | |
| Tennessee | Elected by Board | 4 |
| Texas | Appointed by Governor | 2 ² |
| Virginia | Elected by Board | |
| West Virginia | Elected by Board | |

¹ The chair of Florida's state school board may be reelected as chair for one additional, consecutive term.

² Texas' chair may serve for two consecutive terms but is ineligible to serve as chair again until four years have elapsed since the expiration of the second term.

Sources: The National Association of State Boards of Education and SREB state constitutions and statutes

Qualifications for chief state school officer differ greatly

Powers and duties

Most commonly known as the state superintendent or commissioner of education, the chief state school officer is one of a state's key education leaders. The superintendent's primary role is to manage the state Department of Education, as well as to implement and enforce state Board of Education policies, with the express purpose of providing a sound state system of K-12 public schools. The chief's main responsibilities include preparing a budget for the department of education annually, serving as a source of information to the governor and legislature, preparing forms and informational data, providing an annual report on state education performance, deciding disputes involving the administration of the state public school system regulations and examining expenditures of local school systems.

The chief state school officer of Virginia has additional responsibilities that are unique among SREB states. Virginia's chief of schools is charged in statute to survey all local school divisions annually (through July 2010) to identify critical shortages of teachers and administrative personnel. In addition, the state school chief, in coordination with the state health commissioner, expressly works to combat childhood obesity and other chronic health conditions that affect school-age children.

Selection and terms of office

The selection process for the state superintendent in the SREB region follows one of three paths: The chief officer is appointed by the governor, appointed by the state board or elected by voters. In eight SREB states, the board appoints the superintendent. In one-quarter of SREB states — Georgia, North Carolina, Oklahoma and South Carolina — voters elect the chief. In the remaining four states — Delaware, Tennessee, Texas and Virginia — the chief state school officer is appointed by the governor. (See Table 5.)

The chief officer serves a four-year term without term limits in nine SREB states. The remaining seven states do not identify a term length for the superintendent. In four of these seven — Florida, Kentucky, Mississippi and West Virginia — the chief officer serves at the pleasure of the state board. In the other three states, the chief serves at the pleasure of the governor: In Delaware and Tennessee, the chief is appointed by and serves at the pleasure of the governor; and, in Arkansas, the chief serves at the pleasure of the governor but is appointed by the state Board of Education.

Qualifications

Only nine SREB states identify qualifications for the chief officer position. In eight of those states, the chief officer qualifications are written exclusively in state statutes. Virginia is the only SREB state with chief officer qualifications specified in both the state Constitution and in statutes. (See Table 6.)

The most common qualifications among these nine states are good moral character and academic, teaching and school administration experience. Four SREB states — Alabama, Arkansas, Georgia and West Virginia — require the chief state school officer to have good moral character. Of the nine SREB states with specific qualifications, seven have academic degree requirements. Alabama, Delaware, Georgia and Maryland call for the superintendent to have a bachelor's degree. Arkansas, Mississippi and West Virginia require a master's degree.

Table 5
Selection of the Chief State School Officer and Term Length

| State | Governor Appoints | Board Appoints | Elected | Ballot Type | Term Length (Years) |
|----------------|-------------------|----------------|---------|-------------|----------------------|
| Alabama | | ✓ | | | 4 |
| Arkansas | | ✓ | | | Pleasure of Governor |
| Delaware | ✓ | | | | Pleasure of Governor |
| Florida | | ✓ | | | Pleasure of Board |
| Georgia | | | ✓ | Nonpartisan | 4 |
| Kentucky | | ✓ | | | Pleasure of Board |
| Louisiana | | ✓ | | | 4 |
| Maryland | | ✓ | | | 4 |
| Mississippi | | ✓ | | | Pleasure of Board |
| North Carolina | | | ✓ | Partisan | 4 |
| Oklahoma | | | ✓ | Partisan | 4 |
| South Carolina | | | ✓ | Partisan | 4 |
| Tennessee | ✓ | | | | Pleasure of Governor |
| Texas | ✓ | | | | 4 |
| Virginia | ✓ | | | | 4 |
| West Virginia | | ✓ | | | Pleasure of Board |

Sources: Education Commission of the States and SREB state constitutions and statutes

Some experience in both teaching and school administration is necessary in five SREB states. Arkansas requires the chief state school officer to have a combination of 10 years' experience in teaching and administration. Delaware and West Virginia call for a five-year combination; Maryland requires seven years. Alabama also requires the chief officer to have teaching and administrative experience, but a certain number of years are not specified.

Virginia's only requirement is that the chief state school officer be an "experienced educator." Mississippi is the only SREB state that requires the chief officer to have five years of school administration experience but no teaching experience.

Texas is the one SREB state with a U.S. citizenship requirement for its state superintendent. Arkansas is the lone SREB state that requires a valid teacher's certificate.

Table 6
Chief State School Officer Qualifications

| State | Degree | | Experience | | Good Moral Character | U.S. Citizenship | Teacher Certification |
|----------------|------------|----------|-----------------------|----------|----------------------|------------------|-----------------------|
| | Bachelor's | Master's | School Administration | Teaching | | | |
| Alabama | ✓ | | ✓ | | ✓ | | |
| Arkansas | | ✓ | ✓ | ✓ | ✓ | | ✓ |
| Delaware | ✓ | | ✓ | ✓ | | | |
| Florida | | | | | | | |
| Georgia | ✓ | | | | ✓ | | |
| Kentucky | | | | | | | |
| Louisiana | | | | | | | |
| Maryland | ✓ | | ✓ | ✓ | | | |
| Mississippi | | ✓ | ✓ | | | | |
| North Carolina | | | | | | | |
| Oklahoma | | | | | | | |
| South Carolina | | | | | | | |
| Tennessee | | | | | | | |
| Texas | | | | | | ✓ | |
| Virginia | | | | ✓ | | | |
| West Virginia | | ✓ | ✓ | ✓ | ✓ | | |

Sources: SREB state constitutions and statutes

Summary

The primary figures in a state's education governance structure are the state Board of Education and the chief state school officer. As a team, these leaders manage the state's K-12 public education system. Consequently, the decisions made by state governance officials provide local education leaders with guidelines and policies for developing and complying with programming, curriculum and budgets, as well as teacher, staff and student issues.

Though the organization of education governance varies from state to state, the overall objective remains the same across the SREB region — sound public school systems that improve academic achievement, graduation rates, college readiness, teacher quality and other important measures. Ultimately, the quality of state education leaders and their ability to manage and execute policies determine each state's success in achieving these common goals and strengthening the K-12 education system.

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