



# 50-STATE REVIEW



## State Education Governance Structures: 2017 update

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Governance requires policymakers to engage in the intricate work of coordinating across various state and local agencies to provide public goods, services and support to diverse populations. This report is designed to help policymakers conceptualize the governance structures charged with creating, implementing and administering state education policies.

The education governance structures of most states — capturing the relationships of governors, state boards and state chiefs — can be categorized into one of four models.

This report provides four core governance structure models along with insight into how the associated structures and relationships shape state policy interactions — including both the priorities guiding policy development

and the processes for creating concrete education objectives. For each model, a visual representation of its structural framework is provided and how that framework might influence policymaking dynamics in associated states is discussed. Additionally, how each of the models may influence the distribution of authority and accountability in the state is examined. The report concludes with questions and policy considerations for addressing issues of state education governance.

### What is Governance? Why Does it Matter?

Systems of governance are extremely complex. They require a set of component institutions, processes and norms to guide collective decision-making. Further, these components must work cohesively if government leaders are to effectively oversee public goods and services.

For states, governance means “the ability to make and enforce rules, and to deliver services” while reinforcing

Understanding the distribution of authority in state education governance models may prove insightful to understanding how education issues are prioritized and resolved in each state.

Understanding governance structures and their impact creates additional questions and considerations for policy leaders as they pursue education objectives.

collective, statewide ideas of purposes and goals.<sup>1</sup> For state education governance, this begins with a set of institutions tasked with framing priorities, such as the legislature, the state education agency and the state board of education. Further, it includes the processes these institutions use to set priorities, such as the legislative process, administrative rulemaking and the decision-making structures of the component institutions themselves.

Yet the components of state education governance systems stretch beyond inputs to also include the outputs of their processes: the services they deliver and the norms they enforce. This includes both the outputs themselves, such as a public system of K-12 education, as well as measures of the quality of those outputs, such as accountability systems for public education.

## Implications for Practice

The practice of governance and its ability to effectively coordinate statewide action is heavily shaped by the institutions charged with implementing and administering public goods. States depend on governing bodies to identify problems, develop solutions and communicate those solutions to everyone impacted.<sup>2</sup>

Without the ability to coordinate approaches across component institutions, and to communicate and enforce shared expectations coherently to the public, the development and implementation of statewide priorities is nearly impossible.<sup>3</sup> For education systems, the absence of large coordinating institutions would mean that larger goals — such as reducing educational inequities or preparing all students for college or the workforce — would remain elusive.

## State Education Governance Structures

Building on data from Education Commission of the States and the National Association of State Boards of Education, this report illustrates the structure of relationships among coordinating institutions and state policy leaders in terms of four categorical models of state education governance.<sup>4</sup>

This is not a comparative study, as there is no evidence to suggest that one model is preferable to another in terms of performance. Understanding the distribution of authority in each model may prove insightful to understanding how states prioritize and resolve education issues. In addition, it is important to remember that the models and analysis capture only the formal authority and structures of state education governance, and do not consider the informal aspects of policymaking (i.e. governor's policy priorities, state norms for board/chief interaction, etc.). Finally, the summary discussion of the policy incentives associated with each model is not meant to imply that there are concomitant disincentives for the engagement of any of the policy actors described.

### Key State Policy Leaders

This analysis highlights the interplay between key education policy leaders: governors, state boards of education and chief state school officers. Although legislators are also key to the policymaking process, the focus here is on the structure of policy relationships between governors, state boards and chiefs.

**Governor:** Popularly elected officials who serve as the chief executive officers of their state, governors oversee operations as well as create and enforce policies. Governors have statutory authority to approve or veto legislation and hold the power of appointment for many governmental management positions.<sup>5</sup>

**State Boards of Education:** State boards of education have numerous education governance responsibilities. State board members act as policymakers, advocates for education, liaisons between educators and policymakers, and consensus builders.<sup>6</sup>

**Chief State School Officers:** Also called state superintendents or state commissioners of education, individuals in this role are generally tasked with administrative oversight of state education agencies. Chief state school officers administer state law and board policy and, in some cases, may also be members of the state board of education.<sup>7</sup>

## Points of Analysis

Governance structures create a framework for the interplay of **authority** and **accountability**.<sup>8</sup> This dynamic is characterized by the ability of certain leaders or institutions to issue directives in the form of policies, laws or actions (authority) that is balanced with a duty to ensure that those directives are carried out appropriately and achieve the desired ends (accountability).<sup>9</sup> This analysis provides context on how each of four governance models structure formal authority and accountability in the policy process.<sup>10</sup>

The following four governance models are in descending order of authority of the executive branch - governor. Note that in each of the models, in addition to the discussed authority structures, decisions on major education issues generally require legislative approval.

### Model I

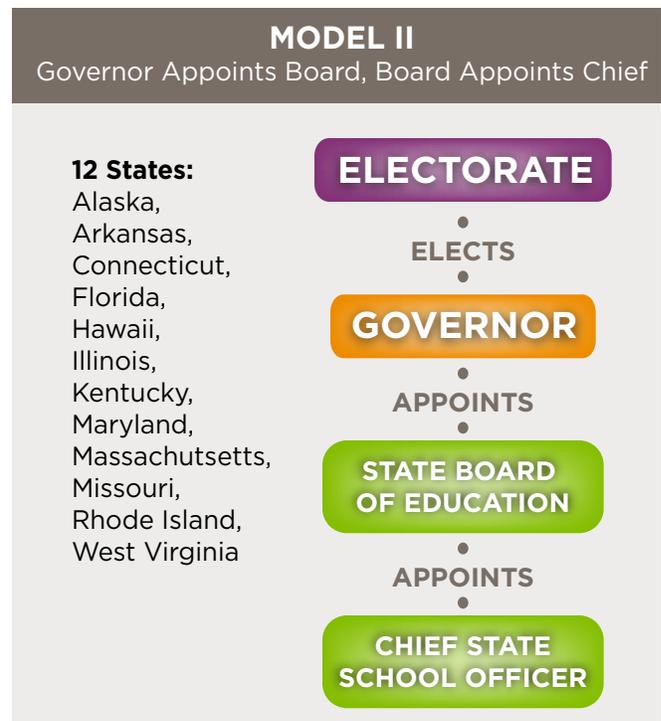
In Model I, voters elect the governor, who then appoints both the members of the state board of education and the chief state school officer.



Here, power is centralized in the executive branch, placing governors in the strongest position of all four models.<sup>11</sup> The governor's ability to select the state board and chief allows the executive branch to shape the key venue for education policy debates (the state board) as well as the administrative agency tasked with monitoring, implementing and administering those policies (the state education agency, led by the chief state school officer). Because the governor is accountable to voters, in Model I states where voter interest in education is high, emphasis may be placed on education policies through governors' initiatives. However, the structure of Model I also means the success of education policies are tied to the policy priorities of the governor's office.

### Model II

In Model II, voters elect the governor, who then appoints either all or most the members of the state board of education. The state board, in turn, appoints the chief state school officer.

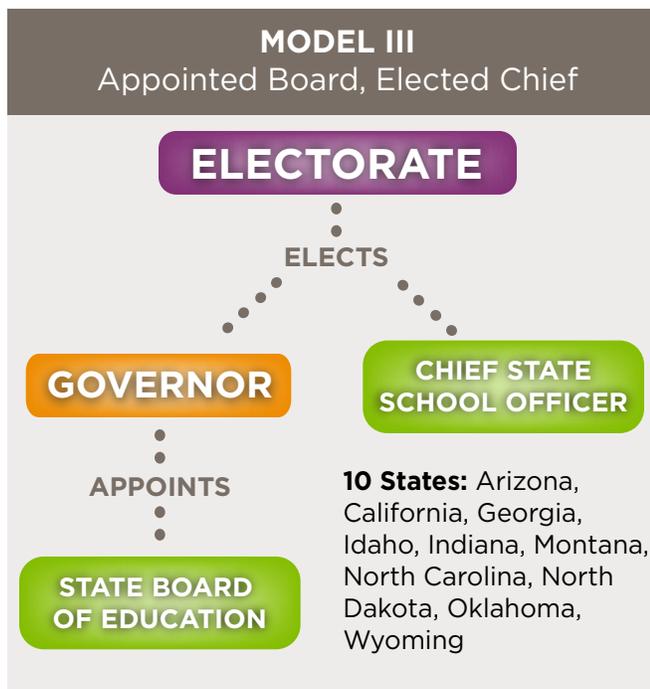


Authority in this model is characterized by a strong governor's role, though weaker than in Model I.<sup>12</sup> The power to appoint the state board of education may

give the governor incentive to take an active interest in education policy, and may mean voters hold the governor accountable on education issues. Since chief state school officers in Model II are directly accountable to the state board, not the governor, this structure may provide some flexibility to interpret policy priorities of the executive branch. Thus, governors in Model II states can shape the direction of education policy as well as incentives to support board/chief priorities in the legislature, but lack the ability to oversee policy details such as implementation or administration of policies and practices.

### Model III

In Model III, voters elect both the governor and the chief state school officer. The governor then appoints the state board of education.

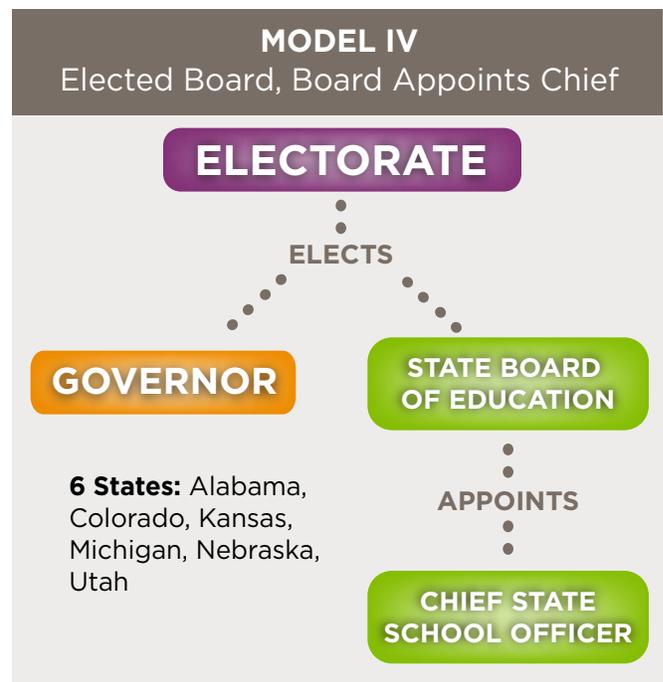


In this model, voters may distinguish the policy aims of the governor from the priorities of the chief state school officer. The role of the governor in education policy is weaker, and the state chief may have more authority.<sup>13</sup> This creates a complex dynamic: when a governor and chief state school officer align priorities and/or are willing to cooperate, both may have a greater ability to influence

policy outcomes. Conversely, when in disagreement, the governor and the chief state school officer may struggle to pursue their separate education policy priorities, given that they are both accountable to voters and may have conflicting mandates.

### Model IV

In Model IV, voters elect both the governor and the state board of education. The state board then appoints the chief state school officer.



Of the four models, Model IV provides the governor the least amount of direct authority over education governance.<sup>14</sup> The state board of education is directly accountable to voters; however, the board’s ability to reshape policy is often limited by statutory constraints. In an environment where governors have limited formal incentive to take a strong stance on education issues, this support may be difficult to obtain. As such, this governance dynamic produces a context where education leaders may be empowered to shape policy and remain flexible at the state level, but have limited ability to press for expansive policy changes that require significant funding or substantial policies changes.

## Other Governance Models

Twelve states — Louisiana, Minnesota, Mississippi, New Mexico, New York, Nevada, Ohio, Oregon, South Carolina, Texas, Washington and Wisconsin — and the District of Columbia (D.C.) function under modified versions of the above four models.

### Governor-Appointed State Board, Governor as Chief

In **Oregon**, state law identifies the governor as the state chief and gives him/her the authority to appoint and delegate authority to a deputy chief. The governor appoints the board.

### Governor-Appointed and Elected State Board; Governor-Appointed Chief

In **Nevada**, four of seven voting members are elected from the four congressional districts and three voting members are appointed by the governor. The board also includes four additional nonvoting members. The governor appoints the chief.

### Governor-Appointed and Elected State Board; Board-Appointed Chief

In **Louisiana**, eight board members are elected and the governor appoints three. In **Ohio**, 11 board members are elected, while the governor appoints eight members. In both states, the state board appoints the chief.

### Governor-Appointed and Elected State Board; Elected Chief

In **Washington**, the chief state school officer is elected and the state board of education is made up of 16 members:

- Five elected by 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).

### Jointly-Appointed State Board; Board-Appointed or Elected Chief

The governor, lieutenant governor and the speaker of the House appoint members to the state board in **Mississippi**. The state board appoints the chief state school officer.

### Legislatively-Appointed State Board; Board-Appointed or Elected Chief

In **New York**, the state legislature appoints the board members and the board appoints the chief state school officer. The **South Carolina** legislature appoints the board, but the chief is elected.

### Elected Board; Governor-Appointed Chief

In **Texas**, the state board is elected. The governor appoints the chief who also serves as the executive secretary of the state board.

In **D.C.**, voters elect the board of education. The District of Columbia Public Education Reform Amendment Act of 2007 created a new state board of education that advises the state superintendent and approves specified policies. Previously, the board oversaw day-to-day operations of schools. This act also gave the mayor primary responsibility for public education, including the authority to appoint the school superintendent and chancellor.

### No State Board or Advisory Only; Governor-Appointed or Elected Chief

Neither **Minnesota** nor **Wisconsin** has a state board of education. **New Mexico** has an elected body (Public Education Commission), but it is only advisory.

- Minnesota and New Mexico — chief state school officer is appointed by the governor.
- Wisconsin — chief state school officer is elected.

## Questions for Education Governance

Policy creation involves a broader set of actors with a vast array of priorities. Implementation and administration of programs falls on state education agencies and local school districts. As states begin implementing their plans under the Every Student Succeeds Act, they should ask questions about the relationship between governance structures, the legislature and administrators including:<sup>15</sup>

- Does our state's basic structure and organization of education governance support our ability to reasonably pursue our state's education goals?
- Do working relationships among policy leaders at the state and local levels function in a way that reinforces student success and policy cohesion in our state?
- Are the legislative mandates and regulatory policies shaping our state's education system clear and cohesive?

## Policy Considerations

This report provides a high-level overview of the institutional actors and structures in education governance in the states, as well as the policy environment they create. Given these relationships, the following governance considerations for state leaders are offered as they pursue new programs and elaborate state goals:

- **Always consider capacity.** When elaborating state education goals, policymakers should consider the capacity of state and local agencies to deliver on policy promises, as well as how decisions at the state leadership level can serve to enhance or diminish that

capacity. Capacity includes not only financial resources and personnel, but also organizational culture. For example, a culture of dynamic improvement, necessary to support the attainment of certain educational goals, can be either supported or hindered by the policies established by state and local leadership.<sup>16</sup>

- **Focus on leadership.** Effective leadership enables growth in agency capacity. Thus, policy leaders responsible for appointing the chief — the leader of the state's education agency — should strive to appoint individuals who are both acutely aware of the management challenges for a large state agency and system, and are experienced in implementing a strategic vision in politically complex environments.<sup>17</sup>
- **Be intentional about governance choices.** One of the core considerations for education governance is whether implementation and administration should be centralized (state led) or decentralized (district led). State leaders should be aware of the impact their policy decisions have on this dynamic. Policy decisions in this area should be made on an issue-by-issue basis in the context of a state's education vision, goals and governance capabilities, as opposed to a holistic preference for centralization or decentralization.<sup>18</sup>
- **Prioritize simplicity and transparency.** Actors within state education governance structures should consider the benefits of pursuing less complex and more transparent policy solutions in the pursuit of achieving state education goals. Such considerations may help to both improve the tenor of the dialogue surrounding policy debates, and support governance and administrative structures in improving education quality.<sup>19</sup>

## Appendix I

### State Education Governance Models by State.

State	Models I - IV				Statutory Reference
	I	II	III	IV	
Alabama				X	<a href="#">AL. Code § 16-3-1</a> ; <a href="#">AL. Code § 16-4-1</a>
Alaska		X			<a href="#">AK. Stat. § 14.07.085</a> ; <a href="#">AK. Stat. § 14.07.145</a>
Arizona			X		<a href="#">ARS 15-201</a> ; <a href="#">AZ Const. Article 5 Sec. 1</a>
Arkansas		X			<a href="#">AR Code § 6-11-101</a> ; <a href="#">AR Code § 6-11-102</a>
California			X		<a href="#">Cal. Ed. Code § 33000</a> ; <a href="#">CA Const. Article II Sec. 6</a>
Colorado				X	<a href="#">CRS § 22-2-105</a> ; <a href="#">CRS § 22-2-106</a>
Connecticut		X			<a href="#">Conn. Gen. Stat. § 10-1</a> ; <a href="#">Conn. Gen. Stat. § 10-3a</a>
Delaware	X				<a href="#">Del. Code tit 14, § 102</a> ; <a href="#">Del. Code tit 14, § 104</a>
Florida		X			<a href="#">Fla. Code § 1001.01</a> ; <a href="#">Fla. Const. Article IX, Sec. 2</a>
Georgia			X		<a href="#">GA Code § 20-2-1</a> ; <a href="#">GA Code § 20-2-30</a>
Hawaii		X			<a href="#">HRS § 302A-121</a> ; <a href="#">HRS § 302A-1101</a>
Idaho			X		<a href="#">Idaho Code Ann. § 33-102</a> ; <a href="#">Idaho Const. Article IV Sec. 1</a> ,
Illinois		X			<a href="#">105 ILCS 1A-1(b)</a> ; <a href="#">IL Const. Article X Sec. 2</a>
Indiana			X*		<a href="#">IC 20-19-2-2.1</a> ; <a href="#">IC 20-19-1-1.1</a>
Iowa	X				<a href="#">ICA § 256.3</a> ; <a href="#">ICA § 256.8</a>
Kansas				X	<a href="#">KSA § 72-7503</a> ; <a href="#">KSA § 72-7601</a>
Kentucky		X			<a href="#">KRS § 156.029</a> ; <a href="#">KRS § 156.148</a>
Maine	X				<a href="#">20-A MRS § 401</a> ; <a href="#">20-A MRS § 251</a>
Maryland		X			<a href="#">MD Code Education, § 2-202</a> ; <a href="#">MD Code Education, § 2-103</a>
Massachusetts		X			<a href="#">MGLA 15 § 1E</a> ; <a href="#">MGLA 6A § 14A</a>
Michigan				X	<a href="#">MCLA Const. Art. 8 § 3</a>
Missouri		X			<a href="#">VAMS 161.022</a> ; <a href="#">VAMS 161.020</a>
Montana			X		<a href="#">MT Const. Article VI Sec. 7</a> , <a href="#">MT Const. Article VI Sec. 8</a> ;
Nebraska				X	<a href="#">Neb. Rev. St. § 79-310</a> ; <a href="#">Neb. Rev. St. § 79-318</a>
New Hampshire	X				<a href="#">N.H. Rev. Stat. § 21-N:10</a> ; <a href="#">NH Rev. Stat. § 21-N:3</a>
New Jersey	X				<a href="#">NJSA 18A:4-4</a> ; <a href="#">NJSA 18A:4-21</a>
North Carolina			X		<a href="#">NCGSA § 115C-10</a> ; <a href="#">NCGSA § 115C-18</a>
North Dakota			X		<a href="#">NDCC, 15.1-01-01</a> ; <a href="#">NDCC, 15.1-02-01</a>



State	Models I - IV				Statutory Reference
	I	II	III	IV	
Oklahoma			X		<a href="#">70 Okl.St. Ann. § 3-101</a> ; <a href="#">OK Const. Article VI Sec. 4</a>
Pennsylvania	X				<a href="#">24 P.S. § 26-2602-B</a> ; <a href="#">PA Const. Article IV Sec. 8</a>
Rhode Island		X			<a href="#">Gen.Laws 1956, § 16-60-2</a> ; <a href="#">Gen.Laws 1956, § 16-60-6</a>
South Dakota	X				<a href="#">SDCL § 1-45-6.1</a> ; <a href="#">SD Const. Art. 4, § 9</a>
Tennessee	X				<a href="#">T. C. A. § 49-1-301</a> ; <a href="#">T. C. A. § 4-3-802</a>
Utah				X	<a href="#">U.C.A. 1953 § 53A-1-201</a> ; <a href="#">U.C.A. 1953 § 53A-1-301</a>
Vermont	X				<a href="#">16 V.S.A. § 161</a> ; <a href="#">3 V.S.A. § 2702</a>
Virginia	X				<a href="#">VA Code Ann. § 22.1-9</a> ; <a href="#">VA Code Ann. § 22.1-21</a>
West Virginia		X			<a href="#">W. Va. Code, § 18-2-1</a> ; <a href="#">W. Va. Const. Art. 12, § 2</a>
Wyoming			X		<a href="#">W.S.1977 § 21-2-301</a> ; <a href="#">WY Const. Art. 4, § 11</a>

\*Indiana recently changed its selection method for state superintendent of public instruction. Beginning in 2025, the superintendent will no longer be elected and will instead be appointed by the governor. (HB 1005 2017)

## ENDNOTES

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14. Ibid. (Manna, 2012).
15. Questions are adapted, not adopted; Jim B. Pearson, ed. and Edgar Fuller, ed., *Education in the States: Historical Development and Outlook*, (Washington: Council of Chief State School Officers, 1969).
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