

AN EXAMINATION OF SCHOOL BOARD MODELS- PUBLIC AND PRIVATE

by

BRIAN DOLINGER

(Under the Direction of John Dayton)

ABSTRACT

This study of existing models of school board selection, both public and private, found that the manner in which school boards are selected and structured tends to influence the schools under their jurisdiction. Legal research methodology and law-related policy analysis were used to examine historical and legal foundations of educational governance in public and private school board formation. Various school board models were identified and classified, based on their selection processes. This study informs further research into school governance, as well as practitioners' evaluations of existing boards and the establishment of new school boards.

INDEX WORDS: Governance, School boards, Independent school governance, Board structures

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DEDICATION

I would like to dedicate this work to my amazing wife, Christy. This has been a long journey and she has supported me throughout. Thank you.

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I would like to express my deep appreciation of Dr. John Dayton. Without his guidance and encouragement, this process would have never been completed. I would also like to thank Dr. DeBray and Dr. Williams for their participation on my committee. Their input and suggestions have greatly assisted me in the completion of this study.

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CHAPTER 1

INTRODUCTION TO THE STUDY

Statement of the Problem

The school board is arguably one of the most influential components of the educational system as it currently exists in public and private schools in the United States and around the world. (Alsbury, T.L., 2008, DeKuyper, M., 1998, Guernsey, D., 2003, Mott, W. R., 2018, Orem, D. and Wilson, D., 2017). Local control of schools through the systems of board governance allows a level of independence in public and private schools. Although boards are highly influential, only limited research concerns how these bodies are formed and selected, especially in the private sector, where boards have the most significant influence over the schools they serve. The history of boards serving as governing bodies of schools or groups of schools extends hundreds of years (Eberling, 1999, Kirst, 2004, Kirst and Writ, 2009, Timar and Tyack, 1999). Today, many different types of school boards exist and govern the vast majority of schools: public, charter, private, and independent. The National Association of Independent Schools shares that just under ten percent of the nearly fifty-five million school-aged children in the United States attend private schools (“About NAIS,” 2019). That percentage is significant and represents a portion of our educational landscape primarily governed entirely independently. Governance models in private and independent schools are varied but tend to follow specific patterns. Currently, the research on private and independent school governing boards is severely limited. A significant limitation is the failure “to treat school boards as discrete units of analysis” (Land, 2002, p. 28). Private and Independent school boards are often studied and analyzed only

in terms of relationships with the school heads, without their structure or functions considered in their own right (Land, 2002). An examination of how the various boards of private and independent schools are selected and comprised developed a useful classification system of these models. This classification system can prove useful for schools re-evaluating their existing governance models and practices, as well as, for new schools being formed, as they determine their governance models and practices.

This study reviewed the historical development of educational institutions and governance systems, provided a review of relevant laws and court decisions applicable to school boards and governance, and culminated in the classification and identification of various structures and compositions of school boards, in both public and private contexts. It is the hope of the researcher that this study will assist communities looking to establish or re-establish a school board for their educational system.

Research Questions

This study answered the following questions:

1. What is the relevant history of school boards as a governance model in the United States of America?
2. What is the current status of law, policy, regulations, and research concerning school boards in their composition and selection?
3. Based on this research, what can be learned to improve board composition and selection processes for schools and school systems?

Research Methods

This study utilized legal research methodology and law-related policy analysis. Dayton (2019), describes this approach as follows:

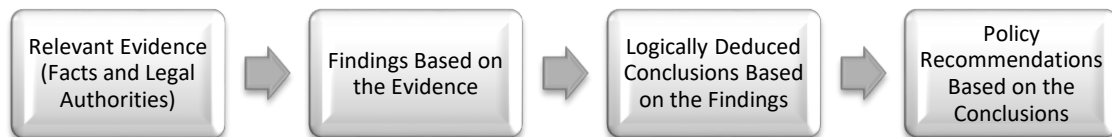
Based on verifiable facts and legal authorities, legal research presents:

- 1) Relevant evidence;
- 2) Findings based on the evidence;
- 3) Conclusions logically deduced from the findings; and
- 4) Policy recommendations, when warranted by the strength of the evidence, findings, conclusions, and needs in the field of practice.

Each element of legal research builds on and relies on the prior elements.

Figure 1

Elements of Legal Research.



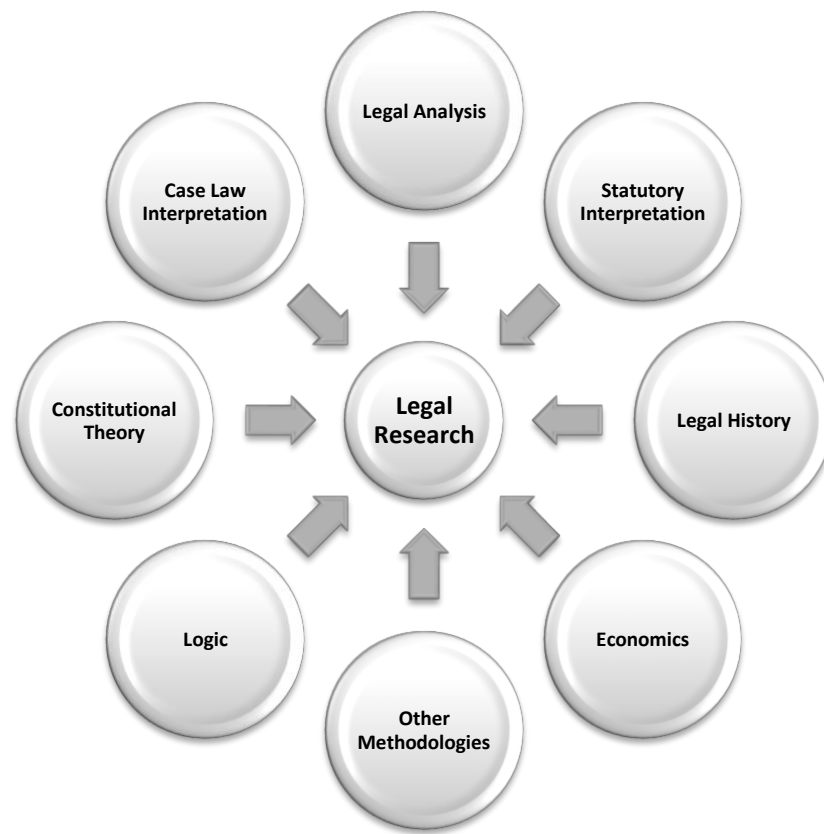
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Legal research may draw on a variety of research tools, sometimes including quantitative or qualitative methodologies, but more commonly relying on unique frameworks of legal analysis (e.g., analyses rooted in classical and modern legal and philosophical frameworks, for example, natural law; utilitarianism; pragmatism; libertarianism; positivism; realism; critical legal studies; etc.); case law interpretation; statutory

interpretation; constitutional theory; legal history; and methods adapted from the fields of logic and economics.

Figure 2.

Methodological Tools in Legal Research



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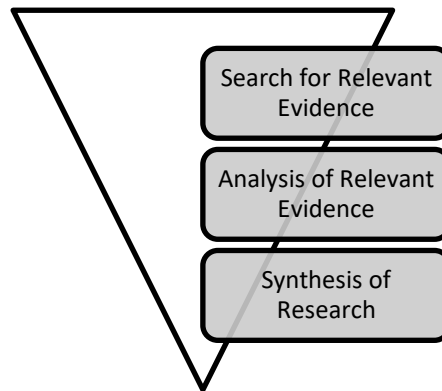
Regardless of the specific methodologies employed, legal research essentially involves a quasi-meta-analysis of the relevant evidence and legal authorities comprised of three key tasks:

- 1) A search for relevant evidence (e.g., documents);
- 2) An analysis of the relevant evidence; and

3) A synthesis of research findings into a current composite picture of the law.

Figure 3.

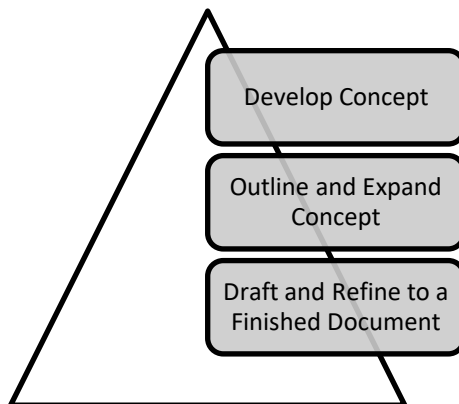
Legal Research: A Reductive Process



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Legal writing also involves three key tasks:

- 1) Developing a concept for an appropriate written document to communicate the research synthesis and resulting findings, conclusions, and recommendations;
- 2) An outline expanding this concept into a framework for a logical and sequential presentation of findings, conclusions, and recommendations; and
- 3) Drafting and refining the outline into a finished document.

Figure 4.*Legal Writing: A Developmental Process*

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Legal research involves a process of reduction, carefully sorting materials starting with all potentially relevant materials down to confirmed relevant materials for analysis, and then synthesis into a coherent, current snap-shot picture of the law. Legal writing involves a process of production, starting with a concept for a legal document based on the synthesis of research, expanding to an outline, and further expanding to the refined and finished final document.

Limitations

This study described and analyzed the general types of school board selection models. Due to the individual and independent nature present in private and independent schools, coupled with the vast number of private and independent schools currently in operation, this study is limited in being able to successfully describe and categorize every type of board structure in existence. Recognizing this limitation, this study attempted to describe generalities and trends, into which the wide variety of board models generally fit.

CHAPTER 2

REVIEW OF THE LITERATURE

Governance of Education

Importance of Governance in Schools

Local school boards serve a meaningful, relevant part of the democratic process in the United States. They represent an opportunity for citizens to be involved in shaping their collective future through the education of the next generation (Kirst and Writ, 2009). The school board as an institution has existed in various forms since the inception of the United States (Kirst and Writ, 2009). The school board has been found to have a significant effect on many facets of a school system, specifically, in policy adoption and implementation (Hochschild, 2005) and in the level of achievement of students (Alsbury, 2008, & Stringfield, 2008). Campbell and Fullan (2019) make a case for school boards and school leadership to adopt a mindset of a higher moral imperative for more efficient and effective governance. In the world of private and independent schools, the school board is extremely important to the success of a given school. Writing for the National Association to Independent Schools, or NAIS, Orem and Wilson describe this importance in the forward to *The Trustee Handbook*, as follows:

Broads of Trustees set the context for leadership and establish the strategic priorities that will help our schools meet their missions. Trustees are stewards of their schools, ensuring that the school exists, not just for today's students but also for future generations. (Orem and Wilson, 2015; p. v.)

School boards, whether governing public, private, or independent schools, are a vital component in our educational system.

Nature of Independent Schools

The educational landscape in the United States is comprised of many different types of educational options, sufficient to satisfy the compulsory education laws of the states. These options include public schools, charter schools, parochial schools, private schools, independent schools, and homeschooling. Kane (1992) notes that six characteristics distinguish all non-public schools: self-governance, self-support, self-defined curriculum, self-selected students, self-selected faculty, and small size. Although size is more of a relative characteristic, on the whole, and on average, private schools are much smaller in size than public school systems.

When describing non-public schools, the terms private and independent are used, it is necessary to make a few distinctions for purposes of this study. Baker, Campbell, and Ostroff (2016) outline the differences between private and independent schools in their work, *Independent school leadership: Heads, boards, and strategic thinking*. Generally speaking, independent schools can be described as non-profit organizations. Tuition, charitable giving, and additional revenue drawn from investments or endowments fund them. Private schools, as defined by Baker, Campbell, and Ostroff, are governed and subsidized by a religious body, corporate entity, or an additional non-profit organization (Baker et al., 2015). This study examines the self-governing aspect shared by both independent and private schools. Both types of school boards operate in a manner much more closely related to boards in the corporate sector than the boards of public schools. Contractual agreements between an individual and a private institution more accurately describe the relationship of parents and private or independent schools. The majority of private/independent school boards are legally bound by the laws

governing non-profit organizations. As a non-profit entity, independent and private schools can be sued or sue for breach of contract, following state and federal contract principles (Brown et al., 2009). Due to the independent nature of both private and independent schools, state and federal governments have very little responsibility or interest in their internal governance and functioning. As a result of the lack of state or federal jurisdiction or oversight, the governance structure and function of private and independent school boards vary greatly and takes on many different forms. For the remainder of this study the term private school will be used to describe both private and independent schools.

Need for Research into Governance of Private Schools

For decades, researchers have spoken of private school governance as an area worthy of study (Aitken, 1992; Chubb & Moe, 1990; James & Levin, 1989). However, limited research has been undertaken looking at the dynamics of governance. Various associations and organizations have attempted to provide guidance and suggestions as to the structure and function of private school boards, the National Association of Independent Schools (NAIS), and Independent School Management (ISM), being two of the larger and more prolific sources. Australian researchers, McKormick et al. (2006), propose a framework for studying private school boards by first identifying the unique contexts (environmental, school, and board) that exist as a way to better study the private school board's processes and then effectiveness. This study examined the governance structures of boards, which in McKormick's framework, would classify as a "board context." Dr. William Mott is noted for his research and writings. His work with and writings on non-profit and private school boards discuss issues of board governance (Mott, W. 2012, Mott, W. 2014, Mott, W. 2018). However, even with these research examples, very little work has

been done to describe school board membership and the process of how private school boards are selected and perpetuated.

Relevant History of Educational Institutions

In an extremely generalized view, education is merely the acquisition of new knowledge. This process can follow a self-directed path through experiences, contemplation, and reflection, or a guided path facilitated by other sources, being another person, a book, or some sort of collection of knowledge. In practical terms, one's education follows a combination of these paths. Educational institutions have existed in various forms in all civilizations throughout history. Notably, some of the first recorded schools existed in ancient Egypt, India, China, Rome, and Greece (Peterson, 2010). Following the developmental thread of the educational institutions of public and private schools in the present-day United States, we are led on a unique journey through the history of the United States, moving back to Europe, through the middle ages, and finally to the Roman and Greek Empires. We will begin by visiting the ideas of Socrates, Plato, and Aristotle, the trio that form the basis of many of our modern concepts of philosophy and education. As educational systems become more complex, so rises the need for increased oversight, governance, and regulation.

Socrates, Plato, and Aristotle

Socrates viewed education through a very liberal lens, focusing on the individual pursuit of betterment through questions, answers, and critical thinking. He did not create or advocate for any type of educational institution but preferred to engage and debate with his followers in the streets, gardens, and squares of Athens (Mares, 2018). Socrates' view of education was one of self-willingness and, therefore, rejected any type of structure, examinations, or regulations.

Mares (2018), summarizes this concept by stating, “According to Socrates, we educate ourselves by thinking critically, questioning beliefs, and finding answers” (p. 2).

Plato, Socrates’ student and the source of our written accounts of Socrates’ thoughts and teachings, held a more structured view of the purpose and process of education. Plato’s broad concept of virtues, such as prudence, courage, temperance, and justice, is the foundation for his concepts of education (Plato, *Republic*, Book V. 455c–456a). Plato believed society would benefit when certain groups of people were educated in certain ideals in order to create a balanced, segmented society. Plato advocated state-controlled education allowing for all to have access for the betterment of society as a whole. Plato did create his Academy, a loosely structured school for his followers. Mares (2018) states, “Plato's view of education revolves more around creating the best model of a city-state based on precise social stratification, state-controlled education and the production of ideal rulers” (p. 3). We see in Plato’s teachings, an emergence of models that would require a higher level of organization and governance.

The third of our Greek philosophers, Aristotle, followed Plato in the succession of student to teacher. Aristotle held the most inclusive views of education, disagreeing with limitations to education, believing when the learner is willing, the state should continue to support their education. Aristotle viewed education as a means to a better society. Mares (2018), states, “Aristotelian education aims to make one a good citizen of the polis, and therefore the education is tailored to make citizens good and happy because only good citizens can create a good society, the good city-state” (p. 4). Aristotle established a school, referred to as the Lyceum, in which he built a substantial library and gathered research students. Unlike the Academy of Plato, many of the lectures of the Lyceum were open to the public and given free of charge. The educational ideas of Socrates, Plato, and Aristotle have indirectly and directly

shaped educational systems throughout history, planting the seeds for educational institutions that have developed into what is known today (Mares, 2018).

Schools in Greece and the Roman Empire remained in existence for the wealthy and political elite for many centuries. The first schools in Rome began to emerge in the middle of the 4th century BC, concerned with the socialization and basic education of the children of the extremely wealthy (Chiappetta, 1953). As the Roman Empire progressed for the next several centuries, formal schools are established for paying students and are organized into tiers of educational programs, similar to our current concepts of elementary, high school, and college. Progression through these tiers was based more on individual readiness and capacity rather than by age (Yun Lee, 2001).

European Schools

The fall of the Roman Empire began the Middle Ages, commonly referred to as the Dark Ages. This span of a thousand years saw very little development of educational institutions. The only major semblances of schools were tied exclusively to the religious institutions of the monasteries of the Roman Catholic Church. These educational institutions all followed a similar evolutionary development, beginning as monastic schools, with classes taught by the monks, then transitioning to cathedral schools. By the 11th and 12th centuries, these cathedral schools became universities. The vast majority of these iterations were under the control and influence of the Roman Catholic Church and carried through the Middle Ages (Orme, 2006). Of special note is the mandate from the Church, made in 1179, requiring priests to provide the opportunity for free education for their flocks. Private schools also reappeared during this time, but they were also religiously focused, and very little is known on their governance. In the 16th century, the many political and social changes brought about by the Reformation developed forms of

elementary schooling. For example, the Church of Scotland established an educational program in 1561 that prescribed one schoolteacher for every parish church. In 1633, when the Scottish Parliament passed an act that introduced a tax to pay for the education of the poor, a more “public” concept of schools continued to develop. Although the Scottish example is one of the most developed, many countries throughout the 16th, 17th, and 18th centuries saw significant expansion of educational systems, sharing concepts of compulsory education and a general course of studies (Boyd and King, 1972). The governance models of these schools followed the hierarchy of the church system.

Early American Schools

As the colonies that would become the United States developed and grew, many ideas and philosophies of education mirror many of the systems in place in Europe at the same time. The roots of public education in the United States can be traced to a series of laws passed in the 1640s in the colony of Massachusetts, one most famously known as the Old Deluder Satan Act of 1647. The law required towns of fifty or more families to establish a basic school for their citizens. This piece of legislation is significant in that it established the precedent of government setting parameters for a framework of public schools (Eberling, 1999). With the Massachusetts colony leading the way, the early educational systems of America spread and began to take shape. Following a one-room schoolhouse structure, the establishment of common schools developed throughout the 18th century. Additionally, grammar schools, the forerunner of what we now call high schools, began forming in the larger cities in New England (Cremin, 1970).

Historical Development of School Boards in the United States

For more than 200 years, local school boards have served as the primary governing body for public schools in the United States (Hopkins, O’Neil, & Williams, 2007). The National

School Boards Association (2015) defines a primary purpose of school boards to “advance student achievement through strong local governance” (para. 4). The connection between board governance and education in the United States is both deep and intertwined.

Although schools continued to develop through the eighteenth century, the governance thereof remained very much the same. Schools were commonly governed by local groups of parents and community members and financed through the collection of funds in those same communities (Kirst and Writ, 2009). During the early nineteenth century, the educational terrain consisted of a wide variety of educational institutions, ranging from religious schools to elite academies to charity schools to ethnic schools (Timar and Tyack, 1999). In 1826, Massachusetts created its first school committee, a governing body comprised of elected local officials. It was truly separate from the other forms of government already in place (Kirst, 2004). This event in Massachusetts could mark the first officially organized and elected school board. In many places, school leadership was under the authority of the mayor or some other local official or were led by groups of individuals with a vested interest in the school, who were neither elected nor sanctioned by the existing government (Kirst, 2004).

Educational reformer, Horace Mann, began shaping the notion of public education in Massachusetts during the same period, leaning on ideas gleaned from Prussian education, which utilized a school model funded through local taxes and was open to all students. Although, at the time, the idea of “all students” excluded racial and gender differences (Timar and Tyack, 1999). As Timar and Tyack (1999) explain, Mann’s rapidly spread message was built upon the premise that public schools should be free to all children, public in control and support, and charged with the primary purpose of creating upright citizens with the ability to function in a democratic society. The idea of a common, public school, following the teachings of Mann, began to spread

through the mid-nineteenth century, especially in the frontier areas of the growing United States (Timar and Tyack, 1999). The public school, as we think of it today, was born during this “common school” movement. Others echoed the message of Horace Mann outside Massachusetts, like Henry Barnard in Connecticut and John Pierre in Michigan (Kirst and Writ, 2009).

By the end of the nineteenth century, the common school model was the prevalent form of schooling throughout the country. The majority of States had written provisions into their constitutions for the establishment of free, public education. However, the citizenry at large was very leery of the state or any level of government taking too much power. Additionally, the United States Congress, after the end of the Civil War, demanded that any new state admitted into the Union must provide free and public education to its citizens. In these new states and those previously existing, the vast majority of school governance took place through locally elected trustees, even in larger urban areas. Consistent with this level of control on the local level, state departments of education were small and possessed very limited means to enforce any regulations (Timar and Tyak, 1999). The manner in which local school districts were organized was not standardized throughout the country, with most northeastern states creating districts around small towns, while southern states around counties, and western states through a process of annexation, regardless of county or city lines (Kirst, 2004).

The twentieth century brought many reforms to the governance structure of public schools in the United States. Some viewed the very localized system of school governance to be a golden age of public education in the US, with the local communities possessing the control of their schools to meet the needs and desires of their unique communities. The opposing argument expressed inefficiencies and highly bureaucratic systems in urban districts as impediments to a

unified educational system. The reformers pointed to the vast differences in resources available to different districts as another argument for the consolidation and centralization of school governance (Timar and Tyack, 1999). Specifically, in the urban systems, ward committees were empowered to administer local schools in larger districts. This system was described as full of corruption and inefficiencies, with elected board members advancing their interests and using their positions for political gain (Kirst, 2004). Kirst (2004), points to the seventy-four subcommittees of the Cincinnati school district in 1905 and the seventy-nine in Chicago as examples of some of the inefficiencies and increased bureaucracies of the time. School governance reformers of the early twentieth century set out to remove politics from the governance of education through centralization. By taking cues from the business world, school districts began to operate with centralized control, led by “expert” administration (Timar and Tyack, 1999). Timar and Tyack (1999) cite a decrease of 66% in the average number of board members in cities with populations greater than 100,000 as a prime example. The reformers of the time proposed that the borrowed corporate model would create higher accountability, greater efficiency, and increased differentiation.

Many states began rewriting charters, constitutions, and laws to modify the governance structure of school districts. As a result, school boards began to fill with prominent businessmen, elected at large as opposed to a diverse population elected to represent smaller districts (Timar and Tyack, 1999). The centralization process resulted in more standardized schooling, teacher specialization, and school organization by grade levels (Timar and Tyack, 1999). In the following decades, the state departments of education also grew in size and influence, following the push toward centralized governance (Timar and Tyack, 1999). This corporate model of governance continued into the 1950s until the general focus of the population turned to troubling

perceptions of the failures of our education system, brought forward by the Supreme Court's *Brown v. Board* decision, the Russian launch of Sputnik, and the resulting perception that the United States was failing internationally. A decline in confidence in the educational system and its governance continued to grow through the sixties and seventies. Through the Civil Rights movement, the federal government attempted to rectify social injustices and unequal educational opportunities that had long been allowed to continue by state and local education policymakers. During the same period, the enactment of federal programs through judicial decisions and many pieces of legislation, specifically the Elementary and Secondary Education Act, signed by President Johnson in 1965, greatly increased the role of the federal government in education (Kirst, 2004). The resulting changes in governance focused on enacting and complying with policy rather than board structure, resulting in larger centralized administration utilizing many specialists that assisted with meeting the needs of the ever-increasing policy burden (Timar and Tyack, 1999). The path of educational governance between 1960 and the early Eighties is one of increased centralization. The local boards' roles and abilities in policymaking diminished due to the increased presence of special interest groups and specific state and federal policies handed down to each district (Timar and Tyack, 1999).

The early 1980s ushered in another re-examination of the educational system as a whole, including governance structures. Through *A Nation at Risk* and resulting legislation, the purpose of education was shifted away from one of democratic responsibility, or even academic achievement, toward one focused on the economic effects of the educational system (Timar and Tyack, 1999). Chubb and Moe (1989) explained that the educational system had lost the ability to focus on their current needs due to the increased access to policy and decision making by special interest groups. They proposed dismantling the current system that had, in their opinions,

become weighed down by the rising tide of policy and regulation (Chubb and Moe, 1989).

Cookson and Schneider (1995) similarly raised concerns with the state of American education at the time, offering a slate of reform suggestions, including increased accountability, privatization, and a national curriculum. The national and federal policymakers became increasingly interested in the application of market principles to our educational system, resulting in such reform initiatives as vouchers, privatization, and charter schools. In an interesting turn over the last twenty years, we have seen an emerging debate taking us back to the principles of Mann and Jefferson and the differences in the purpose of education (Timar and Tyack, 1999). A growing number of citizens desiring more local and individualized control of education confront conventional models of governance. Additionally, the rise in the market theories and privatization points to an increased desire for autonomy and choice (Timar and Tyack, 1999). Contrarily, we see the rise of a national curriculum through the Common Core State Standards and the possibility of a standardized national test as another push toward centralization in the name of increasing student achievement and educational accountability. The governance of schools has been and continues to be part of a pendulum swing between localized and centralized control. Largely, private schools have remained outside the public debates, although they have taken their cues from common governance structures of the public schools and other non-profit organizations.

In the last thirty years, we have seen the public focus on education shift through accountability movements. The relevance of the public school board as an institution has, and will most likely continue to be, one in a state of fluctuation. With increased federal and state level legislation, the role, authority, and responsibilities of the school board are becoming more truncated by every legislative cycle. Beginning with the first comprehensive federal legislation

affecting public schools, the National Defense of Education Act (NDEA), passed in 1958, up through the No Child Left Behind and Race to the Top legislation, and the wide-spread adoption of the Common Core State Standards, the increase in the federal authoritative position resulted in a decrease in that of the school board's. Guthrie (2002) notes that State and Federal interests in equity and adequacy have resulted in increased influence in financial matters. Guthrie (2002) continues that this increased influence is evidenced by various state financial systems that have been modified and/or instituted to allow for charter schools and other models.

Dissatisfaction in the elected model of school board composition resulted in the increase of the role of the federal government in education. Consequently, we have seen the rise of alternative models of public school governance. Governor- or Mayoral-appointed boards and charter school boards are looked to as an alternative to the elected board model. Hill, with Pierce and Guthrie (1997), outlined a contract model of governance that would essentially create a charter system for every public school, shifting the role of governance from school boards to the actual school themselves, allowing for greater independence in practice and operation.

Legal Foundations of School Governance in the United States

Education is of utmost importance to society. It is the vehicle for growth, change, and sustainability. Throughout history, humans have built structures to educate the next generation, whether that be through one-on-one mentorships, groups of apprentices, organized educational hubs, religious institutions, common schools, grammar schools, academies, public schools, private schools, charter schools, and a variety of other examples that would fall in between. When analyzing a society's organized attempt at education, one must investigate the rules and regulations put in place to support, limit, and protect the responsibilities of the educational system and the citizens it is designed to serve. Legislation is enacted, judicial decisions are made,

and the public makes choices that shape the direction of the educational program. This section will be reviewing the development of judicial involvement as it has shaped both public and private school governance in the United States. The realms of public and private schools will remain separate as an analysis of relevant judiciary decisions concerning governance is constructed.

Private Schools: Independence with Limits

The analysis of private schools and legal intervention and involvement takes a slightly different course from that of the public sector, as the interest of government is not inherent in non-public institutions. The exception is when the courts are needed to ensure the rights and liberties of citizens are not infringed upon by the practices of such institutions. Simply put, the government has had and will continue to have greater and different involvement in public schools simply because public education is a responsibility of the state. In contrast, the functions of a non-public school are not under the control or responsibility of the government.

Through compulsory attendance laws, local, state, and federal governments do have a compelling interest in the functions of non-public schools. However, the courts have continually set limits on the reach of this regulatory power. Three decisions, all from the 1920s, set the legal standards still followed today that lay the foundation for private school law. The U.S. Supreme Court held, in 1923, through *Meyer v. Nebraska*, based on the Fourteenth Amendment of our Constitution, parents have a constitutional right to direct their child's education. A Nebraska state law made teaching a foreign language to students below ninth grade a misdemeanor. When a teacher at a private school was convicted of a misdemeanor for just that, he challenged the law, eventually landing the case in the Supreme court. The Court found the law to be unconstitutional, thus upholding parents' rights to direct the education of their children. Subsequently, the U.S.

Supreme Court ruled, in 1925, in *Pierce v. Society of Sisters*, that an Oregon state law requiring all school-aged children to attend their local public school to be unconstitutional. Citing the same reasoning as the *Meyer v. Nebraska* decision, the court stated parents have the liberty to direct the upbringing and education of children under their control. The 1927 U.S. Supreme Court decision in *Farrington v. Tokushige* further affirmed parents' constitutional right to direct their child's education. In an attempt to regulate the functions of private language schools in the U.S. Territory of Hawaii, local authorities passed a law requiring permits to teach and operate such schools. To obtain a permit, the schools must succumb to regulations specifying the curriculum and hours of operation of the schools. The Court found the regulations unreasonable and a violation of the parents' rights (Brown et al., 2009). Consequently, private schools have a constitutional legitimacy to exist and to service the educational needs of their students. However, areas exist wherein private schools must comply with state and federal regulations, including zoning, health and safety regulations, attendance reporting, and accreditation requirements, the details of which vary state by state.

Non-Public Schools as State Actors

Non-public schools, similar to other private organizations, generally are unable to be sued for constitutional violations. However, an exception exists when a private organization is found to be in such close collaboration with the state that it is considered to be a state actor. This concept applies to non-public schools in their relationship with public entities and organizations, as affirmed by the courts in such cases as *Brentwood Academy v. Tennessee Secondary School Athletic Association* (2001), *Cummings v. Office of Catholic Education* (2005), and *Nobles v. Alabama Christian Academy* (1996). In the later, the Eleventh Circuit Court utilized a three-part test to determine whether the school could be viewed as a state actor. The "public function" test

sought to determine if the school was performing a function exclusively reserved to the state. The “state compulsion” test is used to weigh whether a certain action falls under the limited ability of the state to demand compulsion of the private school. Finally, the “close nexus” test determines the level to which the private school and the state are interdependent, with a high level of intertwined relationship constituting state action. The court found that the private school met none of the stipulations of the test, thus establishing that this private school could not be considered a state actor (Brown et al., 2009).

Non-Public School Governance and State/Federal Interest

Due to the independent nature of non-public schools, state and federal governments have very little responsibility or interest in their internal governance and functioning. The relationship between parents and non-public schools are more accurately described as contractual agreements between an individual and a private institution. As such, non-public schools can be sued or sue for breach of contract, following state and federal contract principles (Brown et al., 2009). As a result of the lack of state or federal jurisdiction or oversight, the governance structure and function of private school boards vary greatly and takes on many different forms.

Public Schools as a Federal Interest

The Constitution of the United States of America does not expressly address the role of the federal government in the education of her citizens. The Tenth Amendment states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” James Madison (1788) wrote in *The Federalist*, “The powers reserved to the several states will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State” (no. 45, 2:82). Alexander and

Alexander (2005) contend that as a function of the State, the “formation and governance of the public schools probably constitute the most important aspect of government used to improve mankind” (p. 98). Further, through section 8, Clause 1 of Article I, also known as the General Welfare Clause, the U.S. Constitution allows Congress the potential for an expanded role in areas including public education. Congress can excise and appropriate taxes when aspects of education are defined as components of the general welfare. However, the ability of Congress to tax for educational purposes is not a mandated function. Congress can offer grants or other financial incentives in return for participation in certain programs, but States may choose not to participate as the Federal Government cannot require such (Alexander & Alexander, 2005).

Two court cases have shaped the inclusion of education under the general welfare clause of the U.S. Constitution. In *U.S. v. Butler* (1936), the U.S. Supreme court struck down the Agricultural Adjustment Act of Congress. It took a more expansive interpretation of the taxation and appropriation powers granted through the General Welfare Clause. In *Helvering v. Davis* (1937), The U.S. Supreme Court further affirmed the authority of Congress to tax and spend for educational purposes under the General Welfare Clause, as needed (Rapp, 1985).

In addition to the General Welfare clause, several other provisions of the U.S. Constitution allow or imply areas that the federal government could become involved in public education. The Commerce Clause, outlined in Article I, Section 8, Clause 3, has been used by Congress to affect education in areas including safety, transportation, and labor regulations. The definitions of “commerce” and “trading” were broadened by the U.S. Supreme Court in their ruling in *Gibbons v. Ogden* (1824) to include the advancement or movement of intelligence or an intelligent citizenry. However, in the subsequent cases of *National League of Cities v. Usery* (1976), *Garcia v. San Antonio Metropolitan Transit Authority* (1985), and *United States v. Lopez*

(1995), the Court has not clearly defined the boundaries of the commerce clause (Alexander & Alexander, 2005).

The U.S. Constitution provides for the authority of federal legislation over any state legislation in Article VI, Clause 2, in what is called the “Supremacy Clause.” There are times when a state statute will come into conflict with a federal statute. This clause requires the state statutes to fall under the federal (Alexander & Alexander, 2005). Therefore, if a state’s law is found to conflict with a federal statute or law, the federal statute takes precedent.

The first ten amendments to the U.S. Constitution, commonly known as the Bill of Rights, outline protections of U.S. citizen’s rights and freedoms. Public schools, as actors of the state, must uphold, but also may infringe upon these rights and freedoms. The Fourteenth Amendment extended the prohibition of the government upon these rights to the States, and therefore the actors of the States, one being the public school systems. The following amendments provide the majority of the basis for the litigation in public school law:

- 1) First Amendment- prohibits laws that infringe upon the freedom of religion, speech, press, and assembly;
 - 2) Fourth Amendment- prohibits unreasonable search and seizures;
 - 3) Fifth Amendment- provides for due process;
 - 4) Eighth Amendment- prohibits cruel and unusual punishment;
 - 5) Ninth Amendment- ensures that rights not enumerated are retained by the people
- (Alexander & Alexander, 2005).

The U.S. Constitution, by omission, has granted that education is a state function. However, as indicated previously, the federal government has a vested interest in education and has,

through the courts, grown in its authority and involvement. School Boards are state actors, but as such, are submissive to federal legislation and regulation.

Public Education as a State Function

As implied by the Tenth Amendment, public education is one of the responsibilities granted to the States. States will establish and legislate the structure and function of the public educational system. Every state has established, in their respective constitutions, a system of public education and has provided varying definitions and explanations. Please note Appendix A for a comprehensive list of excerpts of each state's constitutional language concerning education. Additionally, please note Appendix B for a comprehensive analysis of the structure of each state's educational systems.

Even through federal legislation and court decisions establish education as a function of the State, the federal government now retains increasing control over public education (Dayton, 2012). Further, the courts have the ability to rule on certain issues pertaining to education if the issue is deemed in violation of the US Constitution. The issue of jurisdiction is different in both the federal and state context. In a federal context, the judiciary only has jurisdiction on matters pertaining to the federal laws of the US constitution. The state judiciary has much more general jurisdiction, including cases concerning both state and federal issues or even advisory opinions (Dayton, 2012). Every state constitution establishes public education and, in most cases, places it under the purview of the legislative branch. The legislative branch of each state government will then, in most cases, establish a system for school governance in the state (Russell, 2000). There are variances between every state constitution as to the scope of the roles and depth of involvement of the state-level government in education. State legislatures establish the nature and number of local school districts and define their powers (Alexander and Alexander, 2005).

The courts have consistently upheld and defined the nature of the relationship between the local school board and the State as one of sovereign power. Effectively, a State can create, dissolve, or alter school districts, as needed, with school districts having no legal status outside of those given by the State (Alexander and Alexander, 2005). In *Michigan, ex. rel. Kies v. Lowery* (1905), the U.S. Supreme Court delivered a decision that upheld the sovereign rights of the state legislature over local school boards. In this case, decided in 1905, a local school district was contesting the ability of the state legislature to create a new school district using property that had belonged to an existing school district. The U.S. Supreme Court found the state legislature to have full jurisdiction, and thus, the district, in its subordinate role, had no grounds to contest the actions of the legislature. Further, in *McGivra v. Seattle School District No. 1* (1921), the Supreme court of the state of Washington clarified that only powers “fairly implied or expressly granted” can be exercised by a school district (Alexander and Alexander, 2005).

Review of Key Judicial Decisions Regarding Public School Boards

Both state and local educational institutions serve as public agencies. The basic functions of any public agency can be broken down into three basic categories, the legislative, the executive, and the judicial. This section focuses on specific cases that directly or indirectly affect the authority of school boards. A great many cases deal with issues pertaining to the violation of individual rights by school personnel. The following is a non-comprehensive review of several judicial decisions at the State and Federal levels that have shaped the scope of the authority of school boards as they function within three roles; the legislative, executive, and judiciary. The pertinent components of each case are explained, followed by their implication to the structure or function of public school boards.

Public school boards are actors of the state, and as such, carry only those powers expressed or granted by state statute. In *McGilvra v. Seattle School District No. 1* (1921), the Supreme Court of Washington ruled in favor of parents contesting the establishment of a clinic by the local public schools. The district intended the clinic to care for the medical, dental, and vision needs of students within the school district. The court ruled that the school board was not granted the authority to act outside the education of its students. This case limited the scope of authority of the school board to the powers granted by the state statutes and regulations (Alexander and Alexander, 2005).

The Supreme Court of Montana found that a statute granting superintendents the authority to transfer territory between school districts to be unconstitutional. In the 2000 decision, the court reversed the decision of the District courts. The territory transfer statute granted broad discretion to the county superintendent in matters related to the transfer of lands between school districts. The court found that when legislative powers, like these, are given without a system of parameters, checks, or limitations, the delegation of power is unconstitutional (*Petition to Transfer Territory from High School District No. 6, Lame Deer, Rosebud County, Montana, to High School District No. 1, Hardin, Big Horn County v. Lame Deer High School District*, 2000). This case is an example of the courts limiting the legislative role of the school board through the superintendent. It set a standard that the appropriate delegation of legislative authority must contain clear limitations to discretionary decisions and set forth specific criteria, or guidelines (Alexander and Alexander, 2005).

With similar implications, the Supreme Court of Nebraska decided in 1955 that the delegation of legislative powers to the Superintendent of Public Instruction was unconstitutional in light of the Constitution of the State of Nebraska. A small rural school district was deemed no

longer eligible for classification as a recognized, accredited, funded public high school due to a student-teacher ratio below that set by the Superintendent of Public Instruction. The court took issue with the fact that the Superintendent had the authority to both create and enforce legislation without any form of rules or limitations to this level of discretionary authority (*School District No. 39 of Washington County v. Decker*, 1955). This decision further established a limitation of the delegation of legislative authority to an executive officer (Alexander and Alexander, 2005).

When studying the judicial function of a school board, we find that many states grant a quasi-judicial authority to school boards to decide certain disputes (Alexander and Alexander, 2005). In *Hortonville Joint School District No. 1 v. Hortonville Education Association* (1976), the U.S. Supreme Court found school boards should be assumed impartial unless bias is shown. In this case, the school board called before them a group of teachers on strike, facing dismissal. The teachers, members of the local education association, contested that the board was unable to make such a decision due to their bias. The court stated that the respondents failed to demonstrate any bias and that in the absence of such evidence, the school board must be assumed impartial as they carry out their duties. This case adds clarity to some of the judicial roles school boards play in resolving disputes and making various decisions.

Certain examples exist when the courts uphold the discretionary authority of school boards and decisions. One such case is *Sioux City Community School District v. Iowa Department of Education*, decided by the Supreme Court of Iowa in 2003. A school board decision to cease buses for a small group of students living within two miles of their school was contested and reversed by the local education agency, as well as the Iowa Department of Education and the district courts. The grounds for the reversal were that the school district was allegedly abusing their discretionary authority in making this decision. However, the Supreme

Court of Iowa found no clear evidence that the school district demonstrated any type of abuse of discretionary authority, reversed the district court's decision, and upheld the original decision of the school board. This case is an example of the courts protecting the authority of the school board.

The courts define an elected school board member as an officer of the school as opposed to an employee. This distinction is of some importance as it pertains to issues of nepotism, other offices held, conflicts of interest, and resignations. In 1952, the Arkansas State Supreme Court held that public officers are not permitted to concurrently hold two offices that are in conflict. In *Maddox v. State* (1952), the court would not allow a teacher to serve as a board member for the district in which the held employment. The Supreme Court of Mississippi, in *Smith v. Dorsey* (1988), found that when a spouse of a current board member enters into a contract with that school district, it constitutes nepotism and is not permitted. These and similar cases limit the implications of school board membership as it pertains to their relationships with other aspects of their lives (Alexander and Alexander, 2005).

School board elections have been the subject of many judiciary proceedings. The courts have protected the one person-one vote principle of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Whenever general elections are held for government officials, school board members included, the Constitution ensures every citizen's vote is given the same weight. In *Hadley v. Junior College District of Kansas City, Mo.* (1970), the Supreme Court of the United States held that school board elections and representation must not result in any one group receiving a disproportionate representation. In the case notes of the *Hadley* decision, the court noted, based on the *Sailors v. Board of Education*

of *Kent County* (1976) decision of the U.S. Supreme Court, in the case of appointive boards, the one person-one vote standard is not applicable.

When it comes to the procedures and practices of school boards, the courts have been less involved, allowing boards to choose their procedures, unless outlined by specific statutes. However, the courts have held the action of a school board must be the result of a duly constituted board meeting. Actions taken by individual board members outside of a board meeting are not valid. In *Aldridge v. School District of North Platte* (1987), the Nebraska Supreme Court found that the actions of a school board to be legal after being accused of meeting privately and taking action prior to a duly constituted board meeting. The court upheld the lower court's decision in favor of the board, in the absence of proof. This case provides extensive case notes outlining precedent for a variety of items related to school board meetings. Specifically,

- school boards can establish their meeting procedures,
- school boards can break for closed executive sessions to discuss but not vote on issues,
- a quorum, in the absence of any other statute, is a simple majority of the membership and will not decrease due to absences,
- school boards can establish their voting procedures,
- school boards are required to keep and publish minutes as evidence of their actions,
- proper notice of board meetings must be given to establish the meeting's legality,
- and a board's by-laws are binding and can only be changed through the procedures outlined in such by-laws.

The courts have also affirmed legislatures' efforts to ensure school boards comply with various open meetings and public records laws. In *Rhode Island Affiliate, American Civil Liberties*

Union, Inc. v. Bernasconi (1989), the Supreme Court of Rhode Island clarified the open meeting requirements of board action. It held that the board acted in compliance with established statutes allowing for closed meetings for certain matters of safety and welfare, where a public meeting would possibly compromise the specific situation. This decision further affirms the school board's requirement to operate in compliance with existing statutes and in the absence thereof, they must operate according to their own established procedures.

The Supreme Court of North Dakota, in *Hovet v. Hebron Public School District* (1988), found that the personnel files of a teacher were not protected by that teacher's right to privacy and alternatively should be made available as a public record. In this case, the dismissed teacher was trying to protect their records from public consumption. However, the court held that, in compliance with the State's statutes concerning open records, the teacher's performance reviews, and personnel files were government documents and needed to be made public.

Education, both public and private, is a function and responsibility of society, one of high importance to the greater good. In our governmental system, an on-going tension exists between the standardization and control of the educational system between the federal, state, and local entities. That tension is realized as the legislative process enacts statutes and laws to promote the general welfare of our citizenry. The United States has established the judicial branch to interpret the constitution and to limit the powers of the other branches of government. Through the power of judicial review, the courts determine the constitutionality of the laws and policies. When the courts are presented with educational concerns, citizens receive further clarity and interpretation of the various rights afforded by the Constitution. Public education, as an arm of the state, is held to a more scrupulous standard. However, as a part of our freedoms, parents can make choices regarding the education of their children. Private schools exist with homeschooling, as

alternative options to public education. In either case, public or private, various structures, the most common being a school board, govern institutions of education. Through the examination of the variety of school board formations, the established legal body of decisions and precedents inform the study. This review of relevant cases and decisions lays a legal foundation to further analyze the structure and types of school boards as they exist in both the public and private sectors.

CHAPTER 3

DESCRIPTION AND ANALYSIS OF SCHOOL GOVERNANCE MODELS AND DEVELOPMENT

Public School Board Selection Models

The structure of the selection of public school board members can be classified into the following three general models:

- Elected
- Appointed, and
- Charter.

A democratic process of election selects the majority of public school boards in America. Some would champion this structure as the most local form of democratic function in the country (Kirst, 2008). However, there is dissatisfaction with the increased political nature of this structure coupled with the decreased ability to affect meaningful change. This leads some to propose alternative models or at a minimum, to support efforts for the reformation of the roles, selection, and responsibilities of public school boards (Glass, 2008). McAdams (2009) recognizes that the political nature of an elected board is unavoidable. He states, “If the public is focused on an issue, so will be its elected representatives. It is unrealistic to expect otherwise” (McAdams, 2009).

Although the majority of public school boards are selected democratically, Hess (2002), in a report commissioned by the National School Board Association, lists 19 states that report the existence of appointed boards in their jurisdictions. Almost exclusively, the appointed public

school boards exist in large urban districts and usually involve mayoral or gubernatorial oversight (Hess, 2002). Several states allow for this model when a district is proven to be failing in its function. These appointed boards lack direct accountability to the public. However, the official tasked with their appoint will most definitely bear the burden of public scrutiny.

The third type of public school board structure identified has come into existence through the growth of the charter school movement. There are a wide variety of types of charter school boards, so much so, that although a public institution, charter schools' board structures might fit more appropriately into the categories described later for private schools. Most states offer parameters for the charter school board that also shape the structure and selection process, and outline channels of accountability.

Private School Board Selection Models

Through the examination of private school boards, a wide variety of types of boards and board structuring exist. Orem and Wilson (2017), in their work for the National Association of Independent Schools (NAIS), report, that on average, current parents constitute 50% of a private school board, followed by 20% of former parents with graduated children, 20% of alumni, and 10% of external community representatives. This data points to boards made of diverse groupings of individuals. However, this study focused on how boards are formed. The board of a private school possesses the ability to construct and reconstruct their by-laws and can shape itself and its formation. The initial creation of by-laws requires much thought from an organization to ensure the establishment of a desired system of board formation and continuation.

For this study, the following categories describe the various types of board membership selection models for private schools:

- Self-perpetuating,

- Parent-led,
- Organization-selected,
- Proprietary, and
- Hybrid.

Many private schools operate with a self-perpetuating board, described as one in which the current board members retain the power to select and approve new board members. This approach offers the board greater control in the direction and maintenance of the original mission. Self-perpetuating boards must be vigilant in their communication and presence to minimize the potential for their stakeholders to perceive them as disconnected or unresponsive. The self-perpetuating model is recommended by most private school associations and is the most commonly occurring (Orem, D. and Wilson, D., 2017).

On the other side of the spectrum, many of the fully parent-led boards follow a democratic process where the parents of every student enrolled in the school are members of some type of recognized body, sometimes called the school association, select them. The school's association selects board members through a general election. In most cases, the terms of the board members are set, and elections are staggered to assist in transition and turnover.

The third type of private school board structure identified is the organization-selected board. There are occasions when an organization or a group of organizations establish a school for the benefit of a certain constituency. These types of boards typically exist in an international setting where, for example, a specific area contains a large expatriate population, and the education of the employees' children becomes a necessity for the employees' sustainability. This board is structured through a process of member selection from the various organizations that have financial responsibility and vested interest in the school, in effect, giving the organizations

that are subsidizing the school a heightened role in the governance structure. Like the self-perpetuating board, the organization-selected board needs to ensure there are proper structures in place to allow parents to feel that their input is heard and matters.

The proprietary board exists when a single investor or organization establishes a school and serves as a one-person or a few-person board. A proprietary board can operate for a for-profit organization that also serves as the primary source of the funding, therefore allowing the organization to retain much control. Another example would be a school established by a church, wherein that church's leadership retains control of the school. These boards are distinguished from the organization-selected board in that the proprietary board does not have to select new members or any other members. An organization-selected board selects representatives of the organization to a board as opposed to the proprietary board that is run by an organization.

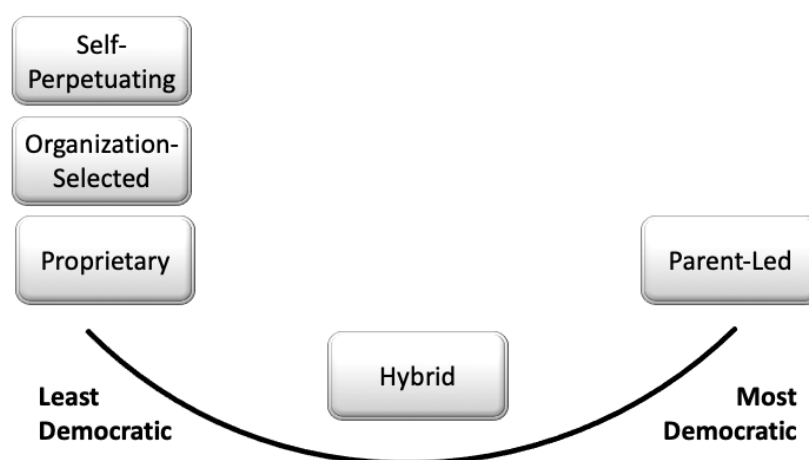
The last type of private school board structure recognized is the hybrid board, consisting of various combinations of the previously mentioned boards. For example, a board could be self-perpetuating, but require a certain number of board seats selected from members of a particular organization that financially supports the school. Alternatively, parent-led boards could have a certain number of seats allotted for the representatives from an organization that has a vested interest in the school and/or a financial commitment.

The following continuum based on the level of democratic involvement by the stakeholders organizes the private school board models previously identified. The use of the word democratic in this figure is referring to the level of involvement by stakeholders in the selection process of board members. The subsequent actions and processes of the board are not assumed to be more or less democratic based on the selection method. For example a parent-led board, having a very democratic selection process, can operate in a very closed manner once the

board is selected and convenes. This figure is intended to create a visual to conceptually describe the manner in which private school boards are selected when stakeholder involvement is compared to the other models. Figure 5 illustrates this continuum for the identified board models of private schools.

Figure 5.

Continuum of Private School Board Selection Models



The level of democratic involvement in private school boards is recognized as a distinguishing factor, but not as one of valuation or effectiveness. In analyzing these places on the continuum, a more democratic model can possibly lead to higher levels of perceived stakeholder involvement, resulting in greater buy-in for the stakeholders. This side of the continuum also brings the possibility of a greater propensity for change and missional shift. These outcomes, of course, can be mitigated by strong by-laws and term limits. Still, a highly democratic process of board selection could also invite campaigning and the pushing of special interest platforms. In contrast, the models on the side of the limited to zero democratic input allow for a very selective, closed process, possibly resulting in members aligned with current thinking and positions. This can lead

to stagnant organizational movement as well as a perception of disconnection to the body of stakeholders.

Historical Development of Conceptual Governance Models

The governance models identified previously can also be organized by their historical development. The following chart chronologically organizes each type of governance model, in a conceptual manner, by its time period of emergence, and includes a brief statement of historical context.

Table 1.

Historical Development of Conceptual Governance Models

Time Period of Emergence	Governance Type	Historical Context
???	Parent-Led	Parents have directed the education of their children throughout all of history.
c.400 BCE	Proprietary	The Lyceum and similar educational institutions were governed by their founding philosopher/teacher.
50 BCE- 200CE	Appointed	Greek and later, Roman Schools were created through various city-states, with appointed leaders
400-1000	Organization-Selected	When the Roman Catholic Church began establishing monastic schools, governance was carried out by the church leaders and those they appointed.
c.1800s	Self-Perpetuating	As private schools developed in the United States, some models of self-perpetuating boards emerged
1826	Elected	Massachusetts created a “school committee,” made of locally elected officials
1990s	Charters	The Charter School movement created a new type of board model in the public school system.

Parent-led governance, at a conceptual level has been in existence as long as there have been parents. Though not emerging through an educational institution, parents have “governed” the education of their children through the process of parenting. Parent-led models now exist in

private schools as well as in homeschooling situations. As such, parent-led models of educational development serve as the oldest and most long-standing of the models identified.

Proprietary models of educational governance emerge through the very earliest of educational institutions. The oldest models of early Greek schools were led by the founding philosopher or teacher. Conceptually, the leaders were serving as the governance model accountable only to themselves and their students.

During the Greek and Roman Empires, the various forms of governance created the emergence of educational institutions. In the absence of historical records of how schools were governed, it is assumed that the city-states would appoint leaders to these schools. This assumed scenario can be used as an example of an appointed model of governance, similar to those used currently in mayor- or governor-appointed districts and systems in the United States.

Throughout the Dark Ages, formal education takes a much less prominent role in European societies. The Roman Catholic Church provided some of the only institutionalized education during this era. The Church, as an organization, appointed leaders of each monastery, which in turn created the monastic schools and provided an example of the emergence of the organization-selection model of governance.

In 1826, Massachusetts established their first school committee, comprised of elected, local officials to govern local schools. This provides some of the first archetypes of board governance. These committee models, described as a group of individuals tasked as a governing body for a school, set in motion the development of board leadership seen in many schools today. Alongside these models of elected leadership, private schools and academies in the United States began to organize their leadership into committee models and thus, a model of self-perpetuating board governance emerged.

Finally, the charter school movement ushered in an additional board governance model. The charter model allows for a variety of board structures. However, the charter board is a loosely coupled member the larger public school system. In some cases, the charter school board is accountable to the local school boards and in others to the state level board of education.

Landmark Legal Cases Shaping Governance

The legal decisions of both State and Federal courts shape school boards in the United States. The following charts provide some of the landmark cases shaping both public and private school boards in the United States. These cases are listed in chronological order and each includes a statement of relevance to school governance and in some cases, to school boards in particular.

Table 2.

Landmark Legal Cases Shaping Private School Governance

Case Name	Year	Summary of Holding	Relevance
<i>Meyer v. Nebraska</i>	1923	The U.S. Supreme Court held that parents have the right to direct their child's education.	Allows for parents to choose from educational options other than the public school system.
<i>Pierce v. Society of Sisters</i>	1925	The U.S. Supreme Court struck down a state law requiring all children attend public schools.	Further affirms parents' right to direct the education of their children.
<i>Farrington v. Tokushige</i>	1927	The U.S. Supreme Court struck down a law that attempted to regulate curriculum of private schools.	Established the independent nature of private schools specifically in their educational functions.
<i>Nobles v. Alabama Christian Academy</i>	1996	The Eleventh Circuit Court of Appeals held that a private school cannot be considered a state actor unless it meets a strict test of function and interdependence.	Save for a very small exception, a private school cannot be considered a state actor, further affirming the independence of private schools.

These four cases are foundational to the independent nature of all private schools. In particular, the three cases from the 1920s, *Meyer v. Nebraska*, *Pierce v. Society of Sisters*, and

Farrington v. Tokushige, set a federal precedent that parents retain the liberty to direct the education of their children. Up until these decisions, each state retained more control over the educational choices of their citizenry. Following these decisions, private schools gained federal precedent to operate outside of the oversight of the states in most instances. An example of an area still under public oversight is the mandatory compliance required of private schools concerning compulsory attendance laws. The independence of private and schools extends their ability to establish and maintain governance models of their choosing.

Table 3.

Landmark Legal Cases Shaping Public School Governance

Case Name	Year	Summary of Holding	Relevance
<i>Gibbons v. Ogden</i>	1824	The U.S. Supreme Court held that Congress has authority to regulate interstate commerce under the Commerce Clause of the U.S. Constitution	Though not directly related to education, this decision includes wording that interstate commerce included the “advancement or movement of intelligence or an intelligent citizenry,” allowing congress another avenue to exert control over public education.
<i>Michigan ex rel. Kies v. Lowery</i>	1905	The U.S. Supreme Court held that State legislatures hold supremacy over the school districts they create.	Affirms the sovereign rights of state legislatures over local school boards.
<i>McGivra v. Seattle School District No. 1</i>	1921	The Washington Supreme Court held that school district could not establish a medical/dental/vision clinic.	Limited the scope of authority of local school boards to only that granted by the state legislature.
<i>U.S. v. Butler</i>	1936	The U.S. Supreme Court struck down the Agricultural Adjustment Act.	Though not directly related to schools, this decision expanded the interpretation of the General Welfare Clause of the Constitution, granting greater authority for congress to appropriate taxes for various activities.

<i>Maddox Coffman v. State</i>	1952	The Supreme Court of Arkansas held that public officers (board members) are not permitted to concurrently hold two offices that are in conflict.	This case sets a distinction in the role of board member, such that they cannot also be a current employee of the district.
<i>School District No. 39 of Washington County v. Decker</i>	1955	The Supreme Court of Nebraska held that the delegation of legislative powers to the Superintendent of Public Instruction was outside the parameters established by the Constitution of the State of Washington.	Limits the delegation of legislative authority to an executive officer.
<i>Hadley v. Junior College District of Kansas City, Mo.</i>	1970	The U.S. Supreme Court held that the election of board members falls under the one person-one vote principle of the Fourteenth Amendment to the Constitution.	Protects the weight of every individual's vote in school board elections.
<i>Hortonville Joint School District No. 1 v. Hortonville Education Association</i>	1976	The U.S. Supreme Court held that school boards should be assumed impartial, unless bias is shown	Affirmed the judiciary role of school boards.
<i>Aldridge v. School District of North Platte</i>	1987	The Nebraska Supreme Court held that the actions of a school board are only valid when made in accordance to the board's own guidelines.	This case established several precedents concerning board meetings.

These landmark cases, in conjunction with the applicable portions of the U.S. Constitution and State Constitutions, provide the basis for the majority of public school law concerning governance. These cases both limit and affirm the powers, authorities, and practices of the governing bodies of public schools. It is established through these cases that public school boards are actors of the state, and as such, must not supersede the state systems that have created them (*Michigan ex rel. Kies v. Lowery*, 1905 and *School District No. 39 of Washington County v. Decker*, 1955). Additionally, a school board does retain autonomy in practice and authority in the

areas granted by the States (*McGilvra v. Seattle School District No. 1*, 1921 and *Aldridge v. School District of North Platte*, 1987). The governance of public schools is limited to the state-level constitutions and legislation, resulting the relatively few governance models in operation currently.

Analysis of State-Level Governance Structures

Every state establishes the structure of their unique educational systems through their constitutions and subsequent legislation. The appendices to this study contain the excerpts from every state constitution, as well describe the structure of each state-level school governance system. The Education Commission on the States shares the work of Railey (2017) and provides analysis of the roles of various state officials and systems, summarized below:

- **Role of Governor-** 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 (Railey, 2017).
- **Role of Legislatures-** 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 (Railey, 2017).
- **Role of Chief State School Officers-** 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 (Railey, 2017).

- Role of the State Board of Education- 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 have a state board and New Mexico's public education commission is advisory only (Railey, 2017).

This summary demonstrates the ability of every state to establish their own systems and structures of governance. The variation in language and structure of state-level structures have resulted in some minor differences between each state and the selection process of local boards. The democratic/representative model of board selection is present in every state, with a portion of states allowing for alternate models (appointed or charter) in defined situations.

CHAPTER 4

FINDINGS AND CONCLUSIONS

This study examined historical and legal foundations of educational governance in public and private school boards and their formation. Various school board models were identified and classified, based on their selection processes. Through this examination and analysis, this study found that:

- 1) Governance has been a key issue in shaping schools as long as there have been schools (Alsbury, T.L., 2008, DeKuyper, M., 1998, Guernsey, D., 2003, Mott, W. R., 2018, Orem, D. and Wilson, D., 2017).
- 2) The connection between board governance and education in the United States is both deep and intertwined (Hopkins, O'Neil, & Williams, 2007).
- 3) Although boards are highly influential, only limited research concerns how these bodies are formed and selected (Aitken, 1992; Chubb & Moe, 1990; James & Levin, 1989, McKormick et al., 2006).
- 4) As educational systems become more complex, so rises the need for increased oversight, governance, and regulation.
- 5) For more than 200 years, local school boards have served as the primary governing body for public schools in the United States, however conceptual components of the various models identified in Chapter 3 can be seen throughout history (Hopkins, O'Neil, & Williams, 2007).

- 6) The courts have continually set limits on the reach of governmental regulatory power over private schools, allowing for a wide variety of governance models, while each state's legislature only provides limited options for the structure of public school boards (*Meyer v. Nebraska*, 1923, *Pierce v. Society of Sisters*, 1925, *Farrington v. Tokushige*, 1927, *Michigan ex rel. Kies v. Lowery*, 1905, *School District No. 39 of Washington County v. Decker*, 1955, *McGilvra v. Seattle School District No. 1*, 1921 and *Aldridge v. School District of North Platte*, 1987).
- 7) More democratic models of private school boards can lead to higher levels of perceived stakeholder involvement, resulting in greater buy-in for stakeholders.
- 8) Private school board models with limited to zero democratic input allow for a very selective, closed process, resulting in members aligned with current thinking and positions.

Conclusions

Based on these findings, this study concludes:

- 1) The manner in which school boards are formed does have an impact on how they function.
- 2) The majority of current private school boards operate using a self-perpetuating model (Orem, D. and Wilson, D., 2017). However, that does not lead the study to conclude that greater use results in greater effectiveness. Some less popular models also achieve success.
- 3) How private school boards are selected is one of many factors that shape a board, its role, and its effectiveness (McKormick et al., 2006).

- 4) Public school boards, generally, do not have any say about their selection process. This fact results in any discussion of public school board selection models having to revolve around the legislative process of each state.
- 5) Public school boards need to be studied further to determine any correlations to effectiveness based on the model of member selection.
- 6) Additional factors affecting the success and effectiveness of private school boards include clearly defined by-laws, a clear process of amending by-laws, term limits of members, clearly defined roles and responsibilities of members, and healthy and supportive relationships with the Head of School (Orem, D. and Wilson, D., 2017 and Mott, 2012, 2014, 2018).
- 7) Further study is needed to differentiate the effects of board selection in private schools on a wide variety of other factors. For example, the models should be compared to one another using the length of Head of School tenure as a factor.
- 8) The three models identified for public board structures should be used as a lens for further study into the effectiveness of each.

The preceding findings and conclusions lay a foundation needing to be built upon. They should be used in additional studies to provide a framework for further analysis of school boards and their effectiveness. The researcher does not propose that either the public school models or the private school models of board selection should necessarily inform or influence the other. It is recognized that the challenges facing public and private schools are unique. This research has identified various models of board member selection in both public and private school systems with the hope that further research is undertaken to examine the effectiveness of the various models in the systems in which they serve. The governance of schools is a crucial factor in the

success of any educational institution or system. As such, the greater good of society compels us to strive for the most effective ways to govern and lead schools, ensuring we play a part in the further development of our collective future.

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U.S. Const. amend. X.

APPENDICES

Appendix A*State Constitutional Excerpts Concerning Education*

Alabama	<p>Article XIV- <u>SECTION 256</u></p> <p>Duty of legislature to establish and maintain public school system; apportionment of public school fund; separate schools for white and colored children.</p> <p>The legislature shall establish, organize, and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven and twenty-one years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race.</p>
Alaska	<p>Article 7 - Health, Education and Welfare</p> <p>§ 1. Public Education</p> <p>The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.</p>

Arizona	<p>ARTICLE 11</p> <p>Section 1. A. The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include:</p> <ol style="list-style-type: none"> 1. Kindergarten schools. 2. Common schools. 3. High schools. 4. Normal schools. 5. Industrial schools. 6. Universities, which shall include an agricultural college, a school of mines, and such other technical schools as may be essential, until such time as it may be deemed advisable to establish separate state institutions of such character. <p>B. The legislature shall also enact such laws as shall provide for the education and care of pupils who are hearing and vision impaired.</p> <p>Section 2. The general conduct and supervision of the public school system shall be vested in a state board of education, a state superintendent of public instruction, county school superintendents, and such governing boards for the state institutions as may be provided by law.</p> <p>Section 3. The state board of education shall be composed of the following members: the superintendent of public instruction, the president of a state university or a state college, four lay members, a president or chancellor of a community college district, 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 school superintendent. Each member, other than the superintendent of public instruction, shall be appointed by the governor with the consent of the senate in the manner prescribed by law. The powers, duties, compensation and expenses, and the terms of office, of the board shall be such as may be prescribed by law.</p>
Arkansas	<p>Article 14</p> <p>Section 1</p> <p>Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education. The specific intention of this amendment is to authorize that in addition to existing constitutional or statutory provisions the General Assembly and/or public school districts may spend public funds for the education of persons over twenty-one (21) years of age and under six (6) years of age, as may be provided by law, and no other interpretation shall be given to it.</p> <p style="text-align: center;">[As amended by Const. Amend. 53.]</p> <p>Section 4</p>

	<p>The supervision of public schools, and the execution of the laws regulating the same, shall be vested in and confided to, such officers as may be provided for by the General Assembly.</p>
California	<p>ARTICLE 9 EDUCATION</p> <p>SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.</p> <p>SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. The Superintendent of Public Instruction shall enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election. No Superintendent of Public Instruction may serve more than 2 terms.</p> <p>SEC. 2.1. The State Board of Education, on nomination of the Superintendent of Public Instruction, shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction who shall be exempt from state civil service and whose terms of office shall be four years. This section shall not be construed as prohibiting the appointment, in accordance with law, of additional Associate Superintendents of Public Instruction subject to state civil service.</p> <p>SEC. 3. A Superintendent of Schools for each county may be elected by the qualified electors thereof at each gubernatorial election or may be appointed by the county board of education, and the manner of the selection shall be determined by a majority vote of the electors of the county voting on the question; provided, that two or more counties may, by an election conducted pursuant to Section 3.2 of this article, unite for the purpose of electing or appointing one joint superintendent for the counties so uniting.</p> <p>SEC. 3.1. (a) Notwithstanding any provision of this Constitution to the contrary, the Legislature shall prescribe the qualifications required of county superintendents of schools, and for these purposes shall classify the several counties in the State. (b) Notwithstanding any provision of this Constitution to the contrary, the county board of education or joint county board of education, as the case may be, shall fix the salary of the county superintendent of schools or the joint county superintendent of schools, respectively.</p> <p>SEC. 3.2. Notwithstanding any provision of this Constitution to the contrary, any two or more chartered counties, or non-chartered counties, or any combination thereof, may, by a majority vote of the electors of each such</p>

California (Cont.)	<p>county voting on the proposition at an election called for that purpose in each such county, establish one joint board of education and one joint county superintendent of schools for the counties so uniting. A joint county board of education and a joint county superintendent of schools shall be governed by the general statutes and shall not be governed by the provisions of any county charter.</p> <p>SEC. 3.3. Except as provided in Section 3.2 of this article, it shall be competent to provide in any charter framed for a county under any provision of this Constitution, or by the amendment of any such charter, for the election of the members of the county board of education of such county and for their qualifications and terms of office.</p> <p>SEC. 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.</p> <p>SEC. 6. Each person, other than a substitute employee, employed by a school district as a teacher or in any other position requiring certification qualifications shall be paid a salary which shall be at the rate of an annual salary of not less than twenty-four hundred dollars (\$2,400) for a person serving full time, as defined by law. The Public School System shall include all kindergarten schools, elementary schools, secondary schools, technical schools, and state colleges, established in accordance with law and, in addition, the school districts and the other agencies authorized to maintain them. No school or college or any other part of the Public School System shall be, directly or indirectly, transferred from the Public School System or placed under the jurisdiction of any authority other than one included within the Public School System. The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred eighty dollars (\$180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year. The entire State School Fund shall be apportioned in each fiscal year in such manner as the Legislature may provide, through the school districts and other agencies maintaining such schools, for the support of, and aid to, kindergarten schools, elementary schools, secondary schools, and technical schools except that there shall be apportioned to each school district in each fiscal year not less than one hundred twenty dollars (\$120) per pupil in average daily attendance in the district during the next preceding fiscal year and except that the amount apportioned to each school district in each fiscal year shall be not less than twenty-four hundred dollars (\$2,400). Solely with respect to any retirement system provided for in the charter of any county or city and county pursuant to the provisions of which the contributions of, and benefits to, certificated</p>
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California (Cont.)	<p>employees of a school district who are members of such system are based upon the proportion of the salaries of such certificated employees contributed by said county or city and county, all amounts apportioned to said county or city and county, or to school districts therein, pursuant to the provisions of this section shall be considered as though derived from county or city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of this section.</p> <p>SEC. 6.5. Nothing in this constitution contained shall forbid the formation of districts for school purposes situate in more than one county or the issuance of bonds by such districts under such general laws as have been or may hereafter be prescribed by the legislature; and the officers mentioned in such laws shall be authorized to levy and assess such taxes and perform all such other acts as may be prescribed therein for the purpose of paying such bonds and carrying out the other powers conferred upon such districts; provided, that all such bonds shall be issued subject to the limitations prescribed in section eighteen of article eleven hereof.</p> <p>SEC. 7. The Legislature shall provide for the appointment or election of the State Board of Education and a board of education in each county or for the election of a joint county board of education for two or more counties.</p> <p>SEC. 7.5. The State Board of Education shall adopt textbooks for use in grades one through eight throughout the State, to be furnished without cost as provided by statute.</p>
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Colorado	<p>ARTICLE IX</p> <p>Education</p> <p>Section 1. Supervision of schools- board of education. (1) The general supervision of the public schools of the state shall be vested in a board of education whose powers and duties shall be as now or hereafter prescribed by law. Said board shall consist of a member from each congressional district of the state and, if the total number of such congressional districts is an even number, one additional member, and said members shall be elected as hereinafter provided. The members of said board shall be elected by the registered electors of the state, voting at general elections, in such manner and for such terms as may be by law prescribed; provided, that provisions may be made by law for election of a member from each congressional district of the state by the electors of such district; and provided, further, that each member from a congressional district of the state shall be a qualified elector of such district. If the total number of congressional districts of the state is an even number, the additional member of said board shall be elected from the state at large. The members of said board shall serve without compensation, but they shall be reimbursed for any necessary expenses incurred by them in performing their duties as members of said board.</p> <p>(2) The commissioner of education shall be appointed by the board of education and shall not be included in the classified civil service of the state.</p> <p>(3) The qualifications, tenure, compensation, powers, and duties of said commissioner shall be as prescribed by law, subject to the supervision of said board.</p> <p>As amended November 2, 1948. (See L. 49, p. 359.); as amended November 3, 1992 Effective upon proclamation of the Governor, January 14, 1993. (For the text of the amendment and the votes cast thereon, see L. 92, p. 2316 and L. 93, p. 2159.)</p> <p>Section 2. Establishment and maintenance of public schools. The general assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years, may be educated gratuitously. One or more public schools shall be maintained in each school district within the state, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.</p> <p>Section 15. School districts- board of education. The general assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a board of education, to consist of three or more directors to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts.</p>
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Conn.	<p>ARTICLE EIGHT. OF EDUCATION.</p> <p>SEC. 1. There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.</p>
Delaware	<p>ARTICLE. X EDUCATION</p> <p>§ 1. Establishment and maintenance of free public schools; attendance.</p> <p>Section 1. The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means.</p>

Florida	<p>Article 9</p> <p>SECTION 1. Public education. —</p> <p>(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high-quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:</p> <p>(1) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;</p> <p>(2) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and</p> <p>(3) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.</p> <p>The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local school districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.</p> <p>(b) Every four-year old child in Florida shall be provided by the State a high-quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.</p> <p>(c) The early childhood education and development programs provided by reason of subparagraph (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education,</p>
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health, and development programs are those funded by the State as of January 1, 2002 that provided for child or adult education, health care, or development. History. —Am. proposed by Constitution Revision Commission, Revision No. 6, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Ams. by Initiative Petitions filed with the Secretary of State July 30, 2002, and August 1, 2002; adopted 2002.

SECTION 2. State board of education. —The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

History. —Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 4. School districts; school boards. —

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

History. —Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

Georgia	<p>LOCAL SCHOOL SYSTEMS</p> <p>Paragraph I. <i>School systems continued; consolidation of school systems authorized; new independent school systems prohibited.</i> Authority is granted to county and area boards of education to establish and maintain public schools within their limits. Existing county and independent school systems shall be continued, except that the General Assembly may provide by law for the consolidation of two or more county school systems, independent school systems, portions thereof, or any combination thereof into a single county or area school system under the control and management of a county or area board of education, under such terms and conditions as the General Assembly may prescribe; but no such consolidation shall become effective until approved by a majority of the qualified voters voting thereon in each separate school system proposed to be consolidated. No independent school system shall hereafter be established.</p> <p>Paragraph II. <i>Boards of education.</i> Each school system shall be under the management and control of a board of education, the members of which shall be elected as provided by law. School board members shall reside within the territory embraced by the school system and shall have such compensation and additional qualifications as may be provided by law. Any board of education to which the members are appointed as of December 31, 1992, shall continue as an appointed board of education through December 31, 1993, and the appointed members of such board of education who are in office on December 31, 1992, shall continue in office as members of such appointed board until December 31, 1993, on which date the terms of office of all appointed members shall end.</p> <p>Paragraph III. <i>School superintendents.</i> There shall be a school superintendent of each system appointed by the board of education who shall be the executive officer of the board of education and shall have such qualifications, powers, and duties as provided by general law. Any elected school superintendent in office on January 1, 1993, shall continue to serve out the remainder of his or her respective term of office and shall be replaced by an appointee of the board of education at the expiration of such term.</p>
Hawaii	<p>ARTICLE X</p> <p>Note: This article was renumbered from Article IX to be Article X by Const Con 1978 and election Nov 7, 1978. The former Article X now appears as Article XI.</p> <p>Section 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no discrimination in public educational institutions because of race, religion, sex or ancestry; nor shall public funds be appropriated for the support or benefit of</p>

	<p>any sectarian or nonsectarian private educational institution, except that proceeds of special purpose revenue bonds authorized or issued under section 12 of Article VII may be appropriated to finance or assist:</p> <ol style="list-style-type: none"> 1. Not-for-profit corporations that provide early childhood education and care facilities serving the general public; and 2. Not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities. [Ren and am Const Con 1978 and election Nov 7, 1978; am L 1994, c 280, §4 (HB 2692-94) and election Nov 8, 1994; am HB 2848 (2002) and election Nov 5, 2002] <p>BOARD OF EDUCATION</p> <p>Section 2. [This section as amended by HB2376, L 2010 is not printed in the 2010 supplement to the Hawaii Revised Statutes as it was ratified after the publication deadline.] There shall be a board of education. The governor shall nominate and, by and with the advice and consent of the senate, appoint the members of the board of education, as provided by law. [Am HB 4 (1963) and election Nov 3, 1964; ren and am Const Con 1978 and election Nov 7, 1978; am HB 2688 (1988) and election Nov 8, 1988; am HB2376 (2010) and election Nov 2, 2010]</p> <p>POWER OF THE BOARD OF EDUCATION</p> <p>Section 3. 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. [Am HB 421 (1964) and election Nov 3, 1964; ren and am Const Con 1978 and election Nov 7, 1978; am L 1994, c 272, §15 (HB 3657-94) and election Nov 8, 1994]</p> <p>HAWAIIAN EDUCATION PROGRAM</p> <p>Section 4. The State shall promote the study of Hawaiian culture, history and language.</p> <p>The State shall provide for a Hawaiian education program consisting of language, culture and history in the public schools. The use of community expertise shall be encouraged as a suitable and essential means in furtherance of the Hawaiian education program. [Add Const Con 1978 and election Nov 7, 1978]</p>
Idaho	<p>ARTICLE IX EDUCATION AND SCHOOL LANDS</p> <p>Section 1. Legislature to establish system of free schools. The stability of a republican form of government depending mainly upon the intelligence of the people, 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> <p>Section 2. Board of education. The general supervision of the state educational institutions and public school system of the state of Idaho, shall be vested in a</p>

	<p>state board of education, the membership, powers and duties of which shall be prescribed by law. The state superintendent of public instruction shall be ex officio member of said board.</p>
Illinois	<p><i>ARTICLE X</i></p> <p><i>EDUCATION</i></p> <p>SECTION 1. GOAL - FREE SCHOOLS A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities. 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. The State has the primary responsibility for financing the system of public education.</p> <p>SECTION 2. STATE BOARD OF EDUCATION - CHIEF STATE EDUCATIONAL OFFICER</p> <p>(a) There is created a State Board of Education to be elected or selected on a regional basis. The number of members, their qualifications, terms of office and manner of election or selection shall be provided by law. The Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. The Board shall have such other duties and powers as provided by law.</p> <p>(b) The State Board of Education shall appoint a chief state educational officer.</p>
Indiana	<p>ARTICLE 8.</p> <p><i>Education.</i></p> <p>Section 1. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government; 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> <p>Section 8. There shall be a State Superintendent of Public Instruction, whose method of selection, tenure, duties and compensation shall be prescribed by law.</p> <p><i>(History: As Amended November 7, 1972. The schedule adopted with the 1972 amendment to Article 8, Section 8 was stricken out by the November 6, 1984, amendment)</i></p>

Iowa	<p>ARTICLE IX. - Education and School Lands</p> <p>1st Education*</p> <p>See note at the end of this 1st division</p> <p>Board of education. Section 1. The educational interest of the State, including Common Schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the Lieutenant Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.</p> <p>Eligibility. Section 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty five years, and shall have been one year a citizen of the State.</p> <p>Election of members. Section 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years; and one half of the Board shall be chosen every two years thereafter.</p> <p>Common schools. Section 12. The Board of Education shall provide for the education of all the youths of the State, through a system of Common Schools and such school shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school as aforesaid may be deprived of their portion of the school fund.</p>
Kansas	<p>Article Six: Education</p> <p>1: Schools and related institutions and activities. 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>2: State board of education and state board of regents.</p> <p>(a) 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, except educational functions delegated by law to the state board of regents.</p>

The state board of education shall perform such other duties as may be provided by law.

(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or post-baccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

(c) Any municipal university shall be operated, supervised and controlled as provided by law.

3: Members of state board of education and state board of regents.

(a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

(b) The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.

(c) Subsequent redistricting shall not disqualify any member of either board from service for the remainder of his term. Any member of either board may be removed from office for cause as may be provided by law.

5: Local public schools. Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state board of education, but such agreements shall be subject to limitation, change or termination by the legislature

Kentucky	<p>Section 183</p> <p>General Assembly to provide for school system. The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State.</p> <p>Text as Ratified on: August 3, 1891, and revised September 28, 1891. History: Not yet amended.</p>
Louisiana	<p>ARTICLE VIII. EDUCATION</p> <p>PREAMBLE</p> <p>The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.</p> <p>§1. Public Educational System</p> <p>Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.</p> <p>§9. Parish School Boards; Parish Superintendents</p> <p>Section 9.(A) Boards. The legislature shall create parish school boards and provide for the election of their members.</p> <p>(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.</p>
Maine	<p>Article VIII.</p> <p><i>Part First.</i></p> <p><i>Education.</i></p> <p>Section 1. Legislature shall require towns to support public schools; duty of Legislature. A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are 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; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State; provided, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such</p>

	<p>endowment, 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>ARTICLE VIII</p> <p><i>EDUCATION.</i></p> <p>SECTION 1. The General Assembly, at its First Session after the adoption of this Constitution, 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> <p>SEC. 2. The System of Public Schools, as now constituted, shall remain in force until the end of the said First Session of the General Assembly, and shall then expire; except so far as adopted, or continued by the General Assembly.</p> <p>SEC. 3. The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of Education.</p>
Massachusetts	<p>PART THE SECOND</p> <p>Chapter V, Section II.</p> <p><i>The Encouragement of Literature, etc.</i></p> <p>Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, 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. [See Amendments, Arts. XVIII, XLVI, XCVI and CIII.]</p>

Michigan	<p>Article VIII § 2</p> <p>§ 2 Free public elementary and secondary schools; discrimination.</p> <p>Sec. 2.</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. No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school.</p> <p>History: Const. 1963, Art. VIII, § 2, Eff. Jan. 1, 1964 ;-- Am. Initiated Law, approved Nov. 3, 1970, Eff. Dec. 19, 1970</p> <p>Constitutionality: That portion of second sentence of second paragraph of this section, prohibiting use of public money to support attendance of any student or employment of any person at any location or institution where instruction is offered in whole or in part to nonpublic students, was held unconstitutional, void, and unenforceable because it contravened free exercise of religion guaranteed by the United States Constitution and was violative of equal protection of laws provisions of United States Constitution. <i>Traverse City School District v Attorney General</i>, 384 Mich 390; 185 NW2d 9 (1971).</p> <p>Former Constitution: See Const. 1908, Art. XI, § 9.</p>
Minnesota	<p>ARTICLE XIII</p> <p>MISCELLANEOUS SUBJECTS</p> <p>Section 1. Uniform system of public schools.</p> <p>The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. 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>

Mississippi	<p>Article 8, Section 201. Free public schools.</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>SOURCES: Laws, 1934, ch 362; Laws, 1960, ch 547; Laws, 1987, ch. 671, eff December 4, 1987.</p> <p>Article 8, Section 202. State Superintendent of Public Education.</p> <p>(1) Until July 1, 1984, there shall be a Superintendent of Public Education elected at the same time and in the same manner as the Governor, who shall have the qualifications required by the Secretary of State, and hold his office for four (4) years, and until his successor shall be elected and qualified, who shall have the general supervision of the common schools and of the educational interests of the state, and who shall perform such other duties and receive compensation as shall be prescribed by law. However, an election for the Superintendent of Public Education shall not be held at the general election in 1983, and the term of the Superintendent of Public Education who was elected at the general election in 1979 shall be extended to July 1, 1984, on which date it shall expire.</p> <p>(2) From and after July 1, 1984, there shall be a State Superintendent of Public Education who shall be appointed by the State Board of Education, with the advice and consent of the Senate, and serve at the board's will and pleasure. He shall possess such qualifications as may be prescribed by law. He shall be the chief administrative officer for the State Department of Education and shall administer the department in accordance with the policies established by the State Board of Education. He shall perform such other duties and receive such compensation as shall be prescribed by law.</p> <p>SOURCES: 1869 art VIII § 3; Laws, 1982. ch 616. eff January 28, 1983.</p> <p>Article 8, Section 203. State Board of Education.</p> <p>(1) Until July 1, 1984, there shall be a board of education, consisting of the Secretary of State, the Attorney General and the Superintendent of Public Education, for the management and investment of the school funds according to law, and for the performance of such other duties as may be prescribed. The superintendent and one (1) other of said board shall constitute a quorum.</p> <p>(2) From and after July 1, 1984, there shall be a State Board of Education which shall manage and invest school funds according to law, formulate policies according to law for implementation by the State Department of Education, and perform such other duties as prescribed by law. The board shall consist of nine (9) members of which none shall be an elected official. The Governor shall appoint one (1) member who shall be a resident of the Northern Supreme Court District and who shall serve an initial term of one (1) year, one (1) member who shall be a resident of the Central Supreme Court District and who shall serve an initial term of five (5) years, one (1) member who shall be a</p>
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resident of the Southern Supreme Court District and who shall serve an initial term of nine (9) years, one (1) member who shall be employed on an active and full-time basis as a school administrator and who shall serve an initial term of three (3) years, and one (1) member who shall be employed on an active and full-time basis as a schoolteacher and who shall serve an initial term of seven (7) years. The Lieutenant Governor shall appoint two (2) members from the state at large, one (1) of whom shall serve an initial term of four (4) years and one (1) of whom shall serve an initial term of eight (8) years. The Speaker of the House of Representatives shall appoint two (2) members from the state at large, one (1) of who shall serve an initial term of two (2) years and one (1) of whom shall serve an initial term of six (6) years. The initial terms of appointees shall begin on July 1, 1984, and all subsequent appointments shall begin on the first day of July for a term of (9) years and continue until their successors are appointed and qualify. An appointment to fill a vacancy which arises for reasons other than by expiration of a term of office shall be for the unexpired term only. The Legislature shall by general law prescribe the compensation which members of the board shall be entitled to receive. All members shall be appointed with the advice and consent of the Senate and no members shall be actively engaged in the educational profession except as stated above.

SOURCES: 1869 art VIII § 3; Laws, 1982, ch. 618, eff January 28, 1983.

Article 8, Section 204. County superintendents of education.

There shall be a superintendent of public education in each county, who shall be appointed by the board of education by and with the advice and consent of the senate, whose term of office shall be four years, and whose qualifications, compensation, and duties, shall be prescribed by law: Provided, That the legislature shall have power to make the office of county school superintendent of the several counties elective, or may otherwise provide for the discharge of the duties of county superintendent, or abolish said office.

SOURCES: 1869 art VIII § 4.

Missouri	<p>Art. IX</p> <p>Free public schools--age limit.</p> <p>Section 1(a). A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, 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 twenty-one years as prescribed by law.</p> <p>State board of education--number and appointment of members--political affiliation--terms--reimbursement and compensation.</p> <p>Section 2(a). The supervision of instruction in the public schools shall be vested in a state board of education, consisting of eight lay members appointed by the governor, by and with the advice and consent of the senate; provided, that at no time shall more than four members be of the same political party. The term of office of each member shall be eight years, except the terms of the first appointees shall be from one to eight years, respectively. While attending to the duties of their office, members shall be entitled to receive only actual expenses incurred, and a per diem fixed by law.</p> <p>Commissioner of education--qualification, duties and compensation -- appointment and compensation of professional staff--powers and duties of state board of education.</p> <p>Section 2(b). The board shall select and appoint a commissioner of education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. The board shall prescribe his duties and fix his compensation, and upon his recommendation shall appoint the professional staff and fix their compensation. The board shall succeed the state board of education heretofore established, with all its powers and duties, and shall have such other powers and duties as may be prescribed by law.</p>
Montana	<p>Article X of the <u>Montana Constitution</u> is entitled Education and Public Lands and consists of 11 sections.</p> <p>Section 1</p> <p>Educational Goals and Duties</p> <p>(1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.</p> <p>(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.</p> <p>(3) 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</p>

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.

Section 8

School District Trustees

The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law.

Section 9

Boards of Education

(1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board.

(2) (a) The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms, as provided by law. The governor and superintendent of public instruction are ex officio non-voting members of the board.

(c) The board shall appoint a commissioner of higher education and prescribe his term and duties.

(d) The funds and appropriations under the control of the board of regents are subject to the same audit provisions as are all other state funds.

(3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting members of the board.

Nebraska	<p>VII-1. Legislature; free instruction in common schools; provide.</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 twenty-one 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>VII-2. State Department of Education; general supervision of school system.</p> <p>The State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct.</p> <p>VII-3. State Board of Education; members; election; manner of election; term of office.</p> <p>The State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession and they shall be elected on a nonpartisan ballot.</p> <p>VII-4. State Board of Education; Commissioner of Education; appointment; powers; duties.</p> <p>The State Board of Education shall appoint and fix the compensation of the Commissioner of Education, who shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education, and who shall have such powers and duties as the Legislature may direct. The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.</p>
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Nevada	<p>Article 11</p> <p>Section 1. Legislature to encourage education; appointment, term and duties of superintendent of public instruction. The legislature shall encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, and moral improvements, and also provide for a superintendent of public instruction and by law prescribe the manner of appointment, term of office and the duties thereof.</p> <p>[Amended in 1956. Proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada 1953, p. 716; Statutes of Nevada 1955, p. 926.]</p> <p>Section 2. Uniform system of common schools. 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, and the legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools.</p> <p>[Amended in 1938. Proposed and passed by the 1935 legislature; agreed to and passed by the 1937 legislature; and approved and ratified by the people at the 1938 general election. See: Statutes of Nevada 1935, p. 440; Statutes of Nevada 1937, p. 550.]</p>
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New Hampshire	<p><u>State Constitution</u> > Encouragement of Literature, Trades, Etc. Established October 31, 1783 Effective June 2, 1784 As Subsequently Amended and in Force January 2007</p> <p>[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; 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; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.</p> <p><i>June 2, 1784</i> <i>Amended 1877 prohibiting tax money from being applied to schools of religious denominations.</i> <i>Amended 1903 permitting the general court to regulate trusts and monopolies restraining free trade.</i></p>
New Jersey	<p>Article VIII</p> <p>SECTION IV, Paragraph 1</p> <p>1. The Legislature shall provide for the maintenance and support of a</p>

	<p>thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.</p>
New Mexico	<p>Article XII – Education</p> <p>Sec. 1. [Free public schools.] A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.</p> <p>Sec. 2. [Permanent school fund.] The permanent school fund of the state shall consist of the proceeds of sales of Sections Two, Sixteen, Thirty-Two and Thirty-Six in each township of the state, or the lands selected in lieu thereof; the proceeds of sales of all lands that have been or may hereafter be granted to the state not otherwise appropriated by the terms and conditions of the grant; such portion of the proceeds of sales of land of the United States within the state as has been or may be granted by congress; all earnings, including interest, dividends and capital gains from investment of the permanent school fund; also all other grants, gifts and devises made to the state, the purpose of which is not otherwise specified. (As amended November 5, 1996.)</p> <p>Sec. 3. [Control of constitutional educational institutions; use of state land proceeds and other educational funds.] The schools, colleges, universities and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the state, and no part of the proceeds arising from the sale or disposal of any lands granted to the state by congress, or any other funds appropriated, levied or collected for educational purposes, shall be used for the support of any sectarian, denominational or private school, college or university.</p> <p>Sec. 14. [Recall of local school board members.] Any elected local school board member is subject to recall by the voters of the school district from which elected. A petition for a recall election must cite grounds of malfeasance or misfeasance in office or violation of the oath of office by the member concerned. The recall petition shall be signed by registered voters not less in number than thirty-three and one-third percent of those who voted for the office at the last preceding election at which the office was voted upon. Procedures for filing petitions and for determining validity of signatures shall be as provided by law. If at the special election a majority of the votes cast on the question of recall are in favor thereof, the local school board member is recalled from office and the vacancy shall be filled as</p>

	<p>provided by law. (As added November 6, 1973 and as amended November 4, 1986.)</p> <p>Sec. 15. [Local school boards having seven single-member districts.]</p> <p>In those local school districts having a population of more than two hundred thousand, as shown by the most recent decennial census, the qualified electors of the districts may choose to have a local school board composed of seven members, residents of and elected from single member districts.</p> <p>If a majority of the qualified electors voting in such a district election vote to have a seven-member board, the school district shall be divided into seven local school board member districts which shall be compact, contiguous and as nearly equal in population as possible. One school board member shall reside within and be elected from each local school board member district. Change of residence to a place outside the district from which a school board member was elected shall automatically terminate the service of that school board member and the office shall be declared vacant.</p>
New Mexico (cont.)	<p>The school board member districts shall be established by resolution of the local school board with the approval of the state legislature, and may be changed once after each federal decennial census by the local school board with the approval of the state legislature.</p> <p>The elections required under this amendment shall be called and conducted as provided by law for other local school board elections. The state board of education shall, by resolution, establish the terms of the first board elected after the creation of such a seven-member board. (As added November 4, 1980.)</p> <p>Sec. 15. (Proposed) [Local school boards having seven single-member districts.]</p> <p>A. In those local school districts having a population of more than two hundred thousand, as shown by the most recent decennial census, the qualified electors of the districts shall have a local school board composed of nine members, residents of and elected from single-member districts.</p> <p>B. The school district shall be divided into nine local school board member districts that shall be compact, contiguous and as nearly equal in population as possible. One school board member shall reside within, and be elected from, each local school board member district. Change of residence to a place outside the district from which a school board member was elected shall automatically terminate the service of that school board member, and the office shall be declared vacant.</p>

	<p>C. The school board member districts shall be established by resolution of the local school board with the approval of the state legislature, and may be changed once after each federal decennial census by the local school board with the approval of the state legislature.</p>
New York	<p>ARTICLE XI</p> <p>[Common schools]</p> <p>Section 1. The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated. (Formerly §1 of Art. 9. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)</p>
North Carolina	<p>ARTICLE IX</p> <p>Section 1. Education encouraged.</p> <p>Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.</p> <p>Sec. 2. Uniform system of schools.</p> <p>(1) General and uniform system: term. The General Assembly shall provide by taxation and otherwise for a general and 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>(2) Local responsibility. 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. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.</p> <p>Sec. 3. School attendance.</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> <p>Sec. 4. State Board of Education.</p> <p>(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight</p>

	<p>years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.</p> <p>(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.</p> <p>Sec. 5. Powers and duties of Board.</p> <p>The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.</p>
North Dakota	<p>ARTICLE VIII EDUCATION</p> <p>Section 1. A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, 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. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.</p> <p>Section 2. 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>Section 3. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.</p> <p>Section 4. 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>Article 6 - Education</p> <p>§ 03 Public school system, boards of education</p> <p>Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds: provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts.</p> <p>(Adopted September 3, 1912.)</p> <p>§ 04 State board of education</p> <p>There shall be a state board of education which shall be selected in such manner and for such terms as shall be provided by law. There shall be a superintendent of public instruction, who shall be appointed by the state board of education. The respective powers and duties of the board and of the superintendent shall be prescribed by law.</p> <p>(Amended November 3, 1953.)</p>
Oklahoma	<p>SECTION XIII-1</p> <p>Establishment and maintenance of public schools.</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>SECTION XIII-2</p> <p>Institutions for deaf and mute or blind.</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>Amended by State Question No. 521, Legislative Referendum No. 216, adopted at election held on Nov. 2, 1976. Amendment proposed by Laws 1976, p. 587, S.J.R. No. 41.</p> <p>SECTION XIII-3. Repealed by State Question No. 428, Referendum Petition No. 149, adopted at election held May 3, 1966. Repeal proposed by Laws 1965, p. 1174, S.J.R. No. 10.</p> <p>SECTION XIII-4</p> <p>Compulsory school attendance.</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 in the State who are sound in mind and body, between the ages of eight and sixteen years, for at least three months in each year.</p>

	<p>SECTION XIII-5 Board of Education.</p> <p>The supervision of instruction in the public schools shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. The Superintendent of Public Instruction shall be President of the Board. Until otherwise provided by law, the Governor, Secretary of State, and Attorney General shall be ex-officio members, and with the Superintendent, compose said Board of Education.</p> <p>SECTION XIII-6 Textbook system for common schools - Official multiple textbook lists.</p> <p>The Legislature shall provide for a system of textbooks for the common schools of the State, and the State through appropriate legislation shall furnish such textbooks free of cost for use by all pupils therein. The Legislature shall authorize the Governor to appoint a committee composed of active educators of the State, whose duty it shall be to prepare official multiple textbook lists from which textbooks for use in such schools shall be selected by committees composed of active educators in the local school districts in a manner to be designated by the Legislature.</p> <p>Amended by State Question No. 318, Initiative Petition No. 228, adopted at general election held on Nov. 5, 1946.</p> <p>SECTION XIII-7 Instruction in agriculture, horticulture, stock feeding and domestic science.</p> <p>The Legislature shall provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State.</p>
Oregon	<p>ARTICLE VIII</p> <p>Section 1. Superintendent of Public Instruction. The Governor shall be superintendent of public instruction, and his powers, and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution, it shall be competent for the Legislative Assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties.—</p> <p>Section 3. System of common schools. The Legislative Assembly shall provide by law for the establishment of a uniform, and general system of Common schools.</p> <p>Section 6. Qualifications of electors at school elections. [Created through initiative petition filed June 25, 1948, and adopted by the people Nov. 2, 1948; Repeal proposed by H.J.R. 4, 2007, and adopted by the people Nov. 4, 2008]</p>

Penn.	<p>Article III. Part B. EDUCATION</p> <p>§ 14. Public school system. 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. (May 16, 1967, P.L.1037, J.R.3)</p> <p>1967 Amendment. Joint Resolution No.3 renumbered former section 14 to present section 10 and amended and renumbered section 1 of former Article X (Education) to present section 14.</p> <p>§ 15. Public school money not available to sectarian schools. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school. (May 16, 1967, P.L.1037, J.R.3)</p> <p>1967 Amendment. Joint Resolution No.3 renumbered former section 15 to present section 11 and renumbered section 2 of former Article X (Education) to present section 15.</p>
Rhode Island	<p>ARTICLE XII</p> <p>Section 1. Duty of general assembly to promote schools and libraries. -- The diffusion of knowledge, as well as of virtue among the people, being essential to the preservation of their rights and liberties, 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> <p>Section 2. Perpetual school fund. -- The money which now is or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested and remain a perpetual fund for that purpose.</p> <p>Section 3. Donations. -- All donations for the support of public schools, or for other purposes of education, which may be received by the general assembly, shall be applied according to the terms prescribed by the donors.</p> <p>Section 4. Implementation of article -- Diversion of funds prohibited. -- The general assembly shall make all necessary provisions by law for carrying this article into effect. It shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretense whatsoever.</p>

South Carolina	<p>ARTICLE XI.</p> <p>SECTION 1. State Board of Education.</p> <p>There shall be a State Board of Education composed of one member from each of the judicial circuits of the State. The members shall be elected by the legislative delegations of the several counties within each circuit for terms and with such powers and duties as may be provided by law and shall be rotated among the several counties. One additional member shall be appointed by the Governor. The members of the Board shall serve such terms and the Board shall have such powers and duties as the General Assembly shall specify by law. (1972 (57) 3193; 1973 (58) 44.)</p> <p>SECTION 2. State Superintendent of Education.</p> <p>There shall be a State Superintendent of Education who shall be the chief administrative officer of the public education system of the State and shall have such qualifications as may be prescribed by law. (1972 (57) 3193; 1973 (58) 44.)</p> <p>SECTION 3. System of free public schools and other public institutions of learning.</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. (1972 (57) 3193; 1973 (58) 44.)</p> <p>SECTION 4. Direct aid to religious or other private educational institutions prohibited.</p> <p>No money shall be paid from public funds nor shall the credit of the State or any of its political subdivisions be used for the direct benefit of any religious or other private educational institution. (1972 (57) 3193; 1973 (58) 44.)</p>
South Dakota	<p>Article 8</p> <p>§ 1. Uniform system of free public schools. The stability of a republican form of government depending on the morality and intelligence of the people, 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 all suitable means to secure to the people the advantages and opportunities of education.</p>

Tennessee	<p>Article XI</p> <p>§ 12. Education; public schools; higher education</p> <p>The State of Tennessee recognizes the inherent value of education and encourages its support. 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>ARTICLE 7. EDUCATION</p> <p>Sec. 1. SUPPORT AND MAINTENANCE OF SYSTEM OF PUBLIC FREE SCHOOLS. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, 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>Sec. 8. STATE BOARD OF EDUCATION. The Legislature shall provide by law for a State Board of Education, whose members shall be appointed or elected in such manner and by such authority and shall serve for such terms as the Legislature shall prescribe not to exceed six years. The said board shall perform such duties as may be prescribed by law.</p>
Utah	<p>Article X, Section 1. [Free nonsectarian schools.]</p> <p>The Legislature shall provide for the establishment and maintenance of the state's education systems including: (a) a public education system, which shall be open to all children of the state; and (b) a higher education system. Both systems shall be free from sectarian control.</p> <p>Article X, Section 2. [Defining what shall constitute the public school 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. The higher education system shall include all public universities and colleges and such other institutions and programs as the Legislature may designate. Public elementary and secondary schools shall be free, except the Legislature may authorize the imposition of fees in the secondary schools.</p> <p>Section 3. [State Board of Education.]</p> <p>The general control and supervision of the public education system shall be vested in a State Board of Education. The membership of the board shall be established and elected as provided by statute. The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board.</p>

Vermont	<p>Ch. II</p> <p>§ 68. Laws to encourage virtue and prevent vice; schools; religious activities (notes)</p> <p>Laws for the encouragement of virtue and prevention of vice and immorality ought to be constantly kept in force, and duly executed; and 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. All religious societies, or bodies of people that may be united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the general assembly of this state shall direct.</p>
Virginia	<p><i>ARTICLE VIII</i></p> <p><i>Education</i></p> <p>Section 1. Public schools of high quality to be maintained.</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>Section 2. Standards of quality; State and local support of public schools.</p> <p>Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly. 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. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds.</p> <p>Section 3. Compulsory education; free textbooks.</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. It shall ensure that textbooks are provided at no cost to each child attending public school whose parent or guardian is financially unable to furnish them.</p> <p>Section 4. Board of Education.</p> <p>The general supervision of the public school system shall be vested in a Board of Education of nine members, to be appointed by the Governor, subject to confirmation by the General Assembly. Each appointment shall be for four years, except that those to fill vacancies shall be for the unexpired terms. Terms</p>

shall be staggered, so that no more than three regular appointments shall be made in the same year.

Section 5. Powers and duties of the Board of Education.

The powers and duties of the Board of Education shall be as follows:

- (a) Subject to such criteria and conditions as the General Assembly may prescribe, 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.
- (b) It shall 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.
- (c) 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. In the event a division school board fails to select a division superintendent within the time prescribed by law, the Board of Education shall appoint him.
- (d) It shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.
- (e) 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.

Virginia (cont.)	<p>Section 6. Superintendent of Public Instruction.</p> <p>A Superintendent of Public Instruction, who shall be an experienced educator, shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of the Governor making the appointment, but the General Assembly may alter by statute this method of selection and term of office. The powers and duties of the Superintendent shall be prescribed by law.</p> <p>Section 7. School boards.</p> <p>The supervision of schools in each school division shall be vested in a school board, to be composed of members selected in the manner, for the term, possessing the qualifications, and to the number provided by law.</p> <p>Section 9. Other educational institutions.</p> <p>The General Assembly may provide for the establishment, maintenance, and operation of any educational institutions which are desirable for the intellectual, cultural, and occupational development of the people of this Commonwealth. The governance of such institutions, and the status and powers of their boards of visitors or other governing bodies, shall be as provided by law.</p>
Washington	<p>ARTICLE IX</p> <p>SECTION 1 PREAMBLE. It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.</p> <p>SECTION 2 PUBLIC SCHOOL SYSTEM. The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.</p>
West Virginia	<p>ARTICLE XII</p> <p>12-1. Education.</p> <p>The Legislature shall provide, by general law, for a thorough and efficient system of free schools.</p> <p>12-2. Supervision of free schools.</p> <p>The general supervision of the free schools of the State shall be vested in the West Virginia board of education which shall perform such duties as may be prescribed by law. The board shall consist of nine members to be appointed by the governor, by and with the advice and consent of the senate, for overlapping terms of nine years, except that the original appointments shall be</p>

	<p>for terms of one, two, three, four, five, six, seven, eight, and nine years, respectively. No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the Constitution, the legislature may require other specific qualifications for membership on the board. No member of the board may be removed from office by the governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the governor of state elective officers.</p> <p>The West Virginia board of education shall in the manner prescribed by law, select the state superintendent of free schools who shall serve at its will and pleasure. He shall be the chief school officer of the State and shall have such powers and shall perform such duties as may be prescribed by law.</p> <p>The state superintendent of free schools shall be a member of the board of public works as provided by subsection B, section fifty-one, article six of this Constitution.</p> <p>12-3. County superintendents.</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>12-6. School districts.</p> <p>The school districts into which the state is divided shall continue until changed pursuant to act of the Legislature: Provided, That the school board of any district shall be elected by the voters of the respective district without reference to political party affiliation. No more than two of the members of such board may be residents of the same magisterial district within any school district.</p> <p>12-10. Creation of independent free school districts.</p> <p>No independent free school district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.</p> <p>12-11. Appropriation for state normal schools.</p> <p>No appropriation shall hereafter be made to any state normal school, or branch thereof, except to those already established and in operation, or now chartered.</p>
Wisconsin	<p>Wis. Const. art. X, § 3.</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; and no sectarian instruction shall be allowed therein; but the legislature by law may, for the purpose of religious instruction outside the district schools, authorize the release of students during regular school hours."</p>

Wyoming	<p data-bbox="407 218 521 252">Article 7</p> <p data-bbox="407 268 1393 485">Section 1. Legislature to provide for public schools. 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 data-bbox="407 504 1419 646">Section 14. Supervision of schools entrusted to state superintendent of public instruction. The general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law.</p>
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Appendix B

State-Level Public School Governance Structures

This information was compiled from the K-12 Governance Structure Database of the Education Commission of the States.

http://www.ecs.org/html/educationissues/governance/govk12db_intro.asp

	Alabama
State	
Legislature	The legislature has a house education committee, a house education finance and appropriations committee, a senate education committee and a senate finance and taxation education committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer, but is an ex-officio, voting member, as well as the president, of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are elected. The governor is an ex-officio, voting member, as well as the president, of the state board of education.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 128 local school boards. There are city school boards and county school boards. City school board members are appointed by the city council or commission, although the voters in certain municipalities may choose to elect their city school board members (The voters in 20 municipalities have chosen to elect their city school board members). County school board members are elected.

	Alabama
Local Superintendents	There are 128 local superintendents. There are city superintendents and county superintendents. City superintendents are appointed by city school boards. 27 county superintendents are appointed by county school boards and 40 are elected.
Public Schools	There are 1,547 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers

	Alaska
State	
Legislature	The legislature has a house health, education and social services committee and a senate health, education and social services committee.
Governor	The governor appoints all of the voting members of the state board of education, subject to confirmation by a majority of the members of the legislature in joint session.
Chief State School Officer	The chief state school officer is appointed by the state board of education, subject to the approval of the governor.
State Board of Education	There are 7 voting members of the state board of education. All of the voting members are appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. A student advisor and a military advisor are non-voting members.
Regional	
Regional Boards	There are 19 regional school boards. Members of regional school boards are elected.
Regional Superintendents	There are 19 regional superintendents. Regional superintendents are appointed by regional school boards.
District	
Local School Boards	There are 34 local school boards. There are borough school boards and city school boards. Local school board members are elected.
Local Superintendents	There are 34 local superintendents. There are borough superintendents and city superintendents. Local superintendents are appointed by local school boards.

	Alaska
Public Schools	There are 506 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Arizona
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints 8 of the 9 voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected, and is an ex-officio, voting member of the state board of education.
State Board of Education	There are 9 voting members of the state board of education. 8 of the 9 voting members are appointed by the governor. 1 of the 9 voting members, the chief state school officer, is elected. The chief state school officer is also an ex-officio member.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are county superintendents (the number of county superintendents is unavailable). County superintendents are elected.
District	
Local School Boards	There are 227 local school boards. There are common school district boards, joint common school district boards and union high school district boards. Local school board members are elected.
Local Superintendents	There are 227 local administrative officers, which may be common school district superintendents, joint school district superintendents, union high school district superintendents, principals or head teachers. Local administrative officers are appointed by local school boards.
Public Schools	There are 1,700 public schools.

	Arizona
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Arkansas
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education and approves the state board of education's appointment of the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the state board of education, with approval by the governor.
State Board of Education	There are 10 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 15 education service cooperative boards. Members of education service cooperative boards are appointed by participating local school boards.
Regional Superintendents	There are 15 education service cooperative directors. Education service cooperative directors are appointed by education service cooperative boards.
District	
Local School Boards	There are 310 local school boards. Local school board members are elected.
Local Superintendents	There are 310 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,159 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	California
State	
Legislature	The legislature has an assembly education committee, a senate education committee and a joint committee to develop a master plan for education.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected.
State Board of Education	There are 10 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 58 county boards of education. Members of county boards of education are elected. However, members of the Los Angeles County Board of Education are appointed by the Los Angeles County Board of Supervisors.
Regional Superintendents	There are 58 county superintendents. 55 county superintendents are elected, and three county superintendents are appointed by county boards of education.
District	
Local School Boards	There are 985 local school boards (7 county boards of education are also counted as local school boards because they serve both the county and local levels). There are city school district school boards, elementary school district school boards (K-6 or K-8), high school district school boards (9-12), joint union school district school boards, unified school district school boards (K-12) and union school district school boards. Local school board members are elected. However, 3 of the 10 local school board members for the Oakland school district are appointed by the mayor, and 7 of the 10 members are elected.
Local Superintendents	There are 975 local superintendents. There are city school district superintendents, elementary school district superintendents (K-6 or K-8), high school district superintendents (9-12), joint union school district superintendents, unified school district superintendents (K-12) and union school district superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 8,568 public schools.

	California
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Colorado
State	
Legislature	The legislature has a house education committee, a senate education committee and a joint education committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 8 voting members of the state board of education. All of the voting members are elected. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 22 boards of cooperative educational services. Members of boards of cooperative educational services are appointed by participating local school boards and postsecondary institutions.
Regional Superintendents	There are 22 boards of cooperative educational services directors. Boards of cooperative educational services directors are appointed by boards of cooperative educational services.
District	
Local School Boards	There are 178 local school boards. Local school board members are elected.
Local Superintendents	There are 178 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,658 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Connecticut
State	
Legislature	The legislature has a joint education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are appointed by the governor. The commissioner of higher education serves as an ex-officio, non-voting member and 2 students serve as non-voting members.
Regional	
Regional Boards	There are 6 regional educational service center boards. Members of regional school boards are appointed by participating local school boards.
Regional Superintendents	There are 6 regional educational service center directors. Regional educational service center directors are appointed by regional educational service center boards.
District	
Local School Boards	There are 169 local school boards and regional school boards. Local school board members and regional school board members are elected.
Local Superintendents	There are 169 local superintendents and regional superintendents. Local superintendents are appointed by local school boards, and regional superintendents are appointed by regional school boards.
Public Schools	There are 1,075 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Delaware
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education and the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 7 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 3 vocational school district boards. Members of vocational school district boards are appointed by the governor.
Regional Superintendents	There are 3 vocational school district superintendents. Vocational school district superintendents are appointed by vocational school district boards.
District	
Local School Boards	There are 15 comprehensive school boards and 1 grades 6-12 school board. Local school board members are elected.
Local Superintendents	There are 15 comprehensive superintendents and 1 grades 6-12 superintendent. Local superintendents are appointed by local school boards.
Public Schools	There are 174 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Florida
State	
Legislature	The legislature has a house education K-20 committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 7 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 67 county school boards. County school board members are elected.
Local Superintendents	There are 67 county superintendents. County superintendents are elected, although local electors may choose to make county superintendents appointed by county school boards. In fact, 44 county superintendents are elected and 23 are appointed by county school boards.
Public Schools	There are 3,602 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Georgia
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected.
State Board of Education	There are 13 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 16 regional education service agency boards. Members of regional education service agency boards include the school superintendent of each member school system, the president or highest administrator of each member postsecondary institution and a local public or regional library director appointed by the director of the Office of Public Library Services of the Board of Regents of the University System of Georgia.
Regional Superintendents	There are 16 regional education service agency directors. Regional education service agency directors are appointed by regional education service agency boards.
District	
Local School Boards	There are 181 local school boards. There are city school boards and county school boards. Local school board members are elected.
Local Superintendents	There are 181 local superintendents. There are city superintendents and county superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,946 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Hawaii
State	
Legislature	The legislature has a house education committee and a senate education and technology committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 13 voting members of the state board of education. All of the voting members are elected. 1 student serves as a non-voting member.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are no local school boards.
Local Superintendents	There are no local superintendents.
Public Schools	There are 284 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Idaho
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints 7 of the 8 voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected, and is also an ex-officio, voting member of the state board of education.
State Board of Education	There are 8 voting members of the state board of education. 7 of the 8 voting members are appointed by the governor. 1 of the voting members, the chief state school officer, is elected. The chief state school officer is also an ex-officio member.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 114 local school boards. There are elementary school district boards, independent school district boards, joint school district boards and school district boards. Local school board members are elected.
Local Superintendents	There are 111 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 679 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Illinois
State	
Legislature	The legislature has a house appropriations – elementary and secondary education committee, a house elementary and secondary education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 45 regional boards of trustees, but there is not one for the Chicago public schools. Members of regional boards of trustees are elected.
Regional Superintendents	There are 45 regional school superintendents, but there is not one for the Chicago public schools. Regional school superintendents are elected.
District	
Local School Boards	There are 892 local school boards. There are elementary school district school boards, high school district school boards, unit school district school boards and the Chicago school district school board. Local school board members are elected. However, local school board members for the Chicago school district are appointed by the mayor of Chicago.
Local Superintendents	There are 880-890 local superintendents. There are elementary school district superintendents, high school district superintendents, unit school district superintendents and the Chicago school district superintendent. Local superintendents are appointed by local school boards. However, the Chicago school district superintendent is appointed by the mayor of Chicago.
Public Schools	There are 4,116 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Indiana
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints 10 of the 11 voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected, and is also the chairperson and an ex-officio, voting member of the state board of education.
State Board of Education	There are 11 voting members of the state board of education. 10 of the voting members are appointed by the governor, 1 from each congressional district. No more than 6 of the 10 may be from the same political party, and at least 4 must be educators. The chief state school officer is a voting member (ex-officio) and chairs the board.
Regional	
Regional Boards	There are 9 education service center boards. Members of education service center boards are appointed by superintendents from participating school corporations or their designees.
Regional Superintendents	There are 9 education service center directors. Education service center directors are appointed by education service center boards.
District	
Local School Boards	There are 290 local school boards. There are city school boards, common school corporation school boards, county school boards and school corporation boards. Members of 274 local school boards are elected, and members of 16 local school boards are appointed, depending on the school district, by the mayor, the county commissioner, the city council or a combination of these individuals and entities.
Local Superintendents	There are 290 local superintendents. There are city superintendents, common school corporation superintendents, county superintendents and school corporation superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,928 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Iowa
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education and the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 15 area education agency boards of directors. Members of area education agency boards of directors are elected.
Regional Superintendents	There are 15 area education agency chief administrators. Area education agency chief administrators are appointed by area education agency boards of directors.
District	
Local School Boards	There are 371 local school boards. There are community school boards and independent school boards. Local school board members are elected.
Local Superintendents	There are 353 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,533 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Kansas
State	
Legislature	The legislature has a house education committee, a house education and legislative budget committee, a senate education committee and a joint legislative educational planning committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 10 voting members of the state board of education. All of the voting members are elected. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 302 local school boards. Members of 301 local school boards are elected, and members of 1 local school board, the Fort Leavenworth unified school district 207 school board, are appointed by the commanding general of Fort Leavenworth.
Local Superintendents	There are 300 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,418 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Kentucky
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education, with confirmation by the house of representatives and the senate.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 11 voting members of the state board of education. All of the voting members are appointed by the governor, with confirmation by the house of representatives and the senate. The executive director of the council on higher education is an ex-officio, non-voting member.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 176 local school boards. There are county school boards and independent school boards. Local school board members are elected.
Local Superintendents	Local school board members are elected. There are county superintendents and independent superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,271 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Louisiana
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints 3 of the 11 voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 11 voting members of the state board of education. 3 of the 11 voting members are appointed by the governor. 8 of the 11 voting members are elected. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 68 local school boards. There are parish (county) school boards and city school boards. Local school board members are elected.
Local Superintendents	There are 68 local superintendents. There are parish (county) superintendents and city superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,538 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Maine
State	
Legislature	The legislature has a joint education and cultural affairs committee.
Governor	The governor appoints all of the voting members of the state board of education and the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 286 local school boards. There are community school district school boards, municipal school district school boards, school administrative district school boards and union school district school boards. Local school board members are elected.
Local Superintendents	Local school board members are elected. There are community school district superintendents, municipal school district superintendents, school administrative district superintendents and union school district superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 697 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Maryland
State	
Legislature	The legislature has a house ways and means committee and a senate education, health and environmental affairs committee.
Governor	The governor appoints all of the voting members of the state board of education and all of the voting members of 9 county school boards. The governor also jointly appoints the members of the school boards in the Baltimore city school district (with the mayor) and the Prince George's county school district (with the county executive).
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 12 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 24 local school boards. There are county school boards and the Baltimore city school board. County school board members are either appointed by the governor or elected. In fact, local school board members in 9 counties are appointed by the governor and local school board members in 13 counties are elected. School board members for the Baltimore city school district are jointly appointed by the governor and the mayor of Baltimore, and school board members for the Prince George's county school district are jointly appointed by the governor and the county executive of Prince George's County.
Local Superintendents	There are 22 county superintendents, the Baltimore city chief executive officer and the Prince George's county chief executive officer. County superintendents and the Prince George's county chief executive officer are appointed by county school boards. The Baltimore city chief executive officer is appointed by the Baltimore city school board.
Public Schools	There are 1,375 public schools.

	Maryland
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Massachusetts
State	
Legislature	The legislature has a joint education, arts and humanities committee.
Governor	The governor appoints 7 of the 9 voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 9 voting members of the state board of education. 7 of the 9 voting members are appointed by the governor. 1 of the 9 voting members, a high school student, is elected by the state student advisory council. 1 of the 9 voting members, the chancellor of higher education, is appointed by the board of higher education. The chancellor of higher education is also an ex-officio member.
Regional	
Regional Boards	There are 85 regional school committees. Members of regional school committees are either appointed by local boards of selectman or elected to represent a specific town.
Regional Superintendents	There are 80 regional school superintendents. Regional school superintendents are appointed by regional school committees.
District	
Local School Boards	There are 315 local school committees. Local school committee members are elected. However, local school committee members for the Boston school district are appointed by the mayor of Boston.
Local Superintendents	There are 244 local superintendents. Local superintendents are appointed by local school committees.
Public Schools	There are 1,904 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Michigan
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 8 voting members of the state board of education. All of the voting members are elected. The governor and chief state school officer are ex-officio, non-voting members.
Regional	
Regional Boards	There are 57 intermediate school boards. Members of intermediate school boards are elected.
Regional Superintendents	There are 57 intermediate superintendents. Intermediate superintendents are appointed by intermediate school boards.
District	
Local School Boards	There are 553 local school boards. Local school board members are elected. However, 6 of the 7 local school board members for the Detroit school district are appointed by the mayor of Detroit, and 1 of the 7 members is appointed by the governor.
Local Superintendents	There are 553 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 3,504 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Minnesota
State	
Legislature	The legislature has a house education policy committee, a house K-12 education finance committee, a senate education committee and a senate E-12 education budget division committee.
Governor	The governor appoints the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There is no state board of education.
Regional	
Regional Boards	There are 9 regional cooperative service center boards and 3 intermediate school boards. Members of regional cooperative service center boards and intermediate school boards are appointed by participating local school boards.
Regional Superintendents	There are 9 regional cooperative service center directors and 3 intermediate superintendents. Regional cooperative service center directors are appointed by regional cooperative service center boards. Intermediate superintendents are appointed by intermediate school boards.
District	
Local School Boards	There are 343 local school boards. There are independent school boards and special school boards. Local school board members are elected.
Local Superintendents	There are 326 local superintendents. There are independent superintendents and special superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,977 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Mississippi
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints 5 of the 9 voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 9 voting members of the state board of education. 5 of the 9 voting members are appointed by the governor, 2 of the 9 are appointed by the lieutenant governor and 2 of the 9 are appointed by the speaker of the house. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 152 local school boards. There are consolidated school district school boards, county school district school boards and municipal school district school boards. Some local school board members are elected, while other local school board members are appointed.
Local Superintendents	There are 152 local superintendents. There are consolidated school district superintendents, county school district superintendents and municipal school district superintendents. Some local superintendents are elected, while other local superintendents are appointed.
Public Schools	There are 1,042 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Missouri
State	
Legislature	The legislature has a house education - elementary and secondary committee, a house appropriations - education and public safety committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 8 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 524 local school boards. There are metropolitan school boards, seven-director school boards, special school boards and urban school boards. Local school board members are elected.
Local Superintendents	There are 524 local superintendents. There are metropolitan superintendents, seven-director superintendents, special superintendents and urban superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 2,281 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Montana
State	
Legislature	The legislature has a house education and cultural resources committee and a senate education and cultural resources committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected.
State Board of Education	There are 7 voting members of the state board of education. All of the voting members are appointed by the governor. The governor, the commissioner of higher education and the chief state school officer are ex-officio, non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	In those counties without a county manager form of government, there are county superintendents. There are 56 county superintendents. County superintendents are elected.
District	
Local School Boards	There are 454 local school boards. There are county high school district school boards, elementary school district school boards, high school district school boards, joint school district school boards and K-12 school district school boards. Local school board members are elected.
Local Superintendents	There are 210 local superintendents. There are county high school district superintendents, elementary school district superintendents, high school district superintendents, joint school district superintendents and K-12 school district superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 890 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Nebraska
State	
Legislature	The legislature has an education committee (Nebraska has a unicameral legislature).
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 8 voting members of the state board of education. All of the voting members are elected. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 18 educational service unit boards. Members of educational service unit boards are elected.
Regional Superintendents	There are 18 educational service unit directors. Educational service unit administrators are appointed by educational service unit boards.
District	
Local School Boards	There are 500 local school boards. There are elementary school boards, K-12 school boards and secondary school boards. Local school board members are elected.
Local Superintendents	There are 300 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,257 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Nevada
State	
Legislature	The legislature has an assembly education committee and a senate human resource and facilities committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 10 voting members of the state board of education. All of the voting members are elected. One high school student council member, elected by the Nevada State Student Council, is an ex-officio, non-voting member.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 17 local county school boards. County school board members are elected.
Local Superintendents	There are 17 county superintendents. County superintendents are appointed by county school boards.
Public Schools	There are 517 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	New Hampshire
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 7 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 80 school administrative units. 45 of the 80 serve a single school district, and are governed by the school district's local school board. 35 of the 80 serve multiple school districts, and are governed by a school administrative unit board. Members of school administrative unit boards are appointed by participating local school boards.
Regional Superintendents	There are 80 superintendents (45 of the 80 serve a single school district and 35 of the 80 serve multiple school districts). Superintendents serving a single school district are appointed by that school district's local school board. Superintendents serving multiple school districts are appointed by those districts' school administrative unit boards.
District	
Local School Boards	There are 176 local school boards. Local school board members are elected.
Local Superintendents	See "Regional Superintendents" section.
Public Schools	There are 476 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	New Jersey
State	
Legislature	The legislature has an assembly education committee, a senate education committee and a joint committee on public schools.
Governor	The governor appoints all of the voting members of the state board of education and the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 13 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 10 educational services commission boards and 1 educational improvement center board. Members of educational services commission boards are elected by the local school boards who are members of the educational services commission. Members of educational improvement center boards are appointed.
Regional Superintendents	There are county superintendents (the number of county superintendents is unavailable), 10 educational services commission directors and 1 educational improvement center director. County superintendents are appointed by the chief state school officer. Educational services commission directors are appointed by educational services commission boards.
District	
Local School Boards	There are 551 local school boards. There are consolidated school boards, type I school boards and type II school boards. Consolidated school board members are appointed by county superintendents. Type I school board members are appointed by the mayor or other chief executive officer of the municipality constituting the district. Type II school board members are either elected or appointed by the mayor or other chief executive officer of the municipality constituting the district. Local school board members for the Jersey City, Paterson and Newark school districts are appointed by the state board of education and the chief state school officer.
Local Superintendents	There are 551 local superintendents. There are consolidated superintendents, type I superintendents and type II superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 2,384 public schools.

	New Jersey
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	New Mexico
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 10 voting members of the state board of education. All of the voting members are elected. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 10 regional education cooperative boards. Regional education cooperative boards are composed of the superintendents or chief administrative officers of each participating local school district or state-supported educational institution.
Regional Superintendents	There are 10 regional education cooperative directors. Regional education cooperative directors are appointed by regional education cooperative boards.
District	
Local School Boards	There are 89 local school boards. Local school board members are elected.
Local Superintendents	There are 89 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 766 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	New York
State	
Legislature	The legislature appoints all of the members of the state board of education. The legislature has an assembly education committee, an assembly libraries and education technology committee and a senate education committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 16 voting members of the state board of education. All of the voting members are appointed by the legislature. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 38 boards of cooperative educational services. Members of boards of cooperative educational services are elected by participating local school boards.
Regional Superintendents	There are 38 supervisory district superintendents. Supervisory district superintendents are appointed by boards of cooperative educational services.
District	
Local School Boards	There are 705 local school boards. There are central school district boards, central high school district boards, city school district boards, common school district boards, community school district boards and union free school district boards. Members of central school district boards, central high school district boards, common school district boards and union free school district boards are elected. School board members in city school districts with fewer than 125,000 people are elected. There are 5 city school districts with over 125,000 people (Buffalo, Rochester, Syracuse, New York City and Yonkers). In Rochester, Buffalo and Syracuse board members are elected. In New York City 5 of the 13 members are appointed by the 5 borough presidents and 8 of the 13 members, including the chancellor of public instruction who serves as chairperson, are appointed by the mayor. In Yonkers city school district board members are appointed by the mayor. There are also 32 community school district boards in the New York City school district. Members of community school district boards are elected.

	New York
Local Superintendents	There are 705 local superintendents. There are central school district superintendents, central high school district superintendents, the chancellor of public instruction in the New York City school district, city school district superintendents, common school district superintendents and union free school district superintendents. Local superintendents are appointed by local school boards. However, in the New York City school district, the chancellor of public instruction is appointed by the mayor and the community school district superintendents are appointed by the chancellor of public instruction.
Public Schools	Unavailable
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	North Carolina
State	
Legislature	The legislature has a house education committee, a senate education/higher education committee, a senate appropriations committee on education/higher education and a joint legislative oversight committee.
Governor	The governor appoints 11 of the 13 voting members of the state board of education and 3 non-voting members of the state board of education (one high school junior, one high school senior and one local superintendent).
Chief State School Officer	The chief state school officer is elected.
State Board of Education	There are 13 voting members of the state board of education. 11 of the 13 members are appointed by the governor. 2 of the 13 voting members, the lieutenant governor and state treasurer, are elected. The lieutenant governor and state treasurer also are ex-officio, members. The teacher of the year, the principal of the year and one local school board member are ex-officio, non-voting members. One high school junior, one high school senior and one local superintendent are non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 117 local school boards. There are city school boards and county school boards. Members of 14 city school boards and 100 county school boards are elected, and members of 3 city school boards are appointed by city councils.
Local Superintendents	There are 117 local superintendents. There are city superintendents and county superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 2,158 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	North Dakota
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints 6 of the 7 voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected, and is an ex-officio, voting member of the state board of education.
State Board of Education	There are 7 voting members of the state board of education. 6 of the 7 voting members are appointed by the governor. 1 of the 7 voting members, the chief state school officer, is elected. The chief state school officer is also an ex-officio member.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are 25 county superintendents. County superintendents are appointed by boards of county commissioners.
District	
Local School Boards	There are 220 local school boards. There are graded elementary school district school boards, high school district school boards, K-12 school district school boards and rural school district school boards. Local school board members are elected.
Local Superintendents	There are 211 local superintendents. There are high school district superintendents and K-12 school district superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 525 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Ohio
State	
Legislature	The legislature has a house education committee, a senate education committee and a legislative committee on education oversight.
Governor	The governor appoints 8 of the 19 voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 19 voting members of the state board of education. 8 of the 19 voting members are appointed by the governor. 11 of the 19 voting members are elected. The house education committee chairperson and the senate education committee chairperson are ex-officio, non-voting members.
Regional	
Regional Boards	There are 55 educational service centers. Members of educational service center boards are elected.
Regional Superintendents	There are 55 educational service center superintendents. Superintendents are appointed by publicly-elected governing board members.
District	
Local School Boards	There are 612 local school boards. There are city school district school boards, exempted village school district school boards, local school district school boards and a municipal school district school board in the Cleveland school district. City school district school board members, exempted village school district school board members and local school district school board members are elected. The members of the municipal school district school board in the Cleveland school district are appointed by the mayor of Cleveland.
Local Superintendents	There are 612 local superintendents. There are city school district superintendents, exempted village school district superintendents, local school district superintendents and a municipal school district superintendent in the Cleveland school district. Local superintendents are appointed by local school boards. However, the municipal school district superintendent in the Cleveland school district is appointed by the mayor of Cleveland.
Public Schools	There are 3,854 public schools.

	Ohio
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Oklahoma
State	
Legislature	The legislature has a house common education committee and a senate education committee.
Governor	The governor appoints 6 of the 7 voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected, and is an ex-officio, voting member of the state board of education.
State Board of Education	There are 7 voting members of the state board of education. 6 of the 7 voting members of are appointed by the governor. 1 of the 7 voting members, the chief state school officer, is elected. The chief state school officer is also an ex-officio member. The governor, the secretary of state and the attorney general are ex-officio, non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 543 local school boards. There are elementary school boards and independent school boards. Local school board members are elected.
Local Superintendents	There are 538 local superintendents. There are elementary superintendents and independent superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,852 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Oregon
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected.
State Board of Education	There are 7 voting members of the state board of education. All of the voting members are appointed by the governor. A local superintendent, a teacher and a student are non-voting members.
Regional	
Regional Boards	There are 20 education service district boards. Members of education service district boards are elected.
Regional Superintendents	There are 20 education service district superintendents. Education service district superintendents are appointed by education service district boards.
District	
Local School Boards	There are 199 local school boards. Local school board members are elected.
Local Superintendents	There are 199 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,246 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Pennsylvania
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints 17 of the 21 voting members of the state board of education and the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 21 voting members of the state board of education. 17 of the 21 voting members are appointed by the governor. 4 of the 21 voting members, the majority and minority chairpersons of the House of Representatives and Senate Education Committees or their respective designees from such committees, are elected. The chairmen and minority chairmen of the House of Representatives and Senate Education Committees or their respective designees from such committees are also ex-officio members. The chairperson of the Professional Standards and Practices Commission is an ex-officio, non-voting member.
Regional	
Regional Boards	There are 29 intermediate boards of directors. Members of intermediate boards of directors are appointed by participating local school boards.
Regional Superintendents	There are 29 intermediate executive directors. Intermediate executive directors are appointed by intermediate boards of directors.
District	
Local School Boards	There are 501 local school boards. There are first class school boards, second class school boards, third class school boards, fourth class school boards and joint school boards. Local school board members are elected, although several school districts are currently governed by appointed panels. In Philadelphia, a 5-member school reform commission consists of 3 appointees of the governor and 2 appointees of the mayor. Two other school districts, Harrisburg and Chester Upland, operate under the authority of state-appointed boards of control. In each of these instances, the locally elected school board continues to serve but with limited authority.
Local Superintendents	There are 501 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 3,248 public schools.

	Pennsylvania
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Rhode Island
State	
Legislature	The legislature has a house health, education and welfare committee and a senate health, education and welfare committee.
Governor	The governor appoints 9 of the 11 voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 11 voting members of the state board of education. 9 of the 11 voting members are appointed by the governor, including the chairperson of the board of governors for higher education or his/her designee. 2 of the 11 voting members, the chairperson of the senate finance committee or his/her designee and the chairperson of the house finance committee or his/her designee, are elected. The chairperson of the board of governors for higher education or his/her designee, the chairperson of the senate finance committee or his/her designee and the chairperson of the house finance committee or his/her designee are also ex-officio members.
Regional	
Regional Boards	There are 4 regional school boards. Regional school board members are elected.
Regional Superintendents	There are 4 regional superintendents. Regional superintendents are appointed by regional school boards.
District	
Local School Boards	There are 33 local school boards. Local school board members are elected. However, local school board members for the Providence school district are appointed by the mayor and local school board members for the Central Falls school district are appointed by the state.
Local Superintendents	There are 33 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 334 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	South Carolina
State	
Legislature	The legislature has a house education and public works committee and a senate education committee.
Governor	The governor appoints 1 of the 17 voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected.
State Board of Education	There are 17 voting members of the state board of education. 1 of the 17 voting members is appointed by the governor. 16 of the 17 voting members are appointed by the legislature. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 5 county school boards. 6 of the 7 members of county school boards are appointed by the governor upon the recommendation of the senator and at least one half of the members of the house of representatives from the county. In those counties in which the county superintendent is elected, county superintendents are an ex-officio, and the seventh, member of county boards. In counties in which the county superintendent is not elected, the seventh member of county boards is appointed in the same manner as the other six members.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 85 local school boards. Local school board members are either appointed by certain governmental bodies, such as county school boards, or elected.
Local Superintendents	There are 85 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,114 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	South Dakota
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education and the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 18 cooperative educational service unit/multi-district boards. Members of cooperative educational service unit/multi-district boards are appointed by participating local school boards.
Regional Superintendents	There are 18 regional directors. Regional directors are appointed by cooperative educational service unit/multi-district boards.
District	
Local School Boards	There are 172 local school boards. There are operating K-12 school boards and contracting K-12 school boards. Local school board members are elected.
Local Superintendents	There are 104 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 748 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Tennessee
State	
Legislature	The legislature has a house education committee, a senate education committee and a joint select oversight committee on education.
Governor	The governor appoints all of the voting members of the state board of education and the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are appointed by the governor. The higher education commission executive officer is an ex-officio, non-voting member.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 136 local school boards. There are city school boards, county school boards and special school boards. Local school board members are elected.
Local Superintendents	There are 136 local superintendents. There are city superintendents, county superintendents and special superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,611 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Texas
State	
Legislature	The legislature has a house public education committee and a senate education committee.
Governor	The governor appoints the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 15 voting members of the state board of education. All of the voting members are elected. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are 20 regional education service center boards and there are 2 county school boards. Members of regional education service center boards are elected by local school board members within the region. Members of county school boards are elected.
Regional Superintendents	There are 20 regional education service center executive directors and 2 county superintendents. Regional education service center executive directors are appointed by regional education service center boards, subject to the approval of the chief state school officer. County superintendents are appointed by county school boards.
District	
Local School Boards	There are 1,043 local school boards. There are common school district school boards, common consolidated county-line school district school boards, common consolidated school district school boards, independent school district school boards, municipal school district school boards and rural high school district school boards. Members of 1,038 local school boards are elected, and members of 5 school boards, which are located on military bases, are appointed by the state board of education.
Local Superintendents	There are 1,043 local superintendents. There are common school district superintendents, common consolidated county-line school district superintendents, common consolidated school district superintendents, independent school district superintendents, municipal school district superintendents and rural high school district superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 7,395 public schools.

	Texas
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Utah
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer. However, the governor does select two candidates for the election of each seat on the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 15 voting members of the state board of education. All of the voting members are elected. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 40 local school boards. Local school board members are elected.
Local Superintendents	There are 40 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 804 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Vermont
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting and non-voting members of the state board of education, with the advice and consent of the senate. Also, the chief state school officer is appointed by the state board of education, with the approval of the governor.
Chief State School Officer	The chief state school officer is appointed by the state board of education, with the approval of the governor.
State Board of Education	There are 9 voting members of the state board of education. All of the voting and non-voting members are appointed by the governor, with the advice and consent of the senate. A secondary school student is a non-voting member.
Regional	
Regional Boards	There are 60 supervisory union boards. Members of supervisory union boards are appointed by participating local school boards.
Regional Superintendents	There are 64 supervisory union superintendents. Supervisory union superintendents are appointed by supervisory union boards.
District	
Local School Boards	There are 281 local school boards. There are incorporated school boards, interstate school boards, joint school boards, town school boards and union school boards. Local school board members are elected.
Local Superintendents	There are no local superintendents.
Public Schools	There are 321 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Virginia
State	
Legislature	The legislature has a house education committee and a senate education and health committee.
Governor	The governor appoints all of the voting members of the state board of education and the chief state school officer.
Chief State School Officer	The chief state school officer is appointed by the governor.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are appointed by the governor. There are no ex-officio and/or non-voting members.
Regional	
Regional Boards	There are no regional boards.
Regional Superintendents	There are no regional superintendents.
District	
Local School Boards	There are 134 local school boards. There are city school boards, county school boards and town school boards. There is 1 school board that is a combination of a city and a county. City and town school board members are either appointed by the governing body of the city or elected. County school board members in counties with a county manager or a county board form of government are appointed by boards of county supervisors. County school board members in single county school districts are appointed by a school board selection commission or elected.
Local Superintendents	There are 133 local superintendents. There are city superintendents, county superintendents, single county superintendents and town superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 1,930 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Washington
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor does not appoint any of the voting members of the state board of education nor the chief state school officer.
Chief State School Officer	The chief state school officer is elected, and is an ex-officio, non-voting member of the state board of education.
State Board of Education	There are 10 voting members of the state board of education. 9 of the 10 voting members are elected by their local school board members in their respective congressional district. 1 of the 10 voting members, a private school representative, is elected by the members of the governing boards of the state-approved K-12 private schools and only votes on matters pertaining to private schools. The chief state school officer is an ex-officio, non-voting member, the governor or his/her appointee is an ex-officio, non-voting member and 2 students are non-voting members of the state board of education.
Regional	
Regional Boards	There are 9 educational service district boards. Members of educational service district boards are appointed by local school board members in the educational service district.
Regional Superintendents	There are 9 educational service district superintendents. Educational service district superintendents are appointed by educational service district boards.
District	
Local School Boards	There are 296 local school boards. Local school board members are elected.
Local Superintendents	There are 246 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 2,175 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	West Virginia
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is appointed by the state board of education.
State Board of Education	There are 9 voting members of the state board of education. All of the voting members are appointed by the governor. The chief state school officer and the chancellor of the state higher education policy commission are ex-officio, non-voting members.
Regional	
Regional Boards	There are 8 regional educational service agency boards. Each regional educational service agency board consists of a county school board member, the superintendent of that county and a state department of education representative. Participating county school boards elect the county school board member, which then determines the county superintendent representative. The state superintendent appoints a state department of education representative.
Regional Superintendents	There are 8 regional educational service agency executive directors. Regional educational service agency executive directors are appointed by regional educational service agency boards.
District	
Local School Boards	There are 55 county school boards. County school board members are elected.
Local Superintendents	There are 55 county superintendents. County superintendents are appointed by county school boards.
Public Schools	There are 818 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.

	Wisconsin
State	
Legislature	The legislature has an assembly education committee, an assembly education reform committee and a senate education committee.
Governor	The governor does not appoint the chief state school officer.
Chief State School Officer	The chief state school officer is elected.
State Board of Education	There is no state board of education.
Regional	
Regional Boards	There are 12 cooperative educational service agency boards. Members of cooperative educational service agency boards are appointed by participating local school boards.
Regional Superintendents	There are 12 cooperative educational service agency administrators. Cooperative educational service agency administrators are appointed by cooperative educational service agency boards.
District	
Local School Boards	There are 426 local school boards. There are common school district school boards, elementary school district school boards, unified school district school boards and union high school district school boards. Local school board members are elected.
Local Superintendents	There are 425 local superintendents. Local superintendents are appointed by local school boards.
Public Schools	There are 2,181 public schools.
Collective Bargaining Agreements	There is a state policy that allows collective bargaining for teachers.

	Wyoming
State	
Legislature	The legislature has a house education committee and a senate education committee.
Governor	The governor appoints all of the voting members of the state board of education.
Chief State School Officer	The chief state school officer is elected.
State Board of Education	There are 11 voting members of the state board of education. All of the voting members are appointed by the governor. The chief state school officer is an ex-officio, non-voting member.
Regional	
Regional Boards	There are 12 boards of cooperative educational services. Members of board of cooperative educational services are appointed by participating local school boards.
Regional Superintendents	There are 12 cooperative educational services executive directors. Cooperative educational services executive directors are appointed by boards of cooperative educational services.
District	
Local School Boards	There are 48 local school boards. There are elementary school boards (K-8) and unified school boards (K-12). Local school board members are elected.
Local Superintendents	There are 48 local superintendents. There are elementary superintendents (K-8) and unified superintendents (K-12). Local superintendents are appointed by local school boards.
Public Schools	There are 384 public schools.
Collective Bargaining Agreements	There is not a state policy that allows collective bargaining for teachers.