

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SJR 2

**51st Legislature, 2nd Session, 2014**

**Tracking Number:** .195222.2

**Short Title:** Board and Superintendent of Education, CA

**Sponsor(s):** Senator Michael Padilla

**Analyst:** Kevin Force

**Date:** February 11, 2014

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**Bill Summary:**

SJR 2 proposes to amend Article XII, Section 6 of the Constitution of New Mexico to create an elected “state board of education” that shall appoint a qualified Superintendent of Public Instruction:

The State Board of Education shall:

- have those powers and duties established by law;
- be composed of ten members, elected on a nonpartisan basis for staggered four-year terms, the first of whom shall be the current members of the Public Education Commission (PEC), elected in the 2012 and 2104 elections;
- be made up of the current PEC districts, until the next redistricting following the federal decennial census;
- determine public school policy, including financial direction and accounting, for all public schools, with authority and powers as provided by law; and
- appoint a qualified and experienced educator to be the superintendent of public instruction, who shall direct the operation of the Public Education Department (PED), subject to the policies established by the board.

If passed by the Legislature, the amendment shall be submitted to the people for approval at the next general election, or the next special election called to consider this question.

**Fiscal Impact:**

SJR 2 does not contain an appropriation.

**Fiscal Issues:**

Under Section 1-16-13 NMSA 1978 and the New Mexico constitution, the Secretary of State (SOS) is required to:

- print samples of the text of each proposed constitutional amendment, in both Spanish and English, in an amount equal to 10 percent of the registered voters in the state;
- publish the samples once a week for the four weeks preceding the election in which the proposed amendment will be presented to the voters in newspapers in every county in the state.

In 2012, the cost for the 2012 General Election ballots was \$46,000 per constitutional amendment. However, if the ballot size increases to where it becomes longer than one page, front and back, the cost of conducting the general election would be increased by such costs as those associated with a longer ballot, the additional time required to process individuals as they vote, and additional ballot printing systems, to avoid long lines at voting locations.

### **Technical Issues:**

PED's analysis raises some issues that may need to be addressed to ensure effective implementation of the resolution.

According to the Legislative Finance Committee's Fiscal Impact Report (FIR) the requirement that the superintendent of public instruction be a "qualified and experienced educational administrator" differs slightly from the requirement in Article V, Section 3 of the New Mexico constitution, which requires the superintendent to be a "trained and experienced educator."

### **Substantive Issues:**

The proposed joint resolution would return operation and management of public education in New Mexico to that structure that was in place prior to the 2003 constitutional amendment that created the state's current system, where primary and secondary education in the state is managed by the PED, which is presided over by a cabinet-level secretary of public education.

According to the FIR:

- PED will be required to transition back to a non-cabinet level state agency overseen by an elected board, possibly resulting in changes in administrative duties, and the need to ensure the *Public School Code* and administrative rules are aligned to the new structure; and
- this return to the previous administrative structure may entail many personnel and other challenges.

Education governance models vary throughout the country. According to the Education Commission of the States, state education governance structure generally falls within one of four different models:<sup>1</sup>

1. The governor appoints the majority or all of the members of the state board of education, which in turn appoints the chief state school officer. The exact number of board members, and whether those members' appointments must be confirmed by either or both of the houses of the state legislature, varies among jurisdictions. (See **Attachment**, *State Education Governance: State-by-State Chart of Essential Governance Information*.<sup>2</sup>) Fourteen states fall within this category.
2. Most or all of the state board members are elected by the voters, either on a partisan or nonpartisan ballot, with the board then appointing the chief officer. Seven states use this model.
3. The governor appoints most or all of the members of the state board of education; again, with legislative confirmation requirements varying among the states, while the chief state

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<sup>1</sup> See Education Commission of the States, at:

<http://www.ecs.org/html/IssueSection.asp?issueid=68&subissueid=217&ssID=0&s=What+States+Are+Doing>.

<sup>2</sup> From the National Association of State Boards of Education.

school officer is elected, either on a partisan or nonpartisan ballot. Nine states fall within this model.

4. The governor appoints the chief officer, as well as most or all of the board members, with confirmation requirements varying among jurisdictions. Eleven states use this method.

Nine states, including New Mexico, fall precisely into none of the above models, but rather utilize a modified version of one of these formats.

There appears to be no cause-and-effect relationship between governance structures and student performance. For example, examination of National Assessment of Educational Progress (NAEP) test scores shows no relationship between a state's governance structure and student performance on the NAEP.

### **Background:**

- Powers and duties were transferred from the state board to PED upon adoption of constitutional amendment, effective September 23, 2003, by a vote of 101,542 in favor and 83,155 against.
- Prior to this time, the state board of education was elected through districts, with incumbents from the board becoming public education commissioners upon approval of the amendment, with duties limited to strategic planning and policy advisement for local school boards.

PED indicates that:

- The PEC's current responsibility for chartering schools was established only in 2006.<sup>3</sup>
- In the most recent PEC election, two commission seats were not contested by either party thus requiring the Governor to appoint commissioners.
- Statutory implementation of the constitutional amendment began in 2004 with the passage of the *Public Education Department Act*, which made several significant changes to law that affect interpretation of SJR 2, including:
  - provision for the organization of the new department, granting the newly appointed secretary "every power expressly enumerated in the law" unless expressly exempted by law;
  - provision for the secretary for "all of the duties, responsibilities and authority of that office" during the time before the secretary was confirmed by the senate;
  - explicit notice that the legal duties of the former superintendent of public instruction be deemed references to the new secretary of education, and that all references to the former state board be deemed references to the public education department;<sup>4</sup>
  - establishment of PED as the sole educational agency for purposes of aid made available through federal statute; and
  - provision for delayed repeals of the authority of the state board of education.

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<sup>3</sup> See Section 22-8B-16 NMSA 1978.

<sup>4</sup> See NMSA 1978 Sections 9-24-4 and 9-24-15.

**Committee Referrals:**

SRC/SEC/SJC

**Related Bills:**

HJR 4 *Create Elected Board of Education, CA*  
SJR 8a *Public Education Commission, CA*

**NASBE**  
National Association of  
State Boards of Education

# State Education Governance

**State-by-State Chart of Essential  
Governance Information  
March 2013**

# STATE EDUCATION GOVERNANCE MATRIX

Compiled by the National Association of State Boards of Education  
(Updated March 2013)

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	SELECTION OF CHIEF STATE SCHOOL OFFICER	SELECTION OF STATE BOARD CHAIR/PRESIDENT	AUTHORITY FOR TEACHER LICENSURE	STATE BOARD ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
Alabama	Partisan Ballot	8 plus Gov.	4	Constitution	Appt. by SBE	Governor is President of Board	SBE	No charter law	SBE oversees community colleges
Alaska	Appt. by Gov., confirmed by legislature	7	5	Statute	Appt. by SBE, with approval by Gov.	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>No appeals process</li> </ul>	<ul style="list-style-type: none"> <li>Board appoints one student advisor, and one military advisor is appt. by Alaska Adj. Gen. of the Army, these members vote, but their votes are advisory;</li> <li>CSSO must have 5 yrs. experience in education, 3 in administration</li> </ul>
Arizona	Appt. by Gov., confirmed by Senate	11, including CSSO	4	Constitution	Partisan Ballot	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>No appeals process</li> </ul>	<ul style="list-style-type: none"> <li>Sits as Vo-Tech board</li> <li>Requires four lay members</li> <li>Two members added in 2005: one lay member, one charter school administrator</li> </ul>
Arkansas	Appt. by Gov.	9	7	Statute	Appt. by SBE	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>Sole chartering agent</li> <li>No appeals process</li> </ul>	<ul style="list-style-type: none"> <li>CSSO serves at the pleasure of the Governor</li> <li>CSSO must have 10 yrs. teaching experience, including 5 in administration or supervision, and hold state teacher's certificate</li> </ul>
California	Appt. by Gov.	11, including student	4	Constitution	Nonpartisan Ballot	Elected by SBE members	Independent board	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>Appeals to SBE</li> </ul>	Voting student member (with 1-year term) who has full participation rights
Colorado	Partisan Ballot	7	6 (limited to 2 terms)	Constitution	Appt. by SBE	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>Local boards and Charter School Institute are both authorizing agents</li> <li>Appeals to SBE</li> </ul>	When a vacancy occurs, a new SBE member is appointed by a partisan vacancy committee to fill the remainder of the term.

SBE = state board of education  
CSSO = chief state school officer (e.g. commissioner, superintendent)  
Appt. = appointed

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Connecticut	Appt. by Gov., confirmed by House and Senate	11	4 (2 non-voting students serve 1-year terms)	Statute	Recommendation by SBE to Gov.	Appt. by Gov.	SBE	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>No appeals process</li> </ul>	<ul style="list-style-type: none"> <li>The Commissioner of Higher Education serves as an ex officio, nonvoting member of the board;</li> <li>Two members must have vo-tech or manufacturing experience</li> </ul>
Delaware	Appt. by Gov., confirmed by Senate	7	6	Statute	Appt. by Gov.	Appt. by and serves at the pleasure of the Gov.	Independent board, but its regulatory actions require approval by SBE	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>No appeals process</li> </ul>	<ul style="list-style-type: none"> <li>2 SBE members must have local board experience;</li> <li>Must be a resident for 5 yrs. in order to sit on board</li> </ul>
Florida	Appt. by Gov.	7	4	Constitution	Appt. by SBE	Elected by SBE members	SBE	New state chartering board is appointed by SBE	<ul style="list-style-type: none"> <li>Commissioner of Ed. serves on Board of Governors for the state university system;</li> <li>SBE oversees community colleges</li> </ul>
Georgia	Appt. by Gov.	13	7	Constitution	Partisan Ballot	Elected by SBE members	Independent board	Charter school commission can authorize schools rejected by local boards. SBE can override commission decisions, in which case the SBE becomes the authorizer	SBE members must be a resident for 5 yrs.
Hawaii	Appt. by Gov., confirmed by Senate	9	7	Constitution	Appt. by SBE	Elected by SBE members	Independent board	<ul style="list-style-type: none"> <li>Sole chartering agent</li> <li>Appeals to SBE</li> </ul>	<ul style="list-style-type: none"> <li>Board changed from elected to appointed in 2011;</li> <li>Nonvoting student and military rep.</li> </ul>
Idaho	7 Appt. by Gov.; CSSO also serves on SBE	8	5	Constitution	Partisan Ballot	Appt. by and serves at the pleasure of the SBE	SBE	<ul style="list-style-type: none"> <li>Establishes rules for charter schools</li> <li>Appeals to SBE</li> </ul>	<ul style="list-style-type: none"> <li>SBE is also Board of Regents for Univ. of Idaho and governs all state higher ed. institutions</li> <li>SBE oversees community colleges</li> </ul>
Illinois	Appt. by Gov.	9	4 (limited to 2 terms)	Constitution	Appt. by SBE	Appt. by Gov.	SBE	SBE has chartering authority through: <ul style="list-style-type: none"> <li>Charter referendum process;</li> <li>Charter applicants' appeals to SBE;</li> <li>Certification of all approved charters</li> </ul>	Requirements for regional and political balance on board

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Indiana	10 members appt. by Gov., plus elected State Superintendent	11	4	Statute	Partisan Ballot	State Supt. serves as chair	Licensing authority is now with Dept. of Ed., with advisory licensing board	<ul style="list-style-type: none"> <li>No chartering authority</li> <li>No appeals to SBE</li> </ul>	<ul style="list-style-type: none"> <li>4 members must be educators</li> <li>Political balance is required</li> <li>\$2,000 per year for state board members</li> </ul>
Iowa	Appt. by Gov.	9	6	Statute	Appt. by Gov.	Elected by SBE members (2-year term)	Independent board	<ul style="list-style-type: none"> <li>Schools apply first to local boards; if approved, local boards apply to SBE for final approval;</li> <li>Applicants can appeal local board rejection to SBE</li> </ul>	<ul style="list-style-type: none"> <li>One nonvoting student member;</li> <li>SBE oversees community colleges</li> </ul>
Kansas	Partisan Ballot	10	4	Constitution	Appt. by SBE	Elected by SBE members (2-year term)	SBE	Schools apply first to local boards; if approved, local boards apply to SBE for final approval	
Kentucky	Appt. by Gov., confirmed by Senate	11	4	Statute	Appt. by SBE	Elected by SBE members	Independent board	No charter law	<ul style="list-style-type: none"> <li>President of Council on Postsecondary Ed. is nonvoting ex officio member;</li> <li>Board members must be resident for 3 years, at least 30 years old, and hold a 2-year Associate degree;</li> <li>Governor appoints Secretary of Education</li> </ul>
Louisiana	8 elected by nonpartisan ballot; 3 appt. by Gov.	11	4	Constitution	Appt. by SBE	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>Applicants may submit charter proposal to SBE if rejected by local board or if local board's conditions are unacceptable;</li> <li>Applicants can apply directly to SBE to charter "failed" schools</li> </ul>	
Maine	Appt. by Gov.	9	5	Statute	Appt. by Gov.	Elected by SBE members	SBE	SBE appoints a State Charter School Commission (SCSC). 3 members of SCSC must be SBE members. SCSC may authorize a limited number of charters and is the only authorizer of virtual charters	Two non-voting student members added in 2008



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Maryland	Appt. by Gov.	12 incl. student member	4 (term limit of 2 4-year terms)	Statute	Appt. by SBE	Elected by SBE members	Shared responsibility between SBE and separate licensure board	<ul style="list-style-type: none"> <li>SBE can charter "restructured" schools if their applications are not acted on at the district level;</li> <li>Appeals to SBE;</li> <li>Charter schools apply to SBE for waivers on issue-by-issue basis</li> </ul>	<ul style="list-style-type: none"> <li>Voting student member, which is a one-year appointment by the Gov.</li> <li>CSSO must have 7 yrs. teaching experience and administration experience</li> </ul>
Massachusetts	6 appt. by Gov.; 4 voting ex officio members, 1 student	11 incl. student member	5	Statute	Appt. by SBE	Appt. by Gov.	SBE	<ul style="list-style-type: none"> <li>Sole chartering agent</li> <li>No appeals process</li> </ul>	<ul style="list-style-type: none"> <li>Legislation in 2008 created a Secretary of Education to coordinate the work of the K-12, early childhood, and higher education boards;</li> <li>The legislation also added two members to the K-12 board, as well as the Secretary of Education</li> </ul>
Michigan	Partisan ballot	8	8	Constitution	Appt. by SBE	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>No chartering authority</li> <li>No appeals to SBE</li> </ul>	<ul style="list-style-type: none"> <li>Gov. is ex officio member of the board;</li> <li>State teacher of the year is a nonvoting advisor to the board;</li> <li>SBE oversees community colleges</li> </ul>
Minnesota	None			None	Appt. by Gov.		Independent board		State Board existed by statute, but was abolished by legislature as of Dec. 31, 1999
Mississippi	5 appt. by Gov. 4 appt. by Leg.	9	9	Constitution	Appt. by SBE	Elected by SBE members	SBE	Law provides for up to 12 low-performing schools to convert to charters. SBE is the only authorizer	<ul style="list-style-type: none"> <li>Lt. Gov. and speaker of the house each appoint 2 members;</li> <li>CSSO must have 5 yrs. administrative experience</li> </ul>
Missouri	Appt. by Gov. with consent of Senate	8	8	Constitution	Appt. by SBE	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>SBE has discretionary authority if application is denied by initial sponsor</li> <li>Appeals to SBE</li> </ul>	Authority over university and other community college system teacher education programs

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Montana	Appt. by Gov.	7	7	Constitution	Partisan ballot	Elected by SBE members	SBE	Charter rules require a school to have a locally elected "school board of trustees"	<ul style="list-style-type: none"> <li>Nonvoting student member has 2-year term;</li> <li>Gov., commissioner of higher ed., and state supt. are nonvoting ex officio members of SBE;</li> <li>K-12 Board of Public Ed. and Board of Regents meet together as "State Board of Education"</li> </ul>
Nebraska	Nonpartisan Ballot	8	4	Constitution	Appt. by SBE	Elected by SBE members	SBE	No charter law	Teachers, state officials or candidates, and nonresidents are not eligible for board membership
Nevada	4 elected 3 appointed by Gov.	7	4	Statute	Appt. by Gov. from 3 nominees provided by SBE	Elected by SBE members	Independent board	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>Appeals to SBE if local board takes no action</li> </ul>	<ul style="list-style-type: none"> <li>Nonvoting student member</li> <li>2011 law reconstituted SBE into mix of elected and appointed members</li> </ul>
New Hampshire	Appt. by Gov., confirmed by Executive Council	7	4	Statute	Appt. by Gov. after consulting SBE, confirmed by Council	Named by Gov. for 1-year term	SBE	<ul style="list-style-type: none"> <li>SBE has chartering authority (no local boards currently approved as authorizers)</li> <li>Appeals to SBE</li> </ul>	Gov. and Executive Council appoint SBE
New Jersey	Appt. by Gov.	13	6	Statute	Appt. by Gov.	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>No chartering authority</li> </ul>	<ul style="list-style-type: none"> <li>3 members of SBE must be women</li> <li>Resident for 5 yrs. to sit on board</li> </ul>
New Mexico	Partisan Ballot	10	4	Constitution	Appt. by Gov/	Elected by SBE members	Independent board	SBE has chartering authority	2003 Constitutional amendment reconstituted SBE as the Public Education Commission, which is advisory to the Secretary of Ed.
New York	Appt. by Legislature	16	5	Constitution and Statute	Appt. by SBE	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>No appeals process</li> </ul>	Responsible for higher education, cultural institutions, special education, vocational rehabilitation, and licensed professions

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North Carolina	11 appt. by Gov., approved by joint session of House and Senate; 2 voting ex officio members: State Treasurer and Lt. Gov.	13	8	Constitution	Partisan Ballot	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>Appeals to SBE</li> </ul>	<ul style="list-style-type: none"> <li>7 nonvoting advisors: <ul style="list-style-type: none"> <li>2 students</li> <li>2 Teachers of the Year</li> <li>1 Principal of the Year</li> <li>1 local superintendent</li> <li>1 local board member</li> </ul> </li> </ul>
North Dakota	Appt. by Gov.	7	6	Statute	Nonpartisan Ballot	Elected by SBE	Independent board	No charter law	
Ohio	11 elected by Nonpartisan Ballot; 8 appt. by Gov	19	4	Constitution	Appt. by SBE	Elected by SBE members (2-year term)	SBE	<ul style="list-style-type: none"> <li>SBE approves new charter school sponsors/authorizers for start-up schools</li> <li>Sponsors serve as chartering agent for individual schools</li> <li>Specified termination actions can be appealed to SBE</li> </ul>	<ul style="list-style-type: none"> <li>Separate board for higher education;</li> <li>2 ex officio members (nonvoting)</li> </ul>
Oklahoma	Appt. by Gov.	7	4, serve at pleasure of gov.	Constitution	Partisan Ballot	State Supt serves as chair	SBE	<ul style="list-style-type: none"> <li>No chartering authority</li> <li>No appeals process</li> </ul>	<ul style="list-style-type: none"> <li>2 SBE members are ex officio voting members of the State Board of Career and Technology Education</li> </ul>
Oregon	Appt. by Gov.	7	4 (2 term limit)	Statute	Appt. by Education Investment Board	Elected by SBE members	Independent board	<ul style="list-style-type: none"> <li>Appeals to SBE</li> <li>SBE can charter schools after appeal</li> </ul>	<ul style="list-style-type: none"> <li>2011 law created the Oregon Education Investment Board, a P-20 coordinating body with gov. serving as chair; currently 1 SBE member also serves on the Education Investment Board</li> </ul>
Pennsylvania	Appt. by Gov., confirmed by Senate	21	6	Statute	Appt. by Gov.	Appt. by Gov.	SBE	Appeals to separate Charter School Appeals Board	<ul style="list-style-type: none"> <li>Statutory responsibility for post-secondary education;</li> <li>In 2008, four nonvoting students were added (2 for K-12, 2 for higher ed), who serve first year as member-elect, second year as member</li> </ul>
Rhode Island	Appt. by Gov., confirmed by Senate	11	3 (limited to two 3-year terms)	Statute	Appt. by SBE	Appt. by Gov. (Gov. also appoints vice-chair)	SBE	<ul style="list-style-type: none"> <li>SBE authorizes after initial approval by local board or CSSO;</li> <li>No appeals process</li> </ul>	<ul style="list-style-type: none"> <li>New for 2013: A state law combined the boards for K-12 and higher education into one board appointed by the governor</li> </ul>

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South Carolina	Appt. by Legislature	17	4	Constitution	Partisan Ballot	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>No chartering authority</li> <li>Appeals to SBE</li> </ul>	Legislative delegations elect 16 SBE members, Gov. appoints 1 SBE member
South Dakota	Appt. by Gov.	9	4	Statute	Appt. by Gov.	Elected by SBE members	SBE	2010 legislation authorized 1 charter school, which would give priority to students from federally recognized tribes	SBE has jurisdiction over state's four technical institutes
Tennessee	Appt. by Gov., confirmed by General Assembly	10, incl. student member	5	Statute	Appt. by Gov.	Elected by SBE members (4-year term)	SBE	<ul style="list-style-type: none"> <li>No chartering authority</li> <li>Appeals to SBE</li> </ul>	<ul style="list-style-type: none"> <li>Voting student member (1-yr. term);</li> <li>Board selects Executive Director;</li> <li>Serves as State Board for Vocational Education</li> </ul>
Texas	Partisan Ballot	15	4	Constitution	Appt. by Gov.	Appt. by Gov. (2-year term)	Independent board	<ul style="list-style-type: none"> <li>Chartering agent</li> <li>No appeals process</li> </ul>	
Utah	Nonpartisan Ballot	15	4	Constitution	Appt. by SBE	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>Final chartering authority following state Charter School Board recommendations</li> <li>Appeals to SBE</li> </ul>	SBE has six nonvoting members: two representing the State Board of Regents and one each representing the Coalition of Minorities Advisory Committee, the Utah School Boards Association, the state Charter School Board, and Utah College of Applied Technology
Vermont	Appt. by Gov. and approved by the Senate	9, incl. student member	6 (limited to 1 term)	Statute	Appt. by Gov. from 3 nominees provided by SBE (as of January 2013)	Elected by SBE members (2-year term)	Independent board	No charter law	2nd student member is nonvoting, a junior who moves to the voting position the next year.
Virginia	Appt. by Gov.	9	4	Constitution	Appt. by Gov.	Elected by SBE members	SBE	<ul style="list-style-type: none"> <li>SBE advises applicants before they go to local boards for approval</li> <li>No appeals process</li> </ul>	
Washington	5 elected by local school board members; 7 appt. by Gov. and confirmed by Senate; 1 elected by private schools; State Supt.	14 limited to 2 terms (CSSO excepted); 2 nonvoting students	4 (students serve 2 years starting as junior)	Statute	Nonpartisan Ballot	Elected by SBE members	Independent board	<ul style="list-style-type: none"> <li>Local school boards must have approval from SBE to become authorizers</li> <li>SBE responsible for oversight of authorizers</li> </ul>	<ul style="list-style-type: none"> <li>Legislation passed in 2005 reconstituted board for 2006;</li> <li>Private school rep. and CSSO have full voting rights;</li> <li>For school board representatives, 3 are from western part of state, and 2 from eastern part</li> </ul>

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	SELECTION OF CHIEF STATE SCHOOL OFFICER	SELECTION OF STATE BOARD CHAIR/ PRESIDENT	AUTHORITY FOR TEACHER LICENSURE	STATE BOARD ROLE IN CHARTER SCHOOL AUTHORIZATION	SPECIAL NOTES
West Virginia	Appt. by Gov. and approved by Senate	9	9	Constitution	Appt. by SBE	Elected by SBE members	SBE	No charter law	<ul style="list-style-type: none"> <li>Three nonvoting ex officio members: CSSO, chancellor of higher education, and chancellor of community and technical college education;</li> <li>No more than 5 SBE members can be from same political party</li> </ul>
Wisconsin	None			None	Nonpartisan Ballot		CSSO, advised by a Professional Standards Council		
Wyoming	Appt. by Gov.	11	6 (limited to 1 term)	Statute	SBE names 3 finalists for Dir. of Dept. of Ed., Gov. makes final choice	Elected by SBE members	Independent board	<ul style="list-style-type: none"> <li>No chartering authority</li> <li>Appeals to SBE</li> </ul>	Meets quarterly; reviews all school accreditation compliance for approval or disapproval
District of Columbia	Nonpartisan ballot	9	4	Statute	Chancellor and CSSO are appt. by mayor	Elected by voters at-large			<ul style="list-style-type: none"> <li>Board, previously both state and local, reconfigured solely as state board of education in 2007;</li> <li>2 nonvoting student members</li> </ul>
Guam	6 elected at-large; 3 appointed by Gov., 1 voting student	10 (including student)	3 years for appointed, 2 for elected	Statute	Appt by SBE	Elected by SBE members		<ul style="list-style-type: none"> <li>New charter law creates council for approving charter applications</li> <li>Four public schools may be converted to charters</li> </ul>	One each of the 3 appointed members must represent business, parents of students, and retired teachers or school administrators
Northern Marianas	Elected	5	4	Constitution	Appt. by SBE	Elected by SBE members			3 nonvoting members (including 1 student, 1 teacher, and 1 private school representative) are appointed by the Governor

Compiled by the National Association of State Boards of Education, updated March 2013.

We are aware that there are often changes to state governance structures. Please help keep policymakers and the education community informed: when changes occur in your state, contact David Kysilko at davidk@nasbe.org.

