

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HJR 4

**52nd Legislature, 1st Session, 2015**

**Tracking Number:** .197685.2

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

**Sponsor(s):** Representative Roberto “Bobby” J. Gonzales

**Analyst:** Kevin Force

**Date:** March 17, 2015

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**Bill Summary:**

HJR 4 proposes to amend Article XII, Section 6 of the Constitution of the State of New Mexico to:

- create a 13-member State Board of Education:
  - to determine public school policy, distribute public school funds, and manage the Public Education Department (PED) and the operation of public schools;
  - to appoint a Superintendent of Public Education, who shall be a qualified, experienced, and licensed educational administrator, to manage PED as directed by the State Board of Education;
  - ten of whom shall be elected for staggered four-year terms from the district in which they reside, with any change of residence to somewhere outside the district from which they were elected automatically terminating that board member’s term;
  - three of whom shall be appointed by the Governor for staggered terms of four years, one from each of New Mexico’s three congressional districts, with the advice and consent of the Senate; and
  - the initial members of which shall be the members of the Public Education Commission (PEC) who were elected on or before the 2016 election;
- remove the creation of, and references to, the PEC, except insofar as the commissioners shall be the initial members of the State Board of Education, as noted above;
- remove the designation of PED as a cabinet-level department, as well as all references to a Secretary of Public Education to be appointed by the Governor and confirmed by the Senate;
- direct the Governor to fill vacancies of elected members of the board by appointment of a new board member from the district in which the vacancy occurs;
- stipulate that the districts from which the public education commissioners were elected shall be the districts of the state board until changed by law after each federal decennial census; and
- submit this amendment to the people of New Mexico for approval at the next General Election or a special election called for that purpose.

## **Fiscal Impact:**

HJR 4 makes no appropriation.

## **Fiscal Issues:**

According to the *Election Code*, the Secretary of State (SOS) must print sample ballots of constitutional amendments in both Spanish and English in numbers equal to 10 percent of the registered voters in the state,<sup>1</sup> while Article XIX of the Constitution of the State of New Mexico requires the SOS to publish proposed amendments, in both Spanish and English, in at least one newspaper in every county of the state where a newspaper is published each week, for the four weeks preceding the election.<sup>2</sup> As indicated by the Legislative Finance Committee in analyses of several constitutional amendments proposed this session, in 2014 the SOS estimates the cost for each constitutional amendment to be \$15,217.

## **Substantive Issues:**

A change to the Constitution of the State of New Mexico of this magnitude, if passed and approved by the voters, would necessitate extensive amendment to the *Public School Code* to reflect these changes to the governance structure of the New Mexico public school system. Most notably, these changes include:

- the removal of references to the PEC as an independent entity;
- the removal of PED as a cabinet agency and its transformation into the staff of the State Board of Education, which would be an independently elected body (with three appointed members) assuming supervision of the functions currently overseen by both PED and PEC; and
- the removal of the Secretary of Public Education and his or her replacement by a Superintendent of Public Education, who:
  - shall not be a cabinet secretary; and
  - shall be an experienced, qualified, and licensed educational administrator.

The changes proposed by HJR 4 will, in effect, return operation and management of public education in New Mexico to that structure in place prior to the 2003 constitutional amendment that created PED as a cabinet agency and established the PEC as an independently elected body (see “Background,” below).

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>3</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

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<sup>1</sup> Section 1-16-13 NMSA 1978

<sup>2</sup> Constitution of the State of New Mexico Article XIX, Section 1.

<sup>3</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>.

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>4</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 non-partisan 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 school officer is elected, either on a partisan or non-partisan 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:**

In 2003, concurrent with enacting the education reforms originally proposed by HB 212, powers and duties were transferred from the State Board of Education (the body that administered public education in New Mexico at the time) to PED upon adoption of a constitutional amendment originally proposed by SJR 2 (2003), which was adopted by the voters in September of 2003.<sup>5</sup> That constitutional amendment created PED as a cabinet-level department, and established the former state board as the new PEC.<sup>6</sup>

### **Committee Referrals:**

HGEIC/HEC/HJC

### **Related Bills:**

HB 74 *Public Education Commission as Independent*  
SJR 8 *Majority for Constitutional Amendments, CA*

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<sup>4</sup> From the National Association of State Boards of Education.

<sup>5</sup> SJR 2 (2003) was adopted at the special election of September 23, 2003 by a vote of 101,542 in favor and 83,155 against.

<sup>6</sup> Constitution of the State of New Mexico, Article XII, Section 6(E)

# State Education Governance

**NASBE**

National Association of  
State Boards of Education

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

**March 2013**

Cover Image: New York State Capitol Building

ATTACHMENT



## 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

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
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>	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>
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>	Separate board for higher education; 2 ex officio members (nonvoting)
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>	2 SBE members are ex officio voting members of the State Board of Career and Technology Education
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>	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
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>	New for 2013: A state law combined the boards for K-12 and higher education into one board appointed by the governor

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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>

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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.

