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**State Boards of Education and
Chief State School Officers
Their Status and Legal Powers**

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Foreword

It is obvious that educational statesmen and the practical school administrator should know the basic legal principles and organization of State systems of education. Information in this field constitutes the working tools of a professionally qualified school administrator.

Since legal provisions determine the structural organization and procedures in school administration it is important that these provisions should be shaped in conformity with those principles of school administration which educational authorities have found to produce the best results. In view of the abundance of available information on the subject, educational legislation need not proceed wholly on a trial and error method.

Improvements in the legal organization of State systems of education constitute important objectives and functions of both the school administrator and the legislator. Legislatures, in accepting broad powers over education, should bear in mind: (1) That certain of their restrictive powers should rarely if ever be exercised; (2) that need for the exercise of legislative discretion is constant; and (3) that they should be guided by the wisdom and experience developed in State educational administration and procedure.

HENRY F. ALVES, Director,
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Introduction

Importance of Legal Organization

State administration of public education offers a challenging opportunity for constructive leadership in educational affairs. Experience in the development of State systems of education clearly indicates that legal forms and principles of State educational organization are vitally related to quality and efficiency in education. Hence, those who seek to improve our State educational systems do not naively subscribe to Pope's idea:

For forms of government let fools contest;
Whate'er is best administered is best.

However excellent may be the quality of school personnel, it does not supplant the need for judicious legal organization and procedures in the administration of education. Constitutional provisions and statutory enactments determine the structural organization and guiding principles of State school administration.

Purpose of Study

The general purpose of this study is to show the legal organization of State school administration. More specifically, it has for its objectives: (1) To describe present legal provisions pertaining to State boards of education and chief State school officers; (2) to show legal relationships between these State agencies; (3) to show trends with respect to State education boards and officers—their qualifications, methods of selection, and terms of office; (4) to set forth the principal powers and duties vested by law in such boards and officers in the respective States; (5) to summarize educational legislative principles and practices, with respect to State school administration; and (6) to present information and conclusions which may be helpful in establishing sound and effective legal structure and organization for the improvement of State school administration.

Current Legislative Problems in the Improvement of State School Administration

This study is predicated on the growing awareness of school administrators that many legislative problems arise in connection with their programs and efforts to improve State school administration. Apparently there is no general agreement as to the best answer or solution to many of these problems. Obviously the answers may vary from State to State. Below are listed some perennial legislative problems in State school administration:

1. What provisions and principles relating to education should be embodied in State constitutions generally? In dealing with a particular State, this problem is likely to present itself somewhat realistically as follows: What constitutional provisions should be added, deleted, or modified in order to improve State school administration?
2. Should the State constitution provide for a State board and a chief State school officer? If so, what should the provisions be?
3. How should members of State boards of education be selected? What should be their qualifications? How many members should constitute a State board?
4. What legislative powers should be delegated to the general State board of education?
5. Should all State educational functions be handled entirely by one general State board of education? Are there certain educational functions which should be assigned to separate or special boards? If so, what are they?
6. What functions or powers should be assigned to the State superintendent? Should some of them be assigned by statute and some by the State board?
7. What statutory provisions should govern the functions and organization of State departments of education? Which functions or types of services should be specified by law and which should be left principally to the discretion of the State board? What types of legislative provision affecting the organization of State departments are most desirable?
8. Should the legislature designate divisions or positions to be established in the State department?
9. Should the State board of education be delegated with complete policy-making power without reference to standards to be established, or should the legislature lay down or indicate certain criteria or minimum requirements?
10. Should the legislature stipulate any standard or criterion governing the qualifications of State superintendents? How should the State superintendent be selected? What relationship between the State superintendent and the State board should be established by law?

Nature and Limitations of Study

This bulletin revises and brings up to date the information contained in Office of Education Bulletin 1940, No. 6, Monograph No. 1, *State Boards of Education and Chief State School Officers—Their Status and Legal Powers*.

The study is limited chiefly to legal organization and functions of general State boards of education and the chief State school officers. Reference to other and separate State boards having special educational functions is included to indicate such areas of education as have been assigned to special boards or commissions. This study is also limited principally to legal organizations of State school administration for elementary and secondary education. Some information relating to higher education institutions has been included to show the scope of authority vested in the general State board of education and chief State school officer.

The sources of information utilized in the compiling of this work were State constitutions, the latest published school codes or session laws of the States, publications of the United States Office of Education, other publications containing source materials, and information supplied by chief State school officers or members of their staffs in State departments of education.

PART I

Part I

Legal Developments Affecting State School Administration

Evolution of State School Administration

EDUCATION under our form of government is committed in the main to the several States. The Tenth Amendment of the Federal Constitution leaves to each State of the Union the right and the responsibility to organize its educational system as it deems most appropriate.

With few exceptions, State constitutions make it obligatory upon their respective legislatures to provide for the establishment and maintenance of efficient systems of public schools. Generally speaking, the legislatures have plenary power in educational matters. According to the late Justice Brandeis:

It is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory to try novel, social and economic experiments without risk to the rest of the country.

This freedom of the State to experiment has applied also in the field of education, and under this freedom were established the beginnings of our present State systems of public education. Public education has come now to be the primary and biggest enterprise of the States. Quoting again from Justice Brandeis:

America has believed [that] in differentiation, not uniformity, lies the path of progress. It acted on this belief; it has advanced human happiness, and it has prospered.

In most States the people have been content with few or limited constitutional provisions for education. Many State constitutions simply charge the legislature with responsibility for an adequate and uniform system of education; some go further and provide

operational structure and organization and define the powers and duties of school officials.

Grants of Federal land made for educational purposes and the creation of State school funds, in the use of which local districts shared, brought early into the educational picture some form of State regulation. The receipt of aid from the State was accompanied by the necessity of making reports to the State, and this in turn evolved into compliance with other State requirements as well. As a result, State officials were appointed to receive reports from the school districts and to deal with them in matters relating to the apportionment of funds and other items of State policy.

The early duties of the officers thus appointed were largely clerical, statistical, and advisory with reference to the application of the State school law. But out of them grew the comprehensive structure of the modern State education department, with its chief State school officer acting in many cases as the executive officer of the State board of education. Today myriad responsibilities of administrative, supervisory, and advisory services replace the original simple function of tabulation of records and management of funds.

In many States in early days the mistake was made of supposing that the State political officials, who were subject to political vicissitudes and partisan sentiments, could be made State school officials. It may have been supposed that different political parties would advocate different educational policies or that the people would tolerate partisan influence in their schools. Developments in State school administration tended to overcome this mistake. State administration of public education has come to be a vast cooperative enterprise requiring for its management and control non-partisan, professional, and administrative ability of high character.

Power of the Legislature Over Education

Public schools exist by operation of law. In this country public schools are the creatures of the State legislature acting under constitutional authority. Except as modified by constitutional restraints, a State legislature has plenary power over education. The legislature also has a choice to exercise or not exercise its power, and cannot be brought before any superior tribunal to answer for its failure to act. On the other hand, if it acts beyond its authority, such acts may be overruled by the courts.

The educational prerogative of a State legislature is a vital one.

The authority over education has been held by courts to be not necessarily a distributive one, to be exercised by local instrumentalities, but, on the contrary, a central power residing in the legislature of the State. The principle has been aptly stated by the Supreme Court of Indiana in the following words:

It is for the law making power to determine whether the authority (over education) shall be exercised by a State board of education, or distributed to county, township, or city organizations throughout the State . . . As the power over schools is a legislative one it is not exhausted by exercise. The legislature, having tried one plan, is not precluded from trying another. It has a choice of methods, and may change its plans as often as it deems necessary or expedient; and for mistakes or abuses it is answerable to the people. . . .

To deny the power to change, is to affirm that progress is impossible, and that we must move forever "in the dim footsteps of antiquity." But the legislative power moves in a constant stream, and is not exhausted by its exercise in any number of instances, however great. . . . (23 N. E. 946.)

In the American Commonwealths, where education continues to be regarded primarily as a State function, the following basic legal principles may be noted:

1. State legislatures have absolute power to control public schools unless limited by constitutional provisions. (State constitutions generally turn the subject over to the legislatures.)
2. The control of education is in no way inherent in the local self-government except as the legislatures have chosen to make it so.
3. Public education may be a separate field distinct from local government.
4. The legislature having tried one method of school administration and maintenance is not precluded from trying another.
5. Education is a State function even though the legislature provides no State central control or State agency for its administration.

PART 2

Part II

The State Board of Education

THE TERM "State board of education" as used in this study relates principally to State boards having general educational functions, and which exercise some control over elementary and secondary schools and, in some instances, other types of schools. Forty States now have such general boards of education and every State has one or more State boards to perform certain special educational functions.

Beginnings of State Boards

Throughout the colonial period, education in America was principally a private and parochial enterprise. No Colonial government had established and maintained any colony-wide system of public education. At the time of the formation of the Federal Union education may have been a State function in theory, but in reality it remained a local function, and it was not until some decades later that it gradually evolved into an important State function (with the possible exception of New York noted below).

At the close of the War of Independence and while under the Articles of Federation, the State of New York was confronted with the problem of administering the colleges and academies which had been authorized within its boundaries by the King of England. The legislature, realizing that provision should be made for directing these institutions, established in 1784 the Board of Regents of the State of New York. This was the first State Board of Education established in the United States, and it has continued to exist to the present day, but it was not until 1904 that it was given control over all the public schools of the State.

The next State to establish a State board of education was

North Carolina, in 1825.¹ This board, known as "President and Directors of the Literary Fund," was created coincidentally with the establishment of a State fund known as the "Literary Fund." "This body was directed to invest the funds in the stock of any of the State banks or of the United States and to alter and change such investment in any way that would promote their value. The fund thus provided, when sufficiently accumulated, was to be applied to the instruction of the youth of the State in the principles of reading, writing, and arithmetic to be divided among the counties in proportion to their free white population."

Soon after the establishment of the North Carolina board Vermont and Missouri each created a State board of education, but it was not until after Massachusetts had done likewise, in 1837, that the movement to create State boards of education began to make headway. The Massachusetts board, although its chief functions were to investigate school conditions and to make recommendations, exerted through its secretary, Horace Mann, such a profound influence upon education in the State that other States began to set up boards of education. From its beginnings in New York and New England the movement spread to the Middle Atlantic and other Eastern States, thence to the States of the West and South. By 1920, 39 States had established general State boards of education. In 1949, Maine joined the States that have general State boards of education.

Table 1 is a summary of information collected by the Office of Education from various sources which shows the approximate date of origin of State boards of education.

¹Cubberley, E. P. *State School Administration*. New York, Houghton Mifflin, 1927. p. 232.

²Knight, Edgar W. *Public-School Education in North Carolina*. New York, Houghton Mifflin Co., 1916. p. 80.

Table 1.—Years within which provision was made for State boards of education in 40 States

1784	New York.
1820-29	North Carolina, Vermont.
1830-39	Connecticut, Kentucky, Massachusetts, Missouri, Tennessee.
1840-49	Arkansas, Michigan.
1850-59	California, Indiana, Kansas, New Hampshire, Oregon, Utah.
1860-69	Alabama, Florida, Louisiana, Maryland, Mississippi, Nevada, New Jersey, New Mexico, Texas, Virginia. ¹
1870-79	Colorado, Delaware, South Carolina.
1880-89	Arizona.
1890-99	Idaho, Montana, Oklahoma, Wyoming.
1900-09	Georgia, Washington, West Virginia.
1910-19	Pennsylvania, Minnesota.
1920-50	Maine (1949).

¹A Board of Trustees of the Literary Fund in 1815.

Recent Significant Changes Affecting State Boards

④ The past decade has been prolific with changes affecting the selection, composition, and organization of State boards of education and their functions. No fewer than 16 States have produced legislation on this subject and interest in this field continues unabated. Legislative changes during the past 10 years affecting the selection or composition of State boards of education occurred in *Arkansas* and *Oregon*, 1941; *Georgia* and *North Carolina*, 1943; *Missouri*, constitutional changes in 1944 and legislative in 1945; *Indiana*, *Kansas* and *New Jersey*, 1945; and *Massachusetts*, *Vermont*, *Washington*, and *West Virginia*, 1947. In 1948 *Colorado*, by constitutional amendment, implemented by legislation in 1949, reconstituted its State Board of Education, and in 1949 *Texas* reconstituted its State Board. Moreover, in 1949 the legislature of *Maine* established for the first time a general State Board of Education. In 1950 the New Hampshire Legislature removed the Governor from the State board.

Relationship with Governor.—Recent State legislation reveals the following important trends affecting the relationship of the Governor and the State Board of Education:

1. A trend toward removal of the Governor from membership on State boards of education. A decade ago the governor was ex officio member of the State board of education in 15 States. Legislation within the decade removed the governor from membership on State boards in *Arkansas*, *Georgia*, *Indiana*, *Missouri*, *New Hampshire*, and *North Carolina*. In two of these States the Governor was not only ex officio member but also chairman of the board. Thus legislative changes in 10 years have reduced by one-third the number of States where the Governor was a member of the State board of education, leaving 9 States in which the Governor is still a member.
2. A trend toward removal of the power to appoint chief State school officers from the Governor and giving it to the State board of education, as evidenced in *Maine* and *Massachusetts*.
3. A trend away from appointment of State boards by the Governor was in evidence in *Maine*, *Texas*, and *Washington*.

Ex officio members.—Legislation over the recent decade shows a definite tendency toward removal of all ex officio members from State boards of education. Other State officials as well as Governors have been removed. Examples are: (1) *The removal of State superintendents from State boards*. During the decade four States

removed the State superintendent from the board, namely: *Colorado, Kansas, Missouri, and Washington*. *West Virginia*, while retaining the superintendent as a member of the State board, deprived him of voting privilege. (2) *The removal of all ex officio members from State boards*. Since 1940, six States, *Colorado, Indiana, Kansas, Missouri, North Carolina, and Washington*, removed other State officials as ex officio members on the State board of education. Contrary to the general trend, however, *Delaware* added two ex officio members to its State board.

Board membership.—The trend is toward larger membership on State boards of education. During the decade the following 11 States increased the number of members on their State boards of education: *Arkansas, Colorado, Indiana, Massachusetts, Missouri, New Jersey, North Carolina, Texas, Vermont, Washington, and West Virginia*. The increase ranges from 1 additional member in *Arkansas* and *Georgia* to 11 in *Texas*. Membership on State boards of education now ranges from 3 members in *Mississippi* and *Oregon* to 21 in *Texas*.

Constitutional boards.—It is significant to note that during the decade two States, *Colorado* and *Missouri*, abolished by constitutional change constitutionally created ex officio State boards. *Missouri* in 1944, by constitutional amendment, abolished the ex officio State board of four members and established a new State board of eight members appointed by the Governor. In 1948 *Colorado*, by constitutional amendment, abolished its three-member ex officio board and established a State board of education whose members are chosen by popular election, one from each congressional district if the number of districts is odd (if even, one additional member is elected at large).

Elected boards.—The most recent legal changes reflect a tendency toward the selection of State board members by popular vote. *Colorado* and *Texas*, in 1948 and 1949, adopted the system of electing by popular vote one board member from each congressional district.

State board responsibility.—For many years legislation has reflected a definite trend toward vesting in the State board of education increasing responsibility for policy-making in educational affairs, and also toward enhancing its administrative facilities by enlarging the staff of the State department of education.

Constitutional and Statutory Provisions

Constitutional provisions are basic. They control and influence legislative provisions and court decisions with respect to the legal organization of education.

State boards of education have been created by either constitutional or statutory provision (Table 2): 18 States provide for such boards in their constitutions, 22 by statute. Constitutions which provide for State boards of education usually stipulate the number of members to compose the board and how the members shall be selected. In some instances, however, constitutional provisions leave the matter of the number of members and the method of selection for legislative determination.

Table 2.—Form of provision for State boards of education in 40 States

State	Constitutional provision	Statutory provision	State	Constitutional provision	Statutory provision
1	2	3	1	2	3
Alabama.....		X	Missouri.....	X	
Arizona.....	X		Montana.....	X	
Arkansas.....		X	Nevada.....		X
California.....	X		New Hampshire.....		X
Colorado.....	X		New Jersey.....		X
Connecticut.....		X	New Mexico.....	X	
Delaware.....		X	New York.....	X	
Florida.....	X		North Carolina.....	X	
Georgia.....		X	Oklahoma.....	X	
Idaho.....	X		Oregon.....		X
Indiana.....		X	Pennsylvania.....		X
Kansas.....		X	South Carolina.....	X	
Kentucky.....		X	Tennessee.....		X
Louisiana.....	X		Texas.....	X	
Maine.....		X	Utah.....	X	
Maryland.....		X	Vermont.....		X
Massachusetts.....		X	Virginia.....	X	
Michigan.....	X		Washington.....		X
Minnesota.....		X	West Virginia.....		X
Mississippi.....	X		Wyoming.....		X

Selection and Composition

The manner of composition of State boards of education falls

into four principal systems or patterns: (1) Ex officio members; (2) appointed members; (3) elected members; (4) partly ex officio and partly appointed or elected members.

For a more complete classification of the systems used in selecting State boards and the States using the respective systems, see table 3.

In 9 States the Governor is a member of the State board; in 7 States other State officers not engaged in educational work serve ex officio; and in 20 States the chief State school officer is ex officio member of the board.

In 28 States, half or more of the members are appointed by the Governor. In five States half or more of the members are elected by popular vote. Two States use the school board connection system of election of State board members. In one State the State legislature appoints, and in one State the State superintendent, with the approval of the Governor. In the three remaining States, all or most of the State board members are ex officio members.

A classification of States, by method of selecting State boards, reveals that there are at least eight types of boards.

Table 3.—Classification of States according to method of selecting State boards

<i>Method of selection</i>	<i>States</i>
Ex officio	Florida, Mississippi.
Ex officio and appointed by Governor.	Alabama, Arizona, Idaho, Indiana, Kentucky, Maine, Montana, New Hampshire, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, West Virginia. ¹
Appointed by Governor	Arkansas, California, Connecticut, Delaware, Georgia, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Vermont, Virginia, Michigan, Nevada.
Ex officio and elected by people.	
Elected by people	Colorado, Louisiana, Texas.
Ex officio and elected by school board convention.	Utah, Washington.
Ex officio and appointed by chief State school officer. ²	Wyoming.
Appointed by State Legislature.	New York.

¹State Superintendent ex officio member but without vote.

²With approval of the Governor.

As revealed in tables 4 and 5, there has been a marked trend during the first half of the twentieth century toward the elimination of ex officio members on State boards of education, including Governors, State superintendents, and other State officials. The trend has been away from the ex officio type of board and toward appointed or elected boards. Since 1900 there has been a gradual decrease in the number of States having State boards of education composed wholly or mostly ex officio members (table 5).

From 1920 to 1940 the number of State boards of education having no ex officio members increased from 7 to 12. The States that eliminated ex officio members during these years were Connecticut, Louisiana, Massachusetts, Texas, and Virginia. An even more pronounced trend was in evidence from 1940 to 1950. Within this recent decade, the following States abolished ex officio members from State boards: Arkansas, Colorado, Georgia, Indiana, Kansas, Missouri, New Hampshire, North Carolina, and Washington.

Table 4.—State officers as ex officio members of State boards of education, 1920, 1940, and 1950

Officers	Number of States		
	1920	1940	1950
Governor.....	13	15	9
Other State officers not engaged in educational work.....	13	8	5
Chief State school officer.....	20	24	19

Table 5.—Methods of selecting members of State boards of education for certain years, 1890 to 1950

Method of selection	Number of States using each method						
	1890 ¹	1900 ¹	1910 ¹	1920	1930	1940	1950
1	2	3	4	5	6	7	8
Wholly or mostly ex officio.....	20	21	20	12	11	8	4
Wholly or mostly appointed or elected.....	9	10	12	20	29	31	26
Number of States having State boards.....	29	31	32	42	40	39	40

¹ Behrman, Henry E. The Organization of State Departments of Education. Columbus, Ohio. Ohio State University Press, 1926. p. 5.

STATE BOARDS OF EDUCATION

Table 6.—Composition of State Boards of Education

State	Number of members							
	Ex officio			Appointed or elected			Total	
	Gov- ernor	Chief State school officer	Other State officer	Appoint- ed by governor	Elected	Ex officio	Appoint- ed or elected	Ex officio and appointed or elected
1	2	3	4	5	6	7	8	9
Alabama.....	1	1		9		2	9	11
Arizona.....	1	1	3	3		5	3	8
Arkansas (1941).....				9			9	9
California.....				10			10	10
Colorado (1948).....					5		5	5
Connecticut.....				9			9	9
Delaware (1944).....			3	6		2	6	8
Florida.....	1	1	3			5	5	8
Georgia (1943).....				10			10	10
Idaho.....		1		5		1	5	6
Indiana (1945).....		1		18		1	18	19
Kansas (1945).....				7			7	7
Kentucky.....		1		7		1	7	8
Louisiana.....				3	8		11	11
Maine (1949).....				5	5			10
Maryland.....				7			7	7
Massachusetts (1947).....				9			9	9
Michigan.....		1			3	1	3	4
Minnesota.....				5			5	5
Mississippi.....		1	2			2		3
Missouri (1945).....				8				8
Montana.....	1	1	1	8		3	8	11
Nevada.....	1	1			5	2	5	7
New Hampshire.....				7			7	7
New Jersey (1945).....				12			12	12
New Mexico.....	1	1		5		2	5	7
New York.....				13	(*)		13	13
North Carolina (1943).....		1	2	12		3	13	15
Oklahoma (1941).....		1		6		1	6	7
Oregon (1941).....	1	1	1	4		2		7
Pennsylvania.....		1		9		1	9	10
South Carolina.....	1	1		7		2	7	9
Tennessee.....	1	1		9		2	9	11
Texas (1949).....					21			21
Utah.....		1			9	1	9	10
Vermont (1947).....				7			7	7
Virginia.....				7			7	7
Washington (1947).....					12		12	12
West Virginia (1947).....		1		9		1	9	10
Wyoming.....		1		9		1	9	10
Total.....	9	20	14	251	85	43	276	363

*Five appointed by governor, and five others appointed by certain educational associations, one from each association.

*Appointed by the State legislature, 1 from each of the 10 judicial districts and 3 at large.

*Selected by regional school board conventions.

*Two from each congressional district elected at conventions of representatives of boards of directors of school districts.

*State superintendent has no vote.

*Appointed by the chief State school officer with the approval of the Governor.

Table 7.—Number of members on State boards at certain dates, 1900 to 1950

Number of members	Number of States having each number in—				Number of members	Number of States having each number in—			
	1900	1920	1940	1950		1900	1920	1940	1950
1	2	3	4	5	1	2	3	4	5
3	0	6	3	1	11	3	3	5	4
4	2	2	3	1	12		1	1	2
5	6	4	4	3	13		1		1
6	2	5	3	1	14	1			1
7	4	9	8	9	15				1
8	1	6	4	5	16				1
9	3	3	5	4	17	1			
10	1	1	4	6	18				1
					19				
					20				
					21				
					22				
					23	1			

Term and Tenure of Office

Term of office.—The term of office of elected or appointed State school board members runs from 3 years in 2 States to 13 years in 1 State. From 1920 to 1950 the length of term was changed in many States, as shown in table 8. The term of office of an ex officio member terminates at the expiration of the term for which he was chosen, which is sometimes 2 but mostly 4 years.

Overlapping terms.—It is customary for the States having appointed or elected State board members to provide for overlapping terms in order to avoid a complete change in the personnel of the board at any one time. If the terms of all or even a majority of the members should expire at the same time, an entirely new board, which would know little about the policies of previous boards, might be appointed. Under such circumstances the board, unacquainted with conditions, might ignore existing policies and adopt new ones, thus tending to bring about revolutionary rather than evolutionary changes.

Tenure of office.—Complete and recent data to show the length of time served by State board members are not available, but data on the number of years' service by State board members who were in office in 1939 or in 1940 were obtained for 119 appointed board members. The number of years served by these members ranges from 1 year for 24 members to 26 years for 1 member. The median in years of service was 5 and the average 5.6. A median of 7 years was reported in 1949 in an Office of Education study.^a

^aBesch, Fred F., and Gibbs, Andrew H., *The Structure of State Departments of Education*. Washington, U. S. Government Printing Office, 1949. (Federal Security Agency, Office of Education, Misc. No. 18.)

Table 8.—Length of term in years of appointed or elected State board members, by State, 1920, 1940, 1950

State	1920	1940	1950	State	1920	1940	1950
1	2	3	4	1	2	3	4
Alabama.....	12	6	6	Nevada.....	(?)	4	4
Arizona.....	(1)	(1)	(1)	New Hampshire.....	5	5	5
Arkansas.....	7	7	9	New Jersey.....	5	5	5
California.....	4	4	4	New Mexico.....	4	6	4
Connecticut.....	6	6	6	New York.....	12	12	12
Delaware.....	5	5	5	North Carolina.....	(?)	(?)	5
Florida.....	(?)	(?)	(?)	Oklahoma.....	6	6	6
Georgia.....	4	6	7	Oregon.....	(?)	(?)	4
Idaho.....	5	5	5	Pennsylvania.....	6	6	6
Indiana.....	4	4	4	Rhode Island.....	6	(?)	(?)
Iowa.....	3	4	3	South Carolina.....	4	4	4
Kentucky.....	4	4	4	Tennessee.....	6	6	6
Louisiana.....	5	(?)	5	Texas.....	(?)	6	6
Maine.....	(?)	(?)	5	Utah.....	6	7	7
Maryland.....	7	7	7	Vermont.....	5	10	6
Massachusetts.....	3	3	3	Virginia.....	(?)	4	4
Michigan.....	6	6	4	Washington.....	3	3	3
Minnesota.....	5	5	5	West Virginia.....	6	6	6
Missouri.....	(?)	(?)	5	Wisconsin.....	5	4 ^a	(?)
Montana.....	4	4	5	Wyoming.....	5	6	6

¹Indefinite.

²Ex officio.

³4 and 5: 3 appointed by governor for 4 years; 3 elected for 5 years.

⁴No State board.

⁵2 and 4: Senate appoints 3 for 4 years; State board 3 for 2 years.

Qualifications for Board Membership

Most of the 40 States having State boards of education impose certain qualifications or restrictions for membership on State boards. Among the restrictions imposed in one or more of the States are: One member from each congressional district; one or more members must be engaged in educational work; no members shall be engaged in educational work; not more than a certain number shall belong to the same political party; no member may be connected with any textbook publishing concern; no person shall be appointed to the board who is in any way subject to its authority; no board member shall hold any other elective or appointive office in the State.

Education.—Although specific educational qualifications, such as high-school or college graduation, are not prescribed by law in any of the States for State board membership, most State boards for which data are available are composed of members who have attended college. A study in 1940^a revealed that of 124 State board

^aDellenbaugh, W. S., and Koser, Ward W. State Boards of Education and Chief State School Officers: Their Status and Legal Powers. Washington, U. S. Government Printing Office, 1941. (Federal Security Agency, U. S. Office of Education, Bulletin 1940, No. 6, Monograph No. 1.)

members 107, or 86 percent, were reported as having attended college for a time at least, and that 17 members, or 14 percent, were reported as having had no education beyond high school.

Legal requirements.—Legal qualifications and specifications affecting the composition of State boards of education are as follows:

Alabama: One member from each congressional district; appointed solely for character and fitness; must be subject to the authority of the board.

Arizona: One city school superintendent, one county school superintendent, and one high-school principal to be on board.

Arkansas: No school teacher, commissioner of education, member of a county board of education, county or city school superintendent, school director, member of any State board for higher institution, or teacher in any school or college eligible to appointment as member of the State board; must be of high moral standard and recognized ability and a voter.

Connecticut: At least one member to be appointed from and reside in each county.

Delaware: No more than three members to belong to the same political party; no person to be appointed as a member of the State board who is in any way subject to its authority.

Georgia: One member from each of the 10 congressional districts; must be citizen and resident of 5 years; no one employed in a professional capacity by a private or public educational institution or by the State department of education eligible to appointment and no person who is or has been employed by a book publishing concern.

Idaho: Members to be appointed without reference to locality, occupation, party affiliation, or religion.

Indiana: Of the 18 appointive members, 12 to be actively engaged in educational work.

Kansas: One member from each congressional district; not more than four from same political party; must not be engaged as teacher, principal, or superintendent.

Kentucky: Appointments to be made on merit and fitness for the position, without reference to place of residence or party affiliation; no member at time of appointment or during term of service to be engaged as a professional educator.

Louisiana: Eleven elected members; one from each of three public service districts; one from each of eight Congressional Districts.

Maryland: To be appointed solely on basis of character and fitness; no person to be appointed to the board who is in any way subject to its authority.

Minnesota: No member permitted to hold any other office elective or appointive under the State, except notary public, or to be employed in any State institution.

- Missouri:** Not more than 4 members from same political party; high moral character required.
- Montana:** Four members from each of two congressional districts; not more than four appointed members to be affiliated with the same political party organization.
- Nevada:** One member from each educational district of the State.
- New Hampshire:** Technical educators and those professionally engaged in school work ineligible to membership.
- New Jersey:** Not less than two women and not more than one resident of any one county on board.
- New Mexico:** Of five appointive members, one to be head of a State educational institution, one a county superintendent of schools, and one a person actually connected with educational work.
- New York:** Three more members than the members of judicial districts of the State; no member to be at the same time a regent and a trustee, president, principal, or any other officer of an institution belonging to the university.
- Oregon:** Must include one employer, one employee, one homemaker, and one agriculturist.
- South Carolina:** One from each congressional district.
- Tennessee:** Three members from each grand division; each of the two leading parties to be represented by at least three members.
- Texas:** Member must not be engaged as a professional public educator, nor connected with any textbook publisher; must be at least 30 years old, United States citizen, and resident of district 5 years.
- Utah:** Members elected by school board convention in each of seven judicial districts.
- Vermont:** Consideration to be given to the selection of such persons as shall adequately represent all sections of the State.
- Washington:** Members to be resident of district from which elected; must not be employed by any school, college, university, or other educational institution or by any county school system.
- West Virginia:** Not more than five members to be of same political party; no appointee of board permitted to serve on it; must not be political party executive member or hold any public office of Federal, State, or local government.
- Wyoming:** Two members to be actively engaged in educational work; different parts of State to be represented; not more than four members from same political party; all members to be of mature years, known for integrity, culture, public spirit, business ability, and interest in public education.

Board Meetings

In some States the number of regular board meetings is pre-

scribed by law; in others the board is authorized to hold such meetings as it may deem necessary. In each of the States in which the number of regular board meetings is prescribed special meetings may be called by the president of the board or by a certain number of members, and in general State boards of education hold more meetings than are prescribed by law. In a previous office study⁴ it was reported that there were as many as 641 board meetings held within a year. State boards, however, do not meet as often as do boards of education in cities having a population of 100,000 or more, the median number of board meetings in cities of this size being 23 a year. The meetings of State boards, however, probably are longer than are those of city boards.

Legal provisions for meetings are as follows:

Alabama: Regular annual meeting, and such other meetings as the duties of the board and the needs of the schools may require.

Arizona: Four regular meetings annually at such time as the board directs; special meetings at the call of the president.

Arkansas: Annual meeting on second Monday in September and regular quarterly meetings on second Monday in December, March, and June; special meetings called by president of board; in absence of president, the commissioner of education calls a meeting on request of three board members.

California: Regular meetings every 3 months at such time as board may by resolution determine; special meetings called by the president or upon request of any four members in writing, by the secretary.

Colorado: Annual meeting last Saturday in December; others at such times as board deems necessary.

Delaware: Annual meeting in July; other meetings at such times as duties and business of board require.

Florida: Board to designate and set aside one day each month as a regular meeting day; special meetings held at request of State superintendent.

Georgia: Quarterly meetings in regular session; additional meetings at call of chairman; upon written request of majority of board members, State superintendent of schools may call a meeting.

Idaho: Regular semiannual meetings; special meetings called by the president.

Indiana: Meetings at such times as board determines.

Kansas: Nine regular monthly meetings; others upon call of the chairman.

Kentucky: Regular meetings every 3 months; other meetings at such times as board may by resolution determine; special meetings called

⁴Ibid.

by chairman; upon request of three members chairman must call a special meeting.

Louisiana: Regular annual meeting on or before first Monday in December; other meetings called by the president.

Maine: Quarterly meetings.

Maryland: Annual meeting on last Wednesday in May; other regular meetings in August, November, and February; special meetings held as duties and business of board require.

Massachusetts: Meetings at least once a month and at such other times as board may determine by rule and when requested by the commissioner or by any three members.

Michigan: At least one meeting each year.

Minnesota: Annual meeting in August, and quarterly meetings in addition to the annual meeting; may hold special meetings.

Mississippi: May meet at regular intervals or on call at any time of any member of the board.

Missouri: Semiannual meetings.

Montana: Quarterly meetings mandatory; special meetings as board directs or upon call by president or secretary of the board.

Nevada: Meetings at call of secretary, but must take place at least four times a year; special meetings as the board may direct.

New Hampshire: At least six regular meetings each year and such special meetings as may be required.

New Jersey: Meetings at such times as rules of board may prescribe in each and every month and at such times as in its judgment may be necessary.

New Mexico: No law found on the subject.

New York: Regular meetings as decided by regents; special meetings at call of chancellor, commissioner of education, or any five regents.

North Carolina: Meetings at such times as majority of board members shall designate; others at the call of the governor.

Oklahoma: Number of meetings not specified.

Oregon: Quarterly meetings to be held fourth Monday in September, December, March, and June.

Pennsylvania: Times of regular meetings and manner of calling special meetings fixed by board.

South Carolina: Meetings upon call of chairman or upon request of a majority of members.

Tennessee: Regular meetings in February, May, August, and November; special meetings called by chairman.

Texas: Regular meetings first Monday in May, July, September, November, January, and March; other meetings upon call of the chairman.

Utah: Meetings at the call of the chairman and at least twice a year.

Vermont: Four regular meetings annually and special meetings as required; special meetings called by chairman upon written request of any two members.

Virginia: Meetings upon call of president, or upon request of majority of members.

Washington: Annual meeting in June and special meetings at call of superintendent of public instruction.

West Virginia: At least six meetings every year; other meetings upon resolution of board or at call of president of board.

Wyoming: Semiannual meetings; special meetings as often as duties of board require and at call of State superintendent of public instruction or Governor.

Compensation of Members

As a rule members of the State board of education are not paid a salary, but all appointed or elected members of any State board are compensated for expenses incurred in attending board meetings. In approximately one-third of the States there is a per diem or small honorarium paid all except ex officio members.

Some of the States which provide compensation in addition to expenses for State board members follow:

Alabama: \$10 per day of actual service, not to exceed 25 days per annum.

Delaware: \$25 for each day's attendance at board meetings, not to exceed 1 day's attendance each calendar month.

Georgia: \$7 per diem.

Idaho: \$100 per year.

Indiana: \$5 per diem.

Kansas: \$5 per diem, not exceeding 10 days in any 1 year.

Louisiana: \$10 to \$25 per diem.

Michigan: \$3 per diem.

Minnesota: \$10 per diem.

Montana: \$10 per diem.

New Mexico: \$5 per diem.

Oklahoma: \$6 per diem.

South Carolina: \$4 per diem, not exceeding 20 days a year.

Tennessee: \$5 per diem.

Texas: "Reimbursement for full expenses incurred."

Utah: \$4 per diem.

Washington: \$5 per diem for special committee work.

West Virginia: Reimbursement for actual expenses.

Occupations Represented on State Boards

There is no way of determining what proportion of the members of State boards of education should be engaged in the professions in business, or in other occupations. It is improbable that anyone would advocate that a board of education should be composed mostly of educators, lawyers, or of persons of any other one professional or vocational group, since a board composed of persons from a variety of occupations is more likely to be cosmopolitan in its views than one that is overweighted with persons of the same occupation. A board member, however must be considered as the representative of the people rather than as the representative of his particular vocation.

Regardless of their occupation members of a board of education need to be persons of unquestioned integrity and breadth of mind who possess ability in dealing with private and public affairs; they must be convinced of the importance of education, have no entangling political alliances, and must understand clearly the nature of their duties. Only board members so qualified can represent all interests and can pass, at board meetings on the claims of groups or organizations advocating the adoption of certain measures.

PART 3

Part III

The Chief State School Officer

Development of the Office

THE TERM Chief State School Officer is used in this publication and in others of the United States Office of Education, since the use of the term Superintendent of Public Instruction or Commissioner of Education or some other title does not apply to the office in all the States.

New York was the first State to establish the position of chief State school officer. Its Legislature, on June 19, 1812, enacted a law which provided that a superintendent of common schools should be appointed by the council of appointment. This was almost 200 years after the first State (Massachusetts) made State-wide provision for public schools. The delay was not due to lack of interest in public education for, in fact, many communities throughout the country had of their own initiative established public schools before the State laws required them to do so.

Inasmuch as the New York Act establishing the office of State school superintendent was the first of its kind in the United States, and shows clearly the early conception of the functions of the office, the law is quoted herewith—

The New York Act

L. Be it enacted by the people of the State of New York, represented in Senate and Assembly, that there shall be constituted an office within the State, known and distinguished as the superintendent of common schools, which superintendent shall be appointed by the council of appointment, and shall be allowed an annual salary of \$300, but not to be under pay until he shall give notice of the first distribution of school money, payable in the same way as is provided for other offices, by the act entitled "an act for the support of government."

II. And be it further enacted, that it shall be the duty of the superintendent aforesaid, to digest and prepare plans for the improvement and management of the common school fund, and for the better organization of common schools; to prepare and report estimates and expenditures of the school moneys, to superintend the collection thereof, to execute services relative to the sale of lands, which now are or hereafter may be appropriated, as a permanent fund for the support of common schools, as may be by law required of him; to give information to the legislature respecting all matters referred to him by either branch thereof, or which will appertain to his office; and generally to perform all such services relative to the welfare of the schools as he shall be directed to perform and shall prior to his entering upon the duties of his office, take an oath or affirmation for the diligent and faithful execution of his trust.

Maryland was the next State to provide for a chief State school officer; by an act of February 28, 1826, the Legislature provided for the appointment by the Governor and the council of a State superintendent whose duties were practically the same as those of the superintendent of common schools in the State of New York. Michigan established a similar office in 1829. From 1830 to 1839, eight other States made provision for the office, and by 1850 the office had been created in 24 States and Territories (Table 9).

The needs for the office came urgently to the foreground at just about the time of its first establishment. A short time before some of the older States had begun to provide permanent State school funds and also had tried the experiment of granting annual State aid. It soon became evident to these States that, if the State school funds were to be correctly applied and made useful to the highest degree, their expenditure must be centrally supervised and controlled in some manner. It was seen that this supervision and control could be best exercised by the appointment or election of some officer who would represent the State in its financial dealings with the local schools.

With the growing recognition of the place of the State in educational matters and the increasing volume of school legislation, there developed a conviction that the Legislatures needed to be supplied with reliable information concerning both the state and the progress of education, and that they needed to know the plans and wishes of the people concerning education if they were to enact satisfactory school law. These facts could feasibly be collected and made available by a State school official. Furthermore, such an officer could be of great service in working throughout the State toward the securing of a deeper and more general interest in education.

Such were the needs which brought forth the first office and in

due time secured the creation of the office in the other States. The genesis of this office was apparently a strictly American phenomenon, arising from American conditions and requirements and uninfluenced by the practice of any other country.

Table 9.—Years within which provision was made for office of chief State school officer

1812-29	New York, Maryland, Michigan.
1830-39	Louisiana, Pennsylvania, Tennessee, Massachusetts, Ohio, Connecticut, Kentucky, Missouri.
1840-49	Iowa, Rhode Island, Indiana, Illinois, Florida, New Jersey, Vermont, Maine, Mississippi, New Hampshire, Wisconsin, Oregon, California.
1850-59	Minnesota, Utah, North Carolina, Arkansas, Alabama, Texas, Nebraska, Kansas.
1860-69	Colorado, Nevada, Washington, West Virginia, New Mexico, Montana, South Dakota, Idaho, North Dakota, Georgia, South Carolina, Wyoming.
1870-79	Virginia, Arizona, Delaware.
1890-1900	Oklahoma.

Ex officio chief State school officers.—At one time or another some State official served as ex officio chief State school officer in 24 of the States. Table 10 indicates the titles of the ex officio chief State school officers and the dates when they served.

STATE BOARDS OF EDUCATION

Table 10.—State that have had ex officio chief State school officers, title of officers, and dates served¹

State	Title	Years
Alabama	State comptroller	1867-68
Arizona	Governor	1871-79
Arkansas	Secretary of State	{ 1853-61 1874-75
Colorado	Territorial treasurer	1865-70
Connecticut	{ Commissioner of school fund Principal of normal school	{ 1845-49 1849-65
Delaware	State auditor	1898-1912
Florida	{ Secretary of State Registrar of public lands	{ 1845-49 1850-61
Idaho	Territorial comptroller	1875-87
Illinois	Secretary of State	1825-54
Indiana	State treasurer	1843-51
Louisiana	Secretary of State	1833-47
Maryland	Principal of normal school	1868-1902
Minnesota	{ Chancellor, State University Secretary of State	{ 1860-62 1862-67
Mississippi	Secretary of State	1846-51
Missouri	do	{ 1841-53 1861-65
Nebraska	{ State librarian Territorial auditor	{ 1855-61 1861-69
New York	Secretary of State	1821-54
Ohio	do	1840-53
Oregon	Governor	1857-72
Pennsylvania	Secretary of State	1834-57
Rhode Island	do	1838-43
Tennessee	{ Secretary of State State Treasurer	{ 1835-44 1844-61
	{ State treasurer	{ 1871-73
Texas	State treasurer	1854-61
Wyoming	{ Territorial auditor State librarian	{ 1869-71 1873-80

¹Cubberley, Elwood P., and Elliott, Edward C. *State and County School Administration*. Source Book, vol. II. New York, The Macmillan Co., 1915 and 1927. p. 282-297.

Table 11.—Year in which constitutional provision was made for chief State school officer¹

1835-51		1857-78		1880-1912	
1	2	1	2	1	2
Michigan.....	1835	Oregon.....	1857	Montana.....	1880
Iowa ²	1847	Kansas.....	1859	North Dakota.....	1889
Wisconsin.....	1848	West Virginia.....	1863	South Dakota.....	1889
California.....	1849	Nevada.....	1864	Washington.....	1889
Kentucky.....	1850	Maryland ²	1864	Wyoming.....	1889
Indiana.....	1851	Missouri.....	1865	Idaho.....	1890
		Alabama.....	1865	Utah.....	1896
		North Carolina.....	1868	Oklahoma.....	1907
		South Carolina.....	1868	Arizona.....	1912
		Louisiana.....	1868	New Mexico.....	1912
		Georgia.....	1868	Ohio.....	1912
		Florida.....	1868		
		Arkansas ²	1868		
		Mississippi.....	1869		
		Texas ²	1869		
		Illinois.....	1870		
		Virginia.....	1870		
		Pennsylvania.....	1873		
		Nebraska.....	1875		
		Colorado.....	1876		

¹Data given in U. S. Department of the Interior Bureau of Education Bulletin 1924, No. 5, The Chief State School Official, p. 15.

²Only statutory provision for office at present.

Constitutional and Statutory Provisions

Thirty-three States provide for the office of chief State school officer in their respective constitutions and 15 by statute (table 12).

Table 12.—Method of providing for the chief State school officer in each of the 48 States

State	By constitution	By statute only	State	By constitution	By statute only
1	2	3	1	2	3
Alabama.....	X		Nebraska.....	X	
Arizona.....	X		Nevada.....	X	
Arkansas.....		X	New Hampshire.....		X
California.....	X		New Jersey.....		X
Colorado.....	X		New Mexico.....	X	
Connecticut.....		X	New York.....		X
Delaware.....		X	North Carolina.....	X	
Florida.....	X		North Dakota.....	X	
Georgia.....	X		Ohio.....	X	
Idaho.....	X		Oklahoma.....	X	
Iowa.....		X	Oregon.....	X	
Illinois.....	X		Pennsylvania.....	X	
Indiana.....	X		Rhode Island.....		X
Kansas.....	X		South Carolina.....	X	
Kentucky.....	X		South Dakota.....	X	
Louisiana.....	X		Tennessee.....		X
Maine.....		X	Texas.....		X
Maryland.....		X	Utah.....	X	
Massachusetts.....		X ₇₇	Vermont.....		X
Michigan.....	X		Virginia.....	X	
Minnesota.....		X	Washington.....	X	
Mississippi.....	X		West Virginia.....	X	
Missouri.....	X		Wisconsin.....	X	
Montana.....	X		Wyoming.....	X	

The constitutional provisions for the office are included in the articles providing for executive departments or in the articles relating to education. The following is an example of the first-named type of constitutional provision: "The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs,

and a Superintendent of Public Instruction." (*Constitution of Pennsylvania, art. IV, sec. 1*).

The following is an example of the constitutional provisions included in the article relating to education: "The General Assembly shall provide for the election, by the voters of the State, of a Superintendent of Public Instruction who shall hold office for two years and whose duties shall be prescribed by law." (*Constitution of Indiana, art. VIII, sec. 8*). The first State to make constitutional provision for the office was Michigan (1835). Since that time 36 other States have provided in their respective constitutions for the office (table 1). Four States (Arkansas, Iowa, Maryland, and Texas) at one time had constitutional provisions for the office but now provide for it by statute only.

Significant constitutional changes affecting the selection of the chief State school officer occurred in *Missouri* in 1944 and in *Colorado* in 1948. These changes not only represent the most recent constitutional amendments affecting education, but also reflect a constitutional trend in line with widely accepted views of educational authorities. The constitutional amendments in both of these States changed from the system of popular election of chief State school officers to the system of selection by the State board of education.

Official Designation of Officer

In 1940 there were nine titles for the chief State school officer. In the past 10 years the number in general use has been reduced to six. The title *superintendent of public instruction* is used in 27 States, *commissioner of education* in 13, *superintendent of education* in 4, *superintendent of schools* in 2, *director of education* in 1, and *superintendent of free schools* in 1.

Superintendent of public instruction has been the title most commonly used. *Commissioner of education* is a title that has come into use since 1900, and by 1940 had been adopted by 10 States. At present this title is in use in 13 States.

Titles of the chief State school officers and the number of States using the title in 1900, 1940, and 1950 are presented in table 13.

STATE BOARDS OF EDUCATION

Table 13.—Official designation of principal State school officers in 48 States, 1900, 1940, and 1950

State	Official designation in—		
	1900	1940	1950
1	2	3	4
Alabama	Superintendent of education	Superintendent of education	Superintendent of education.
Arizona	Superintendent of public instruction	Superintendent of public instruction	Superintendent of public instruction.
Arkansas	do	Commissioner of education	Commissioner of education.
California	do	Superintendent of public instruction and director of education.	Superintendent of public instruction and director of education.
Colorado	do	Superintendent of public instruction	Commissioner of education.
Connecticut	Secretary of State board of education	Commissioner of education	Do.
Delaware	do	Superintendent of public instruction.	Superintendent of public instruction.
Florida	Superintendent of public instruction	do	Do.
Georgia	School commissioner	Superintendent of schools	Superintendent of schools.
Idaho	Superintendent of public instruction	Superintendent of public instruction	Superintendent of public instruction.
Illinois	do	do	Do.
Indiana	do	do	Do.
Iowa	do	do	Do.
Kansas	do	do	Do.
Kentucky	do	do	Do.
Louisiana	Superintendent of public education	Superintendent of public education	Superintendent of education.
Maine	Superintendent of public schools	Commissioner of education	Commissioner of education.
Maryland	Secretary, State board of education	Superintendent of schools	Superintendent of schools.
Massachusetts	do	Commissioner of education	Commissioner of education.
Michigan	Superintendent of public instruction	Superintendent of public instruction	Superintendent of public instruction.
Minnesota	do	Commissioner of education	Commissioner of education.
Mississippi	Superintendent of education	Superintendent of education	Superintendent of education.

Missouri	Superintendent of public schools	Superintendent of public schools	Commissioner of education.
Montana	Superintendent of public instruction	Superintendent of public instruction	Superintendent of public instruction.
Nebraska	do	do	Do.
Nevada	do	do	Do.
New Hampshire	do	Commissioner of education	Commissioner of education.
New Jersey	do	do	Do.
New Mexico	do	Superintendent of public instruction	Superintendent of public instruction.
New York	do	Commissioner of education	Commissioner of education.
North Carolina	do	Superintendent of public instruction	Superintendent of public instruction.
North Dakota	Superintendent of public instruction	do	Do.
Ohio	Commissioner of common schools	Director of education	Do.
Oklahoma	Superintendent of public instruction	Superintendent of public instruction	Do.
Oregon	do	do	Do.
Pennsylvania	do	do	Do.
Rhode Island	Commissioner of public schools	Director of education	Director of education.
South Carolina	Superintendent of education	Superintendent of education	Superintendent of education.
South Dakota	Superintendent of public instruction	Superintendent of public instruction	Superintendent of public instruction.
Tennessee	do	Commissioner of education	Commissioner of education.
Texas	do	Superintendent of public instruction	Do.
Utah	do	do	Superintendent of public instruction.
Vermont	Superintendent of education	Commissioner of education	Commissioner of education.
Virginia	Superintendent of public instruction	Superintendent of public instruction and secretary of State board of education.	Superintendent of public instruction.
Washington	do	Superintendent of public instruction	Do.
West Virginia	Superintendent of free schools	Superintendent of free schools	Superintendent of free schools.
Wisconsin	Superintendent of public schools	Superintendent of public instruction	Superintendent of public instruction.
Wyoming	Superintendent of public instruction	do	Do.

Significant Changes Affecting Chief State School Officers

Within the past decade many legal changes have modified the status of the chief State school officer. These changes have affected the method of his selection, his qualifications, his duties, and also his relationship with the State board of education. These changes reflect important educational and legislative trends of the recent decade. A resumé of important changes follows:

Method of selection.—The decade reflects a definite trend toward appointment of the chief State school officer by the State board of education. This trend is evidenced by legislation in five States.

Missouri in 1944 and *Colorado* in 1948, by constitutional amendment, changed the method of selecting the chief State school officer from election by the people to appointment by the State board of education.

The Legislatures of *Massachusetts* in 1947, and of *Maine* in 1949, changed the method of selecting the chief State school officer from appointment by the Governor to appointment by the State board of education.

In 1949 the Legislature of *Texas* changed the selection of the chief State school officer from election by the people to appointment by the State board of education.

Legislatures in all 5 States have declared that the State commissioner of education shall be the chief administrative or executive officer of the State board of education. This tendency was also reflected in several other States.

These changes reflect also a trend away from election of State superintendents by popular election in favor of appointment by the State board, as evidenced by the States of *Missouri*, *Colorado*, and *Texas*.

Membership on State boards.—The chief State school officer was removed from membership on State boards of education in 4 States, namely, *Colorado*, *Kansas*, *Missouri*, and *Washington*; and in *West Virginia* his voting privileges were removed, but he continues as a member of the board.

Term of office and salary.—Legislation affecting the term of office of the chief State school officer in *Colorado*, *Maine*, and *Missouri* shifted from 2-, 3-, and 4-year terms, respectively, to indefinite tenure—with termination at the discretion or pleasure of the State board of education. Legislation in *Colorado*, *Maine*, *Mas-*

sachusetts, Missouri, and Texas left it to the State board of education to fix the salary of the State commissioner of education; provided, however, Maine set a maximum of \$8,000 per annum and Massachusetts \$11,000.

Professional qualifications.—The new *Colorado* law provides that the State commissioner of education shall have "such professional qualifications as shall be deemed appropriate." The *Missouri* law requires that the State commissioner of education shall possess "educational attainments and breadth of experience in the administration of public education." The new *Texas* law stipulates that:

The State Commissioner of Education shall be a person of broad and professional educational experience, with special and recognized abilities of the highest order in organization, direction and coordination of education systems and programs, with particular abilities in administration and management of public schools and public education generally. The Commissioner of Education shall be a citizen of the United States and of the State of Texas for a period of not less than five (5) years immediately preceding his appointment; of good moral character; shall be eligible for the highest school administrator's certificate currently issued by the State Department of Education; and shall have a minimum of a Master's Degree from a recognized institution of higher learning. He shall subscribe to the oath of office required of other State officials.

Duties.—Recent legislation in *Massachusetts* and *Missouri* provides that with few exceptions the duties of the State commissioner of education shall be prescribed by the State board of education.

In *Colorado* and *Texas* the legislatures made the State board of education the principal educational policy-determining agency with the State commissioner of education serving as executive officer of the board. At the same time the legislatures prescribed certain of the duties of the commissioner; most of these duties are of the type that a chief State school officer either assumes as a matter of course or is assigned by the State board.

The recent legislation in *Colorado* and *Texas* affecting the relationship between the State Board of Education and the chief State school officer reflects a prevailing principle in American legislative procedure, namely, a disposition to separate legislative or policy-making functions from purely administrative or ministerial duties.

STATE BOARDS OF EDUCATION

Table 14.—Methods of selecting chief State school officers by State, 1896, 1920, 1940, and 1950

State	1896 ¹	1920 ¹	1940 ¹	1950
1	2	3	4	5
Alabama	People	People	People	People
Arizona	Governor	do	do	do
Arkansas	People	do	do	do
California	do	do	State board	State board
Colorado	do	do	People	People
Connecticut	State board	State board	do	State board
Delaware	No office	do	do	do
Florida	People	People	People	People
Georgia	do	do	do	do
Idaho	do	do	do	do
Illinois	do	do	do	do
Indiana	do	do	do	do
Iowa	do	do	do	do
Kansas	do	do	do	do
Kentucky	do	do	do	do
Louisiana	do	do	do	do
Maine	Governor	Governor	Governor	do
Maryland	No office	State board	State board	State board
Massachusetts	State board	Governor	Governor	do
Michigan	People	People	People	do
Minnesota	Governor	State board	State board	State board
Mississippi	People	People	People	State board
Missouri	do	do	do	State board
Montana	do	do	do	People
Nebraska	do	do	do	do
Nevada	do	do	do	do
New Hampshire	Governor	State board	State board	State board
New Jersey	do	Governor	Governor	Governor
New Mexico	do	People	People	People
New York	General assembly	Board of regents	Board of regents	Board of regents
North Carolina	People	People	People	People
North Dakota	do	do	do	do
Ohio	do	Governor	Governor	Governor
Oklahoma	Governor	People	People	People
Oregon	People	do	do	do
Pennsylvania	Governor	Governor	Governor	Governor
Rhode Island	State board	State board	do	do
South Carolina	People	People	People	do
South Dakota	do	do	do	do
Tennessee	Governor	Governor	Governor	Governor
Texas	People	People	People	State board
Utah	do	do	do	People
Vermont	General assembly	State board	State board	State board
Virginia	do	People	Governor	Governor
Washington	People	do	People	People
West Virginia	do	do	do	do
Wisconsin	do	do	do	do
Wyoming	do	do	do	do

Officers of State Boards

The laws of the States generally prescribe who shall be the principal officers of the State boards, or authorize the boards to appoint such officers as are deemed necessary. The titles of officers authorized by law are as follows:

¹U. S. Department of the Interior, Bureau of Education, Bulletin 1924, No. 5, The Chief of State School Official, p. 28.

²Federal Security Agency's U. S. Office of Education, Bulletin 1940, No. 6, Monograph No. 1, State Boards of Education and Chief State School Officers: Their Status and Legal Powers.

- Alabama:** The governor is president; the State school superintendent is secretary and chief executive.
- Arizona:** The governor is chairman; the State superintendent is secretary and executive officer.
- Arkansas:** The board elects the chairman and vice-chairman; the commissioner of education is ex-officio secretary and executive officer.
- California:** The board elects one of its members president; the State superintendent is secretary and executive officer.
- Colorado:** The State superintendent is secretary and executive officer.
- Connecticut:** The board elects one of its members as chairman and appoints such committees as may be convenient and necessary; it appoints a secretary, and may appoint an assistant secretary, neither of whom shall be a member of the board; the State superintendent is executive officer.
- Delaware:** The board elects one of its members as president and one as vice president; the superintendent is secretary and executive officer.
- Florida:** The governor serves as president, the State superintendent of public instruction as secretary and executive officer.
- Georgia:** The board elects one of its members as chairman; the State superintendent is executive secretary.
- Idaho:** The board makes rules and regulations for its own government.
- Indiana:** The State superintendent is president and executive officer; the board elects one of its own members as secretary and treasurer.
- Kansas:** The State superintendent is chief executive; the board elects a secretary who is not a member of the board.
- Louisiana:** The board elects from its membership a president and a vice president; the State superintendent is secretary and executive officer.
- Maine:** The board elects its chairman and vice chairman; the State commissioner of education is ex officio secretary and executive officer.
- Maryland:** The board elects one of its members as president and one as vice president; the State superintendent is secretary, treasurer, and chief executive officer.
- Massachusetts:** The commissioner of education is executive officer.
- Michigan:** The State superintendent is secretary and executive officer.
- Minnesota:** The president is chosen by the board from its membership; the State superintendent is the executive officer.
- Mississippi:** The State superintendent is to preside at all meetings and is executive officer.
- Missouri:** The board elects from its membership a president and vice president; the State commissioner is executive officer.
- Montana:** The governor is president; the State superintendent, secretary.
- Nevada:** The board elects one of its members president; the State superintendent is secretary and executive officer.

- New Hampshire:** The governor names a chairman; the State superintendent is secretary and executive officer.
- New Jersey:** The State superintendent is secretary and executive officer.
- New Mexico:** The governor is president, the State superintendent, secretary and executive officer.
- New York:** The regents choose by ballot the chancellor, vice chancellor, and such other officers as they deem necessary; the State commissioner is executive officer.
- North Carolina:** The governor is president; the State superintendent, secretary and executive officer.
- Oklahoma:** The State superintendent is president and executive officer.
- Oregon:** The governor is chairman; the State superintendent is executive officer and designates a member of his staff as secretary of the board.
- Pennsylvania:** The State superintendent is the executive; otherwise the board has such officers as the State council deems necessary.
- South Carolina:** The governor is chairman; the State superintendent, secretary.
- Tennessee:** The commissioner of education is chairman and executive officer.
- Texas:** The board elects one of its members as chairman; the State commissioner of education is executive officer and executive secretary.
- Utah:** The board elects from its own members a chairman and vice chairman; the State superintendent is executive officer.
- Vermont:** The governor biennially designates a member of the board to be its chairman; the State superintendent is secretary and executive officer.
- Virginia:** The board elects a member as president and some person not a member of the board as secretary; the State superintendent is the executive officer.
- Washington:** The State superintendent is president and executive officer; the deputy State superintendent is secretary.
- West Virginia:** The board elects one of its members as president and one as vice president; it appoints a secretary; the State superintendent is the executive.
- Wyoming:** The board elects a chairman; the commissioner of education is secretary.

Qualifications of Chief State School Officers

In approximately three-fourths of the States there are certain legal requirements for holding the position of chief State school officer. These qualifications are prescribed by the State constitution, or by statute, or partly by constitution and partly by statute.

The constitutional provisions regarding the qualifications of the chief State school officer relate chiefly to age and residence requirements, which are usually the same as for other publicly elected State officers. The States that require definite qualifications of an educational nature do so by statute.

Probably every State, either under its educational or general law, requires its chief State school officer to be a citizen of the United States. Certainly this would be true in States where he is an elected official. In most States he is required to be a resident, but in three States, the laws provide that the chief State school officer need not be a resident of the State at the time of appointment. In States that do not elect chief State school officers by popular vote and that have no legal provisions requiring State residence, it is assumed that a nonresident may be selected as chief State school officer, as has been done in several of the States.

Of the 24 States that have established educational qualifications, most have fairly flexible standards. Fourteen States require graduation from college or normal school, but a number of them will accept experience or "highest grade certificate" in lieu of college graduation. Among the States having more specific legal requirements, particularly as to extent of education and other qualifications are: *Arkansas, Kansas, Maryland, Nevada, and Wyoming.*

States having educational qualifications for the chief State school officer:

Alabama: Graduate of a university or college; recognized ability as school administrator; 5 years' experience in public-school work.

Arkansas: Recognized leader in education; qualified technically and by experience; holder of master's degree; 10 years' experience as a teacher (5 of which in administrative responsibility); holder of State teachers certificate.

Colorado: Such professional qualifications as shall be deemed appropriate.

Delaware: Graduate of standard college; 5 years' teaching and administrative experience; other qualifications may be required by State board of education.

Georgia: High educational standing; 3 years' experience as teacher, or graduate from college, university, or normal school, or 5 years' supervisory experience.

Idaho: Valid State (teachers') certificate, graduate of normal school, college, or university; and actually engaged in the State public schools.

Iowa: Five years' experience as teacher or supervisor; graduate of college, normal school, or university.

- Kansas:** Hold highest type of State teachers' certificate; resident 5 years; graduate of accredited college, plus 30 hours' credit of postgraduate courses; and 10 years' experience in education (5 years in State).
- Maryland:** "Experienced and competent educator," including 7 years' experience in "teaching and administration"; graduate of a college and 2 years of special academic and professional graduate preparation in university.
- Michigan:** Graduate of a university, college, or normal school; 5 years' experience as teacher or superintendent.
- Minnesota:** "Educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate" with functions of the office.
- Montana:** Holder of State certificate of highest grade and recognized by State Board of Education, or a graduate of university, college, or normal school.
- Nebraska:** Must be holder of highest grade State certificate.
- Nevada:** Graduate of college or university; a holder of State teachers' "certificate of the high-school grade"; 45 months of successful teaching—20 months of which were in the State; and 20 credit hours in educational subjects by actual attendance at college or university.
- New Hampshire:** Skilled executive officer with training and experience in educational work; "he need not be a resident of State when appointed."
- New Mexico:** Experienced educator "and shall be selected solely on ability and professional qualifications."
- North Dakota:** Holder of highest grade State teachers' certificate.
- Ohio:** Shall not be interested in any book-publishing company. Must not hold any other public-school office.
- Tennessee:** Must be a person of literary and scientific attainments and of skill and experience in school administration; also qualified to teach in schools of highest standing over which he has authority.
- Texas:** Must have broad professional educational experience, with special and recognized ability of the highest order in organization, direction, and coordination of education systems and programs, with particular ability in administration and management of public schools and public education generally; eligible for highest school administrators' certificate currently issued by the State and possess a master's degree.
- Utah:** Holder of a State certificate of the highest grade issued in some State, or graduate of university, college, or normal school.
- Vermont:** Shall have had special training and experience in educational work.
- Virginia:** Shall be experienced educator.
- West Virginia:** Recognized ability as school administrator, with academic and professional training equivalent to graduation from a standard university or college, and not less than 5 years' experience in public-school work.
- Wisconsin:** Holder of highest State grade certificate.

Actual practice.—Although fewer than one-third of the States by law require chief State school officers to be graduates of a standard college or university, there are very few if any incumbents who are not college graduates. In fact many of them have completed graduate courses for the master's and doctor's degrees.

In the 1940 Office of Education study¹ it was found that in addition to earned degrees, 10 of the chief State school officers held honorary degrees, usually that of LL. D. It was noted in that study that of the elected chief State school officers only 13.8 percent held nonhonorary doctor's degrees, as compared with 62.5 percent of those who were appointed by the State board and 37.5 percent of those appointed by the Governor.

¹Deffenbaugh, W. S., and Kessecker, Ward W. State Boards of Education and Chief State School Officers; Their Status and Legal Powers. Washington, U. S. Government Printing Office, 1941. (Federal Security Agency, U. S. Office of Education, Bulletin 1940, No. 6, Monograph No. 1.)

PART 4

Part IV

Legal Relationships and Distribution of Functions

THE PREROGATIVE of a State board of education differs in degree and scope among the States, ranging from the promotional, advisory, or nominal supervision of the types as found in Michigan, Indiana, and Wyoming to the strong policy-making and centralized administrative control associated with the State boards of Connecticut, Delaware, Idaho, New York, and North Carolina.

In 1940 the chief State school officer was a member of the State board of education in 24 States. During the past decade four States removed the chief State school officer as ex officio member. He was also removed as ex officio chairman of the board in three States.

There has been a constant tendency over many years to clarify the legal and administrative relationship of the chief State school officer with that of the State board. There are many factors which affect the legal aspects of this relationship.

States which provide constitutional status for the chief State school officer and also provide for his election by popular vote tend to advance the independence of that officer from the State board even allowing him, in some instances a quality of control, or the exercise of both policy-making and executive functions. In most States, as shown by table 12, chief State school officers have constitutional status and are elected by popular vote. In States where the chief State school officer is appointed by the State board and where he is made primarily the executive officer of the board, the board usually retains and exercises primary policy-making functions. In 1940 the chief State school officer was executive officer of the State board of education in 26 States. At present he is executive officer of the State board in 37 States—all but 3 of the States that have such boards.

Varying degrees of control with respect to public education are vested in a chief State school officer of the 48 States. It is customary to find more administrative control vested in the chief State school officer in those States which have no State board in control of general common schools than in States which have such boards. Forty States now have State boards of education; and even in some of these States the chief State school officer has considerable power, independent of the State board, with respect to education; but in others, especially those States in which the chief State school officer is appointed by the State board of education, he derives most of his power from the board. In some States his powers are given to him directly by State constitutional and statutory provisions, as is the case with respect to State boards of education.

STATE BOARDS OF EDUCATION

Table 13.—Legal aspects of chief State school officer affecting relationship to the State Board of Education

State	Constitutional status	Popular election	Appointed by—		Member of board	President or chairman	Executive officer	Secretary	Term of office (Years)
			Governor	State board					
1	2	3	4	5	6	7	8	9	10
Alabama	X	X			X		X	X	4
Alaska									
Arizona	X	X		X	X		X	X	4
Arkansas	X			X			X	X	3
California	X			X			X	X	4
Colorado	X			X			X	X	4
Connecticut	X				X		X	X	4
Delaware	X						X	X	4
District of Columbia									
Florida	X	X			X		X	X	4
Georgia	X	X			X		X	X	4
Idaho	X				X		X	X	4
Illinois	X				X		X	X	4
Indiana	X	X			X		X	X	4
Iowa	X	X			X		X	X	4
Kansas	X	X			X		X	X	4
Kentucky	X	X			X		X	X	4
Louisiana	X	X			X		X	X	4
Maine	X				X		X	X	4
Maryland	X				X		X	X	4
Massachusetts	X				X		X	X	4
Michigan	X	X			X		X	X	4
Minnesota	X	X			X		X	X	4
Mississippi	X	X			X		X	X	4
Missouri	X	X			X		X	X	4
Montana	X				X		X	X	4
Nebraska	X	X			X		X	X	4
Nevada	X				X		X	X	4
New Hampshire	X				X		X	X	4
New Jersey	X	X			X		X	X	4
New Mexico	X	X			X		X	X	4
New York	X	X	X		X		X	X	3
North Carolina	X	X			X		X	X	4
North Dakota	X	X			X		X	X	4
Ohio	X	X			X		X	X	4
Oklahoma	X	X			X		X	X	4
Oregon	X	X			X		X	X	4
Pennsylvania	X	X			X		X	X	4
Rhode Island	X				X		X	X	4
South Carolina	X	X			X		X	X	4
South Dakota	X	X			X		X	X	4
Tennessee	X	X			X		X	X	4
Texas	X	X			X		X	X	4
Utah	X	X			X		X	X	4
Vermont	X				X		X	X	4
Virginia	X	X			X		X	X	4
Washington	X	X			X		X	X	4
West Virginia	X	X			X		X	X	4
Wisconsin	X	X			X		X	X	4
Wyoming	X	X			X		X	X	4

*Indefinite.
 *Has no general State board.

PART 5

Part V

Characteristic Features of State Educational Agencies and Their Powers as Provided by Law

THE AIM of this section is to indicate by States the State agency or official authorized by law to exercise principal administrative and supervisory control over different phases of public education. On the State level the most important agencies vested with administrative control over public education are: (1) State boards of education and (2) the chief State school officers, commonly known as State superintendents of public instruction or State commissioners of education.

Those making use of this outline should keep in mind that it is intended to indicate where principal legal authority has been vested rather than to provide a complete listing of all administrative practices and customs in the various States. For example, one finds that powers or functions vested with State boards of education are frequently delegated to, or actually performed by, chief State school officers acting for the State boards of education. In other words, in actual practice State boards of education exercise their legal functions to a considerable degree through their chief executive officers.

In a study of this kind it is impracticable to indicate all constitutional provisions relating to education. However, since it is frequently important to know the legal bases of the State board of education and the chief State school officer in the respective States, their constitutional or legislative origins are generally stated.

The separate boards referred to in this outline are boards other than the usual State board of education. The separate boards or commissions included are limited to those whose principal functions relate to public education. No attempt is made to include all

boards or commissions whose functions may only indirectly or incidentally affect education. A consideration of educational functions assigned to separate boards or commissions is always germane to a study of the scope and functions of general State boards of education and chief State school officers. Functions assigned to separate or special boards often indicate important limitations with respect to general State boards of education and chief State school officers.

Alabama

State Board of Education

1. Legislative provision for board composed of Governor, State Superintendent, and nine other members appointed by the Governor.
2. Exercises "general control and supervision over the public schools of the State, including the State Teachers Colleges."
3. Principal State agency for:
 - Determination of State educational policy.
 - Organization of State Department of Education.
 - Administration of elementary and secondary schools.
 - Management of State school funds and equalization of school facilities.
 - Determination of minimum course of study in elementary and secondary schools.
 - Training and certification of teachers.
 - Supervision of school buildings and regulation of their construction.
 - State school library service.
 - Administration of State teachers colleges.
 - Administration of vocational education.
 - Supervision of educational work in charitable and penal institutions.
 - Administration of four trade schools.
 - Administration of State colleges for Negroes.
 - Administration of Agricultural and Mechanical College for Negroes.
 - Acceptance and administration of Federal funds for education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote every 4 years.
2. Ex officio member and executive officer of State Board; also ex officio member of boards of State University, State Polytechnic Institute, and Alabama College.
3. Principal State agent for:
 - Executing education policy.
 - Prescribing rules and grading and standardizing all public elementary and secondary schools, subject to approval of State Board.

- Making annual apportionment of school funds.
- Enforcing school law and rules of State Board.
- Reviewing actions of local school officials.
- Approval of local school budgets.
- In cooperation with other authorized agencies, prescribing for approval of State Board rules for protection of health and welfare of school children.

Separate Boards

1. A board for each State higher educational institution except the State teachers colleges and the two Negro colleges.
2. Course of Study Committee: Composed of from 7 to 10 members appointed by the State Board of Education on recommendation of State Superintendent.
3. Textbook Committee: Composed of seven members appointed by the State Board of Education on recommendation of State Superintendent; recommends three most meritorious books in each subject to Textbook Purchasing Board.
4. Textbook Purchasing Board: Composed of Governor, State Superintendent, and Director of Department of Finance.
5. Teacher Retirement Board: Composed of seven members: the State Superintendent, Treasurer, Director of Finance, the Executive Secretary of State Education Association, all ex officio, and three members elected from the members of the Retirement System.

Arizona**State Board of Education**

The Constitution states: "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 Superintendent, and such governing boards for the State institutions as may be provided by law."

1. The Constitution provides for a board composed of the Governor, State Superintendent, President of State University, and a city superintendent, a high-school principal, and a county superintendent appointed by the Governor.
2. Exercises general supervision over and regulates the conduct of the public school system of the State (principally elementary and secondary schools).
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools and junior colleges.
 - Increase and management of State school funds.
 - Determination of course of study in the "common schools."
 - Furnishing free textbooks for "common schools."
 - Adoption of textbooks in "common schools."
 - Certifications of teachers.
 - Enforcements of school law.
 - Supervision of school buildings.
 - Administration of vocational education.

STATE BOARDS OF EDUCATION

Administration of adult education.
 Contracting with Federal Government for education of Indians in public schools.
 Acceptance and administration of all Federal grants for education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote every 2 years.
2. Is by constitutional provision member and secretary of State Board of Education and also member of all boards having control of public instruction in any State institution.
3. Is by the Constitution a member of the Executive Department of the State.
4. Principal State agent for:
 - Execution of State education policy.
 - Apportionment of school funds to counties.
 - Investigation of accounts of local school funds.
 - Preparation and distribution of circulars on school sanitation and school architecture.
 - Publication of school law.

Separate Boards

1. The Board of Regents of the State University and the State Teachers Colleges is composed of the Governor, State Superintendent, and eight others appointed by the Governor.
2. The State Teachers Retirement Board: Composed of five members appointed by the Governor.
3. Arizona Children's Colony Board: Composed of five members appointed by the Governor; controls education of mentally defective children.

Arkansas*State Board of Education*

1. Legislative provision for a board of nine members appointed by the Governor, one from each of the seven congressional districts and two appointed at large.
2. Charged with "general supervision of the public schools" (principally elementary and secondary schools)
3. Principal State agency for:
 - Selection of State Commissioner of Education.
 - Determination of State educational policy.
 - Organization of State Department of Education.
 - Administration of elementary and secondary schools.
 - Accrediting and grading public schools.
 - Distribution and management of State school funds.
 - Determination of course of study.
 - Adoption of textbooks. (See Separate Boards.)
 - Regulations governing purchase and distribution of textbooks.

Certification of teachers.
 Supervision of school buildings, their construction and equipment.
 Approval of district bond issues.
 State school library service.
 Administration of vocational education.
 Purchase of surplus Federal property.
 Cooperative purchase of school busses.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board of Education.
2. Ex officio secretary and executive officer of State Board.
3. Ex officio member of Teacher Retirement Board.
4. Principal State agent for:
 - Enforcement of school laws and the rules, orders, and directions of State Board of Education.
 - Purchase and distribution of textbooks.
 - Enforcement of prescribed course of study.

Separate Boards or Commissions

1. Board of Trustees of the State University: Composed of 10 members, one from each of the seven congressional districts and three from the State at large, all appointed by the Governor.
2. Separate governing board appointed by the Governor for each of the remaining State institutions.
3. Textbook Selecting Committee for each elementary school subject included in the State course of study to recommend books for State Board adoption: Composed of five members each appointed by the State Commissioner of Education and approved by the State Board.
4. Teacher Retirement Board: Composed of nine members—the State Bank Commissioner, State Insurance Commissioner, State Treasurer, and State Commissioner of Education, all ex officio, plus five members elected by members of the Retirement System.

California

State Board of Education

1. Constitutional provision for a State board with membership and selection to be provided for by the legislature; composed of 10 members appointed by the Governor.
2. Is the "Governing and policy determining body of the department of education."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Adoption of rules governing operation of school busses.
 - Supervision and approval of construction of school buildings.

State school library service.
 Administration of State teachers colleges.
 Administration of all public higher education, including junior colleges, except the State University.
 Administration of vocational education.
 Administration of Teachers' Retirement Fund.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote.
2. Secretary and executive officer of the State Board of Education, and head of the Department of Education.
3. Ex officio member of governing board of the State University, and other State educational boards. *See Separate State Boards, below.*
4. Principal State agent for:
 - Execution of State educational policy decided upon by the State Board.
 - Distribution of State school funds.

Separate State Boards or Commissions

1. Board of Regents of State University: Composed of Governor, 8 ex officio members, including the State Superintendent, and 16 other members appointed by the Governor.
2. State Curriculum Commission: Composed of the State Superintendent and 10 others appointed by him with approval of the State Board.
3. Commission of Credentials: Composed of the State Superintendent and four others appointed by him.
4. State Council of Educational Planning and Coordination: Composed of the State Superintendent, President of the State University and seven other members appointed jointly by the State Board of Education and the Board of Regents of the State University, upon joint nomination of the State Superintendent and the President of the said University.
5. State Recreation Commission: Composed of 6 members appointed by the Governor for 4-year overlapping terms; aids and encourages but does not conduct public recreation activities.

Colorado**State Board of Education**

1. Constitutional provision for a board composed of five elected members, one from each of four congressional districts and one elected at large (1948).
2. Under the State constitution, "The general supervision of the public schools of the State shall be vested in a Board of Education, whose powers and duties shall be . . . prescribed by law. . . ." but "control of instruction" is vested in local boards of education.

The Legislature in 1949 created a State Department of Education as a department in the executive branch of the State government,

consisting of the State Board of Education, the Commissioner of Education, and such other divisions, boards or agencies as may be provided by law, including the State Board of Examiners and the State Board for Vocational Education.

The State Board is vested with such powers and responsibility as are necessary for the general supervision of the public schools, including:

- (a) The appointment of a State Commissioner of Education who shall serve at the pleasure of the Board.
- (b) The adoption and promulgation of the educational policies of the State Department of Education.
- (c) The adoption of rules for the general supervision of the public schools; for the "equitable distribution" of school funds; advisory aid in construction of school buildings; for the certification of teachers; and for the standardization of blank forms and reports; etc.
- (d) The organization of the State Department of Education.

State Superintendent

1. Constitutional provision for a Commissioner of Education appointed by the State Board of Education.
2. Executive officer of the State Board and chief administrative officer of the State Department of Education.
3. The principal State agent, subject to the authorization and approval of the State Board, for:
 - (a) Keeping the State Board currently advised on status of schools.
 - (b) Distribution of State and Federal apportionments for schools to local school units.
 - (c) Direction of preparation of standard courses of study.
 - (d) Certification of teachers.
 - (e) Providing technical and professional services to local school districts relating to school grounds, equipment and construction.

Separate Boards

1. Board of Trustees of the State Teachers Colleges: Composed of the State Commissioner of Education, and six others appointed by the Governor.
2. State Board of Examiners: Composed of the State Commissioner of Education and eight others appointed by him (within the State Department of Education).
3. State Board for Vocational Education: Composed of five members appointed by the Governor (within the State Department of Education).
4. A separate governing board for the State University and for each State higher educational institution except teachers colleges.
5. State Board of Land Commissioners: Composed of three members appointed by the Governor; has control of public lands, including school lands.

Connecticut

State Board of Education

1. Legislative provision for a board composed of nine members appointed by the Governor.
2. Vested with "general supervision and control of the educational interests of the State."
3. Principal State agency for:
 - Appointment of a "secretary" who acts as Commissioner of Education and executive officer of the Board.
 - Determination of State educational policy.
 - Supervision of elementary and secondary schools.
 - Selection of textbooks (a permissive power which has not been exercised).
 - Education of handicapped children.
 - Approval of private trade and degree-conferring institutions.
 - Certification of teachers.
 - Supervision of State school library service.
 - All higher educational institutions including teachers colleges (except the University of Connecticut).
 - Administration of vocational education.
 - Acceptance and use of Federal funds for purpose granted.
 - Enforcement of school law.

State Superintendent

1. Legislative provision for a "Secretary" (usually referred to as State Commissioner of Education) appointed by the State Board of Education.
2. Is chief executive officer of the State Board of Education.
3. Performs such duties as the board may prescribe.

Separate Boards

1. Board of Trustees of the University: Composed of the Governor, Secretary of State Board (Commissioner of Education), Commissioner of Agriculture (ex officio), two members appointed by the Governor, and two appointed by the alumni of the university.
2. Teacher Retirement Board: Composed of three ex officio members, including the Commissioner of Education and two other members appointed by the members of the Retirement Association.
3. Board of Education of the Blind: Composed of the Governor, Chief Justice of the Supreme Court (both ex officio), and three other members appointed by the Governor.
4. School Building Commission: Composed of three members appointed by the Governor and the State Commissioner of Education.

Delaware

State Board of Education¹

1. Legislative provision for a bipartisan board of six members appointed by the Governor.²

2. Exercises general control and supervision over the public schools of the State.
3. Appoints a State Superintendent of Public Instruction who serves as executive secretary of the board.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Grading and standardizing all public schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Adoption and provision of free textbooks.
 - Qualification and certification of teachers.
 - Approval of school building plans.
 - Administration of school library service.
 - Administration of vocational education.
 - Approval of incorporation of degree-conferring institutions.
5. Prescribes the duties and powers of the State Superintendent.

State Superintendent

1. Legislative provision for a State Superintendent. Appointed by the State Board of Education.
2. Serves as executive officer and secretary of the State Board of Education.
3. Exercises such powers and duties as prescribed by the State Board of Education.

Separate Boards

1. A separate governing board appointed by the Governor for each State higher institution.
2. State Library Commission: Composed of nine members appointed by the Governor.

Florida

State Board of Education

1. Constitutional provision for a board composed of the Governor, Secretary of State, Attorney General, State Treasurer, and State Superintendent of Public Instruction.
2. Vested with "the general control" of all public schools and educational institutions of the State.
3. Principal State agency for:
 - Determination of State educational policy.
 - Supervision of elementary and secondary schools.
 - Management and investment of State school funds.
 - Management of all State school lands.

¹Delaware is an example of a State exercising a high degree of State control over elementary and secondary education under the jurisdiction of the State board of education.

²The Presidents of the University of Delaware and the State College for Colored Students are ex officio members but only in a consultative and advisory capacity; they have no vote.

- Prescribing minimum standards for schools.
- Determination of course of study.
- Adoption of textbooks.
- Training and certification of teachers.
- Determination of standards in school building construction.
- Administration of all public higher educational institutions, through the State Board of Control.
- Administration of vocational education.
- Acceptance and administration of all Federal funds to the State for educational purposes.
- Enforcement of school laws.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Exercises general supervision over the State system of public education.
3. Ex officio secretary and executive officer of the State Board of Education, and administrative head of the State Department of Education; also executive secretary of State Advisory Council of Education.
4. Principal State agent for:
 - Execution of policies and rules approved by the State Board.
 - Recommendation of educational measures for the approval of the State Board of Education.
 - Organization and administration of the State Department of Education.
 - Apportionment of State school funds.
 - Determination of instructional, supervisory, and transportation units for administration of minimum foundation program.

NOTE.—Most of the powers and functions specifically assigned to the State Superintendent are recommendations in character, and subject to the approval of the State Board of Education. In those fields in which policies are required by law to be approved by the State Board the State Superintendent is advisor and executive officer of the board.

Separate Boards

1. State Board of Control: Composed of five members appointed by the Governor; exercises control over higher educational institutions, subject to approval of State Board of Education.
2. Textbook Rating Committee: Composed of seven members appointed by the State Board of Education on recommendation of the State Superintendent.
3. Textbook Purchasing Board: Composition same as Board of Commissioners of State Institutions.
4. Courses of Study Committee: Composed of nine members appointed by the State Board upon recommendation of the State Superintendent.
5. State Advisory Council on Education: Composed of seven lay citizens appointed by the Governor "to aid in determining desirable stand-

ards and policies for education, and assuring satisfactory relationships among all phases of education. . . ."

Georgia

State Board of Education

1. Constitutional provision for a board composed of one member from each of the 10 congressional districts, appointed by the Governor, for 7-year overlapping terms.
2. Vested with regulatory power over the supervision of all public schools (principally applicable to elementary and secondary schools), the operation of the common schools, the administration of the common-school fund, and the general supervision of the State Department of Education.
3. Principal State agency for:
 - Determination of State educational policy.
 - The equalization of educational opportunities and, for this purpose, the division of local school units into five groups according to population.
 - Adoption of rules for the supervision of all public schools.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds, and the administration of the "common-school fund."
 - Determination of course of study.
 - Adoption, purchase, and administration of textbooks.
 - Classification and certification of teachers.
 - Administration of vocational education.
 - General supervision of State Department of Education.
 - Acceptance and administration of "any Federal grants" for education.
 - Supervision of school building construction.
 - Administration of State Library Service.
 - Approval of colleges and degree-conferring institutions.
 - Determination of minimum salary of teachers.
 - Elimination of adult illiteracy.
 - Administration of pupil transportation.
 - Determination of appeals from local school boards—its decisions final.

State Superintendent

1. Constitutional provision for a State School Commissioner elected by popular vote for 4-year term.
2. Charged with "the administration of the school laws, and the general superintendence of the business relating to the common schools of the State."
3. Serves as the executive secretary of the State board (under constitutional provision); is also the administrative officer of the State Department of Education.
4. Principal State agent for:
 - Carrying out the rules and policies of the State Board of Education, and enforcement of school laws.

Recommendations to State Board affecting the welfare and efficiency of the public schools.

Administration of the school laws and general supervision of the business of the common schools.

Prescribing suitable forms for all reports required of subordinate school officers.

Separate Boards

1. **Board of Regents of the University System:** A constitutional board composed of one member from each of the 10 congressional districts and five additional members appointed by the Governor; governs all State institutions of higher education; employs chief executive as administrative head.
2. **Teacher Retirement Board of Trustees:** Composed of seven members: the State Auditor, State Insurance Commissioner, Secretary of State Education Association, one school administrator, one employee of the Board of Regents of University System of Georgia, one teacher, and one member appointed by the other six members.

Idaho

*State Board of Education**

1. Constitutional provision for a board with membership, powers, and duties to be prescribed by law, and with the State Superintendent ex officio member; legislative provision for six members, the State Superintendent and five other members appointed by the Governor.
2. Vested with "the general supervision, government and control of all State educational institutions" and with "the general supervision, government and control of the public schools of the State."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools, and their standardization.
 - Distribution of the State school funds.
 - Administration of minimum education program.
 - Determination of course of study.
 - Adoption and administration of textbooks.
 - Certification of teachers.
 - Supervision and control of the construction of school buildings.
 - Supervision of the work of county and city superintendents.
 - Administration of State school library service.
 - Administration of State Teachers Colleges.
 - Administration of all State higher educational institutions.
 - Classification and standardization of instruction in State educational institutions.
 - Administration of vocational education.
 - Administration of minimum school transportation program.
 - Determination of all educational appeals—its decisions final.

*Idaho is an example of a State in which the State Board is vested with broad and sweeping administrative control over the public schools and all State higher educational institutions.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by the people who shall be a member of the executive department of the State Government.
2. Ex officio member and executive officer of the State Board of Education and ex officio member of the State Board of Land Commissioners and the State Library Commission.

Separate Boards

1. State Board of Land Commissioners: Composed of ex officio members, including the State Superintendent.
2. State Library Commission: Composed of ex officio members, including the State Superintendent as member and secretary.
3. State Teachers Retirement System: Composed of the State Superintendent and State Auditor, ex officio, a member of the State Board of Education, and two teachers elected from the Retirement System.

Illinois**State Board of Education**

Illinois has no State Board of Education.

State Superintendent

1. Constitutional provision for a State Superintendent elected for 4-year term by popular vote, to be a member of the executive department of the State Government.
2. Supervises all public schools in the State, and makes rules necessary to carry into efficient and uniform effect all laws for establishing and maintaining free schools.
3. Principal State agency for:
 - Determination of State educational policy.
 - Determination of standards for reorganization of elementary schools.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers, with aid of a board of examiners.
 - Supervision of school building plans and determination of adequate standards.
 - Hearing and determining controversies.
 - Acceptance and coordination of Federal funds for education.
 - Requesting all education institutions in the State, public or private, to make reports for legislative information.

Separate or Special Boards

1. Board for Vocational Education: Composed of five members all ex officio, including the State Superintendent as member and executive officer.
2. State Teachers College Board: Composed of the Director of Registration and the State Superintendent (ex officio members), and nine others appointed by the Governor.

3. Governing board of the State University: Composed of the Governor and State Superintendent (ex officio members), and nine other members elected by the people.
4. Teachers' Examining Board: Composed of the State Superintendent and nine other persons engaged in educational work, appointed by the State Superintendent with overlapping terms.
5. Trustees of the Teacher Retirement System: Composed of five members, State Superintendent ex officio member and chairman, two appointed by the Governor, and two appointed by the Retirement Association.

Indiana

State Board of Education

1. Legislative provision for a board composed of the State Superintendent and 18 members appointed by the Governor for 4-year overlapping terms and to be equally divided into three commissions: the Commission on General Education, the Commission on Textbook Adoption, and the Commission on Teacher Training and Licensing; not more than four appointive members of any commission to be of the same political party and no fewer than four to be actively employed in the schools of the State; the State Superintendent to be chairman of each commission; and the actions of the commissions to be final within their respective jurisdictions.
2. Is in charge of the State Department of Public Instruction, which is designated as one of the executive divisions of the State Government (the State Superintendent is chief administrative officer of the State Board and of said Department).
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of the elementary and secondary schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Training and certification of teachers.
 - Administration of State school library service.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote for 2-year term.
2. Is member and president of the State Board of Education.
3. Is chief administrative officer of the State Board and the State Department of Public Instruction.
4. Is "charged with the administration of the system of public instruction and a general supervision of the business relating to the common schools . . . , and of the school funds and school revenues set apart, and appropriated for their support."
5. Is ex officio member of the State Teachers College Board.
6. Principal State agent for:

- Carrying out the school laws, and the rules of the State Board.
- Administration of the Department of Public Instruction.
- Distribution of the State school funds.

Separate Boards

1. **State Teachers College Board:** Composed of the State Superintendent and four other members appointed by the Governor. Controls the two State Teachers Colleges.
2. (Purdue University and the State University). A separate governing board for each additional State institution.
3. **Teacher Retirement Board:** Composed of five members appointed by the Governor for 4-year overlapping terms.

Iowa**State Board of Education**

Iowa has no State Board of Education exercising general control over the elementary and secondary schools. The State Board referred to in that State is a special board in control of higher educational institutions.

State Superintendent

1. Legislative provision for a State Superintendent elected by popular vote every four years.
2. Has general supervision and control over the rural, graded, and high schools of the State, and other public schools not under the control of the State Board of (Higher) Education, or Board of Control of State Institutions.
3. Principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Classifying and defining various schools under his control.
 - Distribution of State school funds.
 - Determination of course of study in American history and citizenship, and health.
 - Certification of teachers, with the aid of an examining board.
 - Preparing plans and specifications for school buildings.
 - Serving on State Library Board.
 - Examining and determining according to law appeals taken to him.

Separate or Special Boards

1. **State Board of Education (for higher institutions):** Composed of nine members appointed by the Governor for 6-year overlapping terms; has general control of all higher educational institutions, including State University, State Teachers Colleges, State Schools for the Blind and the Deaf, and the State Sanitorium.
2. **State Board of Educational Examiners:** Composed of the State Superintendent, president and executive officer, and four other members appointed by the Governor.
3. **State Board for Vocational Education:** Composed of three ex officio

- members, including the State Superintendent, the President of the State Board of (Higher) Education, and the Labor Commissioner.
4. War Surplus Commodity Board: Composed of nine ex officio members representing various enumerated State commissions and agencies.
 5. Old Age and Survivors Insurance Commission: Administers State retirement provisions for teachers.

Kansas

State Board of Education

1. Legislative provision for a bipartisan board composed of seven lay persons, appointed by the Governor for three-year terms, not more than four to be of the same political party.
2. Elects its own chairman and also its secretary.
3. Principal State agency for:
 - Administration of elementary and secondary schools.
 - Approval of course of study, curriculum, and standards recommended.
 - Certification of teachers.
 - Approval of textbooks recommended.
 - Administration of vocational education.
 - Advising State Superintendent on matters under his jurisdiction.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote, who shall be member of the executive department of the State Government.
2. Vested by constitutional provision with "the general supervision of the common-school funds and the educational interests of the State," except State higher educational institutions. The legislature has stipulated that the educational interests "shall be under the supervision and control" of the State Superintendent.
3. Principal State agent for:
 - Distribution of State school funds.
 - State selection of school library books.
 - Enforcement of State school laws and regulations.
 - Recommending courses of study in all public schools and colleges.
 - Defining standards of excellence in all public schools.
 - Recommending textbooks for adoption by the State Board; also charged with sale and distribution of textbooks.
 - Giving opinions on school law.
 - Formulating rules governing certification of teachers, subject to approval of State Board.

Separate Boards

1. State Board of Regents: Composed of nine members appointed by the Governor for 4-year overlapping terms; controls all State institutions of higher learning.

Kentucky

State Board of Education

1. Legislative provision for a State Board of Education composed of the State Superintendent and seven lay members appointed by the Governor.
2. Vested with "the management and control of the common schools, public higher institutions for Negroes, public vocational education and vocational rehabilitation, and the Kentucky School for the Blind."
3. Principal State agency for:
 - Determination of educational policy.
 - Administration of elementary and secondary schools.
 - Approval of local school budgets.
 - Certification of teachers.
 - Higher education of Negroes.
 - Approval of courses of study in teacher-training institutions.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote for 4-year term.
2. Ex officio member, chairman, and executive officer of State Board of Education.
3. Ex officio member and chairman of the governing board of each State Teachers College, member of the Board of Trustees of the State University, and chairman of Council on Public Higher Education.
4. Performs such duties as are prescribed by law or assigned by the State Board.
5. Principal State agent for:
 - Administration of State Department of Education.
 - Enforcement of school laws and rules of the State Board.
 - Distribution of the State school funds.
 - Governing purchase of textbooks.
 - Preparing and submitting for adoption by State Board of Education:
 - (a) Rules for grading, classifying, and accrediting all common schools and for determining scope of instruction in different classes of schools and minimum requirements for graduation from the courses offered.
 - (b) Minimum courses of study for different grades and kinds of schools.
 - (c) Rules for sanitary and protective construction of school buildings, physical equipment, etc.
 - (d) Rules governing medical inspection, physical education, and recreation and safety.
 - (e) Rules for approving private schools.
 - (f) Budgets and salary schedules for the school districts.

Separate Boards

1. Board of Trustees of State University: Composed of the Governor

STATE BOARDS OF EDUCATION

- (chairman), State Superintendent, the Commissioner of Agriculture, Labor, and Statistics, and 12 other members appointed by the Governor.)
2. Separate governing board for each State College: Composed of four members appointed by the Governor and the State Superintendent as chairman.
 3. State Council on Higher Education: Composed of representatives of State higher institutions, two lay members of the State Board, and the State Superintendent as chairman; coordinates the work of the colleges, including teachers colleges.
 4. Textbook Commission: Composed of the State Superintendent, and 12 persons appointed by the State Board; adopts a multiple list from which local school boards shall select.
 5. Teacher Retirement Board: Composed of the Superintendent of Public Instruction, the Attorney General, the State Auditor, and four members elected under the supervision of the State Superintendent.

Louisiana

State Board of Education

1. Constitutional provision for a board composed of 11 members, 8 (1 from each Congressional District) to be elected by popular vote for 8-year terms and 3 to be elected from districts corresponding to the Public Service Commission districts for 6-year terms.
2. Has "Supervision and control of free public schools" and all public higher educational institutions except the State University and Agricultural and Mechanical Colleges over which it has visitorial powers only.
3. Principal agency for:
 - Determination of educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Adoption, control and supervision of textbooks.
 - Certification of teachers.
 - Supervision of school building construction.
 - Administration of school library service.
 - Administration of State teachers colleges.
 - Administration of all higher educational institutions except the State University.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State superintendent elected by popular vote.
2. Ex officio secretary and executive officer of the State Board and administrative head of the State Department of Education.
3. Ex officio member of the State budget committee.
4. Ex officio member and chairman of executive committee appointed by State Board for each institution of higher learning.

5. Principal State agent for:

Setting up the divisions and positions in the State Department of Education, subject to approval by the State Board.

Carrying out policies and rules and applying standards adopted by the State Board.

Separate Boards

1. Board of Supervisors of State University and Agricultural College: Composed of 15 members—the Governor and 14 other members appointed by him.
2. State Budget Committee: Composed of the Governor, State Treasurer, and the State Superintendent; has jurisdiction over the budget of parish school boards.
3. Louisiana Library Commission: Composed of five members appointed by the Governor, renders advice and cooperative service to school libraries.
4. Teacher Retirement Board: Composed of seven members, including the State Superintendent as ex officio member.

Maine

State Board of Education

1. Legislative provision for a board composed of 10 members appointed as follows: 1 by the presidents of liberal arts and teachers colleges of the State; 1 by the Maine Municipal Association; 1 by the Maine Superintendents Association; 1 by the Maine Congress of Parents and Teachers; 1 by the Maine Teachers Association; and 5 appointed by the Governor with the advice and consent of the Council (upper branch of the State Legislature); one of the 5 first mentioned shall be active presidents of their respective organizations.
2. The Legislature declares that the State Department of Education shall consist of a State Board of Education, a Commissioner of Education chosen by the State Board, and such other officials and clerical staff as are hereafter provided.
3. Principal State agency for:
 - Appointment of State Commissioner of Education.
 - Recommending to the Legislature such new legislation as is deemed necessary for efficient conduct of public schools.
 - Appointment, upon recommendation of State Commissioner of Education, of staff members of the State Department.
 - Organization, upon recommendation of the State Commissioner of Education, of the State Department of Education.
 - Administration of Federal funds for vocational education.
 - Operation and maintenance of technical and vocational schools and institutes.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board of Education for a tenure at the pleasure of the State Board.

2. Exercises a general supervision of all the public schools and advises and directs the town committees and superintendents in the discharge of their duties.
3. Principal State agent for:
 - Determination of State educational policy.
 - Promotion of educational research and dissemination of findings.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study in the public schools and in private schools approved for attendance and tuition purposes.
 - Certification of teachers.
 - Supervision of school library service.
 - Organization of the Department of Education with the approval of the Governor and Council.
 - Supervision of State Normal Schools and Teachers Colleges.

Separate or Special Boards

1. Board of Trustees of Normal Schools: Composed of the Commissioner of Education and four other members appointed by the Governor.
2. Board of Trustees of the State University: Composed of the State Commissioner of Education and nine other members appointed by the Governor.
3. Teacher Retirement Board: Composed of seven members: the Chairman of State Personnel Board, the State Controller, the Bank Commissioner, the State Treasurer, a member elected by the Maine Teachers Association, a State employee elected by the State Employees Association, and one appointed by the Governor.

Maryland⁴

State Board of Education

1. Legislative provision for a board composed of seven members appointed by the Governor for 7-year overlapping terms.
2. Enacts bylaws for the administration of the public-school system,⁵ and exercises through the State Superintendent, general control and supervision of the public schools and educational institutions.
3. Appoints the State Superintendent of Schools.
4. Principal State agency for:
 - Determination of educational policies of the State.
 - Administration of elementary and secondary schools.
 - Prescribing rules for grading and standardizing public schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Certification of private schools.
 - Regulation of school building construction.

⁴Maryland is an example of a State having a highly centralized State system of education principally under the jurisdiction of the State Board of Education.

⁵Bylaws of the Maryland State Board of Education, when published, "shall have the force of law."

Administration of State teachers Colleges.⁶
 Administration of all public higher institutions, except State University.
 Administration of vocational education and rehabilitation.
 Administration of State-wide public-school library service.

State Superintendent

1. Legislative provision for the appointment of a State Superintendent of Schools by the State Board of Education for a term of 4 years.
2. Chief executive officer of the State Board, and its secretary and treasurer.
3. Principal State agent for:
 - Execution of educational policy of State Board.
 - Administration of State Department of Education.
 - Enforcement of school laws and the ruling of the State Board.

Separate Boards

1. Board of Regents of State University: Composed of nine members appointed by the Governor.
2. Teacher Retirement Board: Composed of five members: State Superintendent, State Comptroller, State Treasurer (ex officio), and two others elected by members of the retirement association.
3. (See footnote 6.)

Massachusetts**State Board of Education**

1. Legislative provision for a board of 9 members appointed by the Governor for 9-year overlapping terms.
2. Has general supervisory and administrative control of the common schools of the State.
3. Selects a State Commissioner of Education as its executive agent.
4. Principal State agency for:
 - Supervision and control of the State Department of Education.
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Administration of State teachers colleges, and the determination of courses of study therein.
 - Certification of teachers.
 - Supervision of school library service with aid of library division of the Department of Education.
 - Administration of vocational education (with the Commissioner of Education and 1 person appointed by the Governor).

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board of Education.

⁶Members of the State Board and the State Superintendent "shall be the trustees of the State normal schools" and shall exercise control of such schools.

2. Executive and administrative head of the Department of Education and executive officer of the State Board of Education.
3. Ex officio member of the State College Governing Board and Teacher Retirement Board.

Separate Boards

1. The governing boards of the several State educational institutions: Appointed by the Governor and, except State College boards, are attached to and serve in the Department of Education, which is under the general supervision of the State Board of Education through the State Commissioner of Education.
2. Teacher Retirement Board: Composed of the Commissioner of Education, one member elected by the retirement association, and one additional member chosen by the other two.

Michigan'

State Board of Education

1. Constitutional provision for a board composed of four members elected by popular vote, including the State Superintendent of Schools.
2. Has, by constitutional provision, "general supervision of the State normal college and the State normal schools."
3. Principal State agency for:
 - Administration of all State teachers colleges and normal schools and other State educational institutions, except the State University and State Agricultural College.
 - Determination of courses of study in teachers colleges and normal schools and other institutions under its control.
 - Administration of State Schools for Deaf and the Blind.
 - Prescribing teacher requirements and issuance of certificates for teachers of both public and private schools.
 - Approval of textbooks in physiology and hygiene.
 - Review of decisions of local boards relative to transportation of pupils.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote for a 2-year term.
2. Has constitutional authority to exercise "general supervision of public instruction in the State."
3. By constitutional provision is ex officio member and secretary of the State Board of Education, and also "a member of all other boards having control of public instruction in any State institution, with right to speak but not to vote."
4. Principal State agent for:

Michigan is an example of a State in which the State Superintendent is principal State agent for the supervision and control of public elementary and secondary schools, and in which the functions of State board of education are limited primarily to the control of teachers colleges, the preparation and certification of teachers, and the review and approval of school transportation routes.

- Determination of State educational policy (principally with respect to elementary and secondary schools).
- Supervision of elementary and secondary schools.
- Distribution of State school funds.
- Determination of course of study for elementary and secondary schools.
- Approval of an optional list of textbooks which local boards may adopt.
- Administration of school library service.

Separate Boards

1. Board for Vocational Education: Composed of State Superintendent, President of State Board of Education, President of State University, and President of State Agricultural College.
2. State Tenure Commission: Composed of three members appointed by the Governor and State Superintendent as ex officio secretary.
3. Teacher Retirement Fund Board: Composed of State Superintendent and six other members appointed by Governor.
4. Board of Regents of State University: Composed of eight members elected by popular vote.
5. State Board of Agriculture: Composed of six members appointed by the Governor. Has control of State College of Agriculture.
6. State Administrative Boards: Composed of Governor, Lieutenant-Governor, Secretary of State, State Treasurer, Auditor, Attorney General, and the State Highway Commission.
7. Board of Control of Michigan College of Mining and Technology: Composed of six members appointed by the Governor.

Minnesota

State Board of Education

1. Legislative provision for a board of five members appointed by the Governor.
2. Vested with the general supervision and control of the public-school system excepting the State University and State Teachers Colleges.
3. Appoints the State Commissioner of Education.
4. Principal State agency for:
 - Determination of State educational policy.
 - Organization of Department of Education.
 - Administration of elementary and secondary schools and junior colleges.
 - Classifying and standardizing public elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Determining specifications of school buildings.
 - Administration of school library service.
 - Administration of vocational education.

Agreements or arrangements with Federal Government for educational services to school agencies or systems.

State Commissioner

1. Legislative provision for a State Commissioner of Education appointed by the State Board of Education.
2. Is executive officer and secretary of the State Board of Education, and performs the general functions previously exercised by the State Superintendent, subject to the laws and rules of the State Board.
3. Is ex officio member of the Board of Directors of the State Teachers College and President of the Teacher Retirement Board.
4. Principal State agent for:
 - Enforcement of school laws and execution of State rules and policies of the State Board.
 - Approval of school building plans.

Separate Boards

1. Board of Directors of State Teachers Colleges: Composed of the State Commissioner of Education and eight other members appointed by the Governor.
2. Board of Regents of State University: Composed of the Governor, the President of the University, and 10 members elected by the State Legislature.
3. Board of Trustees of Teacher Retirement Fund: Composed of Commissioner of Education, State Auditor, Commissioner of Insurance, and two other members elected by and from the Retirement Association.

Mississippi

State Board of Education

1. Constitutional provision for an ex officio board composed of the Secretary of State, the Attorney General, and the Superintendent of Public Instruction.
2. Vested, by the constitution, with the management of the school funds, and authorized by legislation to regulate all matters arising in the practical administration of the school system not otherwise provided for.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school equalization funds.
 - Determination of course of study.
 - Certification of teachers.
 - Administration of vocational education.
 - Regulation of school transportation.
 - Determination of needs for new school buildings constructed by aid of State funds.
 - Administration of program of adult education.
 - Decision in school law, subject to appeal to courts.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote for a 4-year term.
2. Vested, by constitutional provision, with "the general supervision of the common schools, and of the educational interests of the State. . . ."
3. Principal State agent for:
 - Supervision of public free schools, agricultural high schools and junior colleges of the State.
 - Prescribing rules and regulations for efficient organization and conduct of the public free schools.
 - Presiding over meetings of State Board.
 - Carrying out policies and rules of the State Board for Vocational Education.
 - Apportioning State common-school funds on per capita basis.

Separate Boards

1. Board of Trustees of State Institutions of Higher Learning: Composed of 18 members appointed by Governor and charged with "the sole supervision of and control of the University and the Colleges supported . . . by the State."
2. The Mississippi State Textbook Purchasing Board: Composed of the Governor as chairman, the State Superintendent of Education, and three members (one from each supreme court district) appointed by the Governor for 4-year terms; rating committees of not more than 7 teachers or supervisors appointed by State Superintendent to appraise books and recommend three for the board's final consideration in each adoption.
3. Commission of Junior Colleges (under State Board of Education): Composed of seven ex officio members, including the State Superintendent as ex officio member chairman.
4. State Library Commission: Composed of State Librarian, President of State Federation of Women's Clubs, President of State Library Association, and two others appointed by the Governor.

Missouri**State Board of Education**

1. Constitutional provision for a board composed of eight lay members appointed by the Governor for 7-year terms.
2. Exercises general supervision over the entire educational interest of the State and the management of all State school funds.
3. Principal State agency for:
 - Determination of State educational policy.
 - Supervision of elementary and secondary schools.
 - Classifying and accrediting schools.
 - Certification of teachers.
 - Management of public-school funds.

Administration of vocational education.

Appointment of State Commissioner of Education.

State Commissioner of Education

1. Constitutional provision for a State Commissioner of Education appointed by the State Board of Education.
2. Administrative officer of the State Board of Education, and responsible for executing policies of the State Board.
3. Duties principally prescribed by the State Board.
4. Principal State agent for:
Administration, supervision, and enforcement of laws and regulations of State Board of Education.

Separate Boards

1. A separate governing board appointed by the Governor for each State higher educational institution.
2. State Library Board: Composed of the State Commissioner and four other members appointed by the State Board of Education.
3. Teacher Retirement Board: Composed of five members: the State Commissioner of Education, two appointed by the State Board of Education, and two elected by members of the Retirement System.

Montana

State Board of Education

1. Constitutional provision for a board composed of the Governor, State Superintendent, Attorney General, and eight other members appointed by the Governor.
2. Has, by constitutional provision, "general control and supervision of the State University and the various other State educational institutions"; other powers and duties prescribed by law.
3. Principal State agency for:
Determination of State educational policy.
Administration of elementary and secondary schools.
Distribution of State school funds.
Determination of course of study.
Certification of teachers.
Administration of State Teachers Colleges.
Administration of all State higher institutions.
Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote who shall be a member of the executive department of the State Government.
2. Has general supervision of the public schools of the State.
3. Principal State agent for:
Enforcement of school laws and carrying out policies of the State Board.
Approval of school building plans (in second- and third-class districts).

Administration of school library service.
 Administration of vocational education.
 Administration of war surplus commodities.

Separate Boards

1. **Teacher Retirement Board:** Composed of State Superintendent, State Treasurer, Attorney General, and two teachers appointed by the State Board of Education.
2. **Vocational Education Advisory Committee:** Composed of the State Superintendent or some person designated by him and four citizens appointed by State Board of Education.
3. **State Land Board:** Composed of State Superintendent, Governor, Attorney General, and Secretary of State.

Nebraska

State Board of Education

Nebraska has no State board of education that exercises general supervision over elementary and secondary schools.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote who shall be a member of the executive department of the State Government.
2. Has general visitatorial powers over the public, private, and parochial school systems.
3. Is ex officio member and secretary of State Board for Vocational Education and ex officio member of the Board of Education of State Normal Schools.
4. **Principal State agent for:**
 - Determination of State educational policy.
 - Administrative supervision of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Requisition of purchase of textbooks.
 - Prescribing a uniform system of accounting for all school districts.
 - Procurement and distribution of Federal funds, equipment, or services for education.
 - Approval of veterans' and nurses' training and special education.
 - Administration of Federal School Lunch Program.
 - Conduction of school building surveys.
 - Deciding questions of school law.

Separate Boards

1. **Board of Education of State Normal Schools:** Composed of the State Superintendent and six others appointed by the Governor; has general management of State teachers colleges.
2. **Board of Educational Lands and Funds:** Composed of Governor, Secretary of State, Treasurer, Attorney General, and State Superintendent; has control of all school lands owned by the State.

3. Board for Vocational Education: Composed of Governor, the State Superintendent (secretary), and the Presiding Judge of the Workman's Compensation Court.
4. Board of Control: Composed of three members appointed by the Governor; has control of State educational institutions for handicapped persons, and charitable and penal institutions.
5. Nebraska Library Commission: Composed of five persons appointed by the Governor to perform library extension work and promote establishment of libraries.

Nevada

State Board of Education

1. Legislative provision for a board composed of Governor, State Superintendent of Public Instruction, and five lay members elected by popular vote, one from each educational district of the State.
2. Appoints five deputy State superintendents (one for each educational supervision district) and prescribes the necessary powers and duties of deputy superintendents to secure efficiency and coordination. (There are no county superintendents in Nevada.)
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of courses of study.
 - Certification of teachers.
 - Preparation of plans and specifications for rural schoolhouses.
 - Supervision of school library service.
 - Administration of vocational education. (*See Separate Boards.*)

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote for 2-year term.
2. *Ex officio* member and secretary of the State Board of Education; may confer upon deputy State Superintendents the power to act in his name.
3. Principal State agent for:
 - Visiting schools.
 - Holding teachers' conferences in each of the five school districts of the State.
 - Apportionment of State distributive school fund.
 - Apportionment of county school fund to each county.
 - Hearing of appeals on school law questions.
 - Carrying out policies of the State Board of Education when it acts as State Board for Vocational Education.

Separate Boards

1. State Textbook Commission: Composed of members of the State Board of Education and five additional persons appointed by the Governor; adopts textbooks.

2. **State Board of Finance:** Composed of the Governor, State Controller, State Treasurer, and two others appointed by the Governor; has control over the investment of the permanent school fund.
3. **Board of Regents of the State University:** Composed of five members elected by popular vote. (The State University is the only public institution of higher learning in the State.)
4. **Board for Vocational Education:** Composed of the State Board of Education plus two additional members appointed by the State Board.
5. **Public Employees' Retirement Board:** Composed of five persons appointed by the Governor; administers retirement provisions of all State public employees, including teachers.

New Hampshire*

State Board of Education

1. Legislative provision for a board composed of the Governor and seven members appointed by the Governor (1950).
2. Has "the same powers of management, supervision and direction over all public schools . . . as the directors of a business corporation have over its business, except as otherwise limited by law."
3. Vested with authority to appoint a State Commissioner of Education who shall be its executive officer and secretary.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Combining the several school districts into supervisory unions of one or more districts.
 - Distribution of State school funds.
 - Determination of standards and course of study.
 - Certification of teachers.
 - Preparation of school building plans.
 - Supervision of school library service.
 - Administration of State teachers colleges.
 - Administration of all higher institutions, except the State University.
 - Administration of vocational education.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board.
2. Executive officer and secretary of the State Board of Education.
3. Principal State agent for:
 - Enforcement of State school law and carrying out the rules and policies of the State Board of Education.

*New Hampshire is a State in which all State supervision and control of education is under the jurisdiction of a State board of education, the State Commissioner of Education being simply the executive officer of the board.

Separate Boards

1. **Public Library Commission:** Composed of the State Librarian and four other persons appointed by the Governor.
2. **Teacher Retirement Board:** Composed of the Bank Commissioner, State Commissioner of Education, State Treasurer, and two other members appointed by the Governor.

New Jersey*State Board of Education*

1. Legislative provision for a board composed of 12 members appointed by the Governor, at least three to be women.
2. Vested with "the general supervision and control of public instruction."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Determination of the course of study.
 - Certification of teachers.
 - Approval of school buildings.
 - Administration of State teachers colleges.
 - Administration of vocational education.
 - Supervision over all higher institutions (public and private).
 - Decisions on appeals from the Commissioner of Education.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the Governor. He is chief executive officer of the State Board.
2. Serves as secretary of State Board of Examiners.
3. Is vested with supervision of all schools of State receiving State aid.
4. His duties and functions are in considerable degree subject to the approval of the State Board of Education.
5. Principal State agent for:
 - Administration of State Department of Education.
 - Distribution of State school funds.
 - Appointment of six assistant commissioners, subject to approval of the Board.
 - Inspection of school buildings.
 - Inspection of accounts.
 - Research.
 - Supervision of health education.
 - Issuance of academic qualifying certificates.
 - Supervision of teacher training.
 - Supervision of adult education.
 - Supervision of special classes for subnormal.
 - Supervision of State Library, Archives and History, and State Museum.
 - Such other special services as the State Board deems necessary.

Separate Boards

1. A board for each component of the State University: the State College of Agriculture, the Agricultural Experiment Station, the New Jersey College for Women, and the Department of Higher Education of Rutgers College; the Board of Trustees of Rutgers College (a private institution) and the State Board of Education jointly control the branches of the State University.
2. State Board of Examiners: Composed of Commissioner of Education (Chairman) and seven others engaged in educational work who are nominated by the Commissioner of Education and appointed by the State Board.
3. Trustees of Retirement System: Composed of the Commissioner of Education, the State Treasurer, one trustee appointed by the Governor, and three others elected from the retirement association.

New Mexico*State Board of Education*

1. Constitutional provision for a board composed of the Governor, State Superintendent of Schools, and five other members (three of whom shall be engaged in education) appointed by the Governor.
2. Constitutionally vested with "the control, management, and direction of all public schools, under such regulations as may be provided by law."
3. By statute the State Board "shall be the governing authority of all public elementary and high schools of the State."
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds (jointly with State Educational Budget Auditor).
 - Determination of course of study.
 - Accrediting of schools.
 - Adoption of textbooks.
 - Approval of issuance of local school bonds.
 - Certification of teachers.
 - Approval of school building plans.
 - Administration of school transportation.
 - Administration of vocational education.
 - Determination of educational disputes.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote, who shall be a member of the executive department of the State Government.
2. Charged with general supervision of public institutions, subject to the supervision of the State Board of Education.
3. Principal State agent for:
 - Executing policies and rules of the State Board of Education.
 - Supervision of public schools.

Administration of Federal funds for education.

Administration of teacher retirement (jointly with the State Education Budget Director).

Separate Boards

A separate governing board of five members appointed by the Governor for each State higher educational institution.

New York

State Board of Education (Regents)

1. Constitutional provision for a State Board of Regents; and legislative provision for its composition of 18 members appointed by the State Legislature.
2. Exercises legislative functions concerning the educational system of the State and establishes rules for carrying into effect the laws and policies of the State relating to education; is head of the Department which "is charged with the general management and supervision of all public schools and all of the educational work of the State."
3. Appoints the Commissioner of Education and Deputy Commissioner of Education; appoints other staff members on the recommendation of the Commissioner.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of Teachers.
 - Administration of school library service.
 - Administration of vocational education.
 - General coordination and supervision of the work of the State University Board, the Board of Higher Education in New York City, and of privately supported institutions of higher education.
 - Chartering educational institutions and agencies.
 - Supervision of the licensing of members of the professions as established by law.

State Commissioner of Education

1. By legislative provision the State Commissioner of Education is appointed by the State Board of Regents.
2. Is chief administrative officer of the Department of Education, and also chief executive officer of the State system of education and of the Board of Regents.
3. Has general supervision over all schools and institutions which are subject to the supervision of the Regents.
4. Principal State agent for:
 - Enforcing all school laws and policies determined upon by the Board of Regents.
 - Approval of school building plans.
5. Has quasi-judicial authority over all educational problems.

Separate Boards or Commissions

1. **Commission for Physically Handicapped:** Composed of Commissioner of Education (Chairman), State Industrial Commissioner, Commissioner of Health, and President of State Board of Charities.
2. **Tenure Commission:** Composed of five persons: two appointed by the Governor, one by the Commissioner of Education, one by the State Teachers Association, and one by the State School Board Association.
3. **Teacher Retirement Board:** Composed of seven members: one appointed by the Board of Regents, two by the Commissioner of Education, the Comptroller of the State or one appointed by him, and three other persons elected by the Retirement Association.

North Carolina**State Board of Education**

1. Constitutional provision for a State Board of Education composed of the Lieutenant Governor, as chairman; the Treasurer; Superintendent of Public Instruction, as ex officio secretary; and 10 members appointed by the Governor, 1 each from 8 educational districts into which the State has been divided by the General Assembly and 2 from the State at large. The appointive members serve for 8-year terms.
2. Constitutional authority to exercise "full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State, subject to such modifications as the General Assembly may provide."
3. Principal State agency for:
 - Determination of State educational policy.
 - Supervision of elementary and secondary schools.
 - Division of State into school districts.
 - Certification of teachers.
 - Adoption of textbooks (with aid of Textbook Commission).
 - Supervision of school library service.
 - Apportionment and equalization of public-school funds over the State.
 - Appointment of a comptroller with approval of the Governor. The comptroller "shall have supervision and management of the fiscal affairs of the board." The comptroller is responsible in all matters pertaining to budgeting, allocation, accounting, and disbursing public-school funds.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote and who shall be a member of the executive department of the State Government.
2. Shall "look after the school interests of the State," and enforce school laws and regulations.
3. Principal State agent for:
 - Determination of course of study.
 - Supervision of school building plans.
 - Supervision and direction of education.

Separate Boards

1. **State Textbook Commission for evaluation of textbooks for benefit of State Board.** Composed of 12 members appointed by the Governor and Superintendent; 7 to be outstanding teachers or principals of the elementary grades; 5 to be outstanding teachers or principals of the high-school grades; 1 of the 12 may be a county or city superintendent.
2. **Board of Trustees of University of North Carolina:** Composed of the State Superintendent, ex officio, and 100 members elected by the State Legislature; has control over three institutions: The State University, State College for Women, and State College of Agriculture and Engineering; all other public higher educational institutions under separate governing boards.

North Dakota**State Board of Education**

North Dakota has no State Board of Education in the usual sense. (The State Board of Administration, formerly vested with the general supervision of public schools, is inoperative so far as the supervision of public schools is concerned. See Separate Boards, below.)

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote.
2. Charged with the "general supervision of the public schools."
3. Principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Approval of school building plans.
 - Administration of school library service.

Separate Boards

1. **State Board of Higher Education:** Composed of 7 members appointed by the Governor (1939); has control of all State institutions of higher learning; appoints a Commissioner of Higher Education; is authorized to act as the State Board for Vocational Education.
2. **Board of University and School Lands:** Composed of the Governor, Secretary of State, State Auditor, Attorney General, and State Superintendent.
3. **State Library Commission:** Composed of the Governor, State Superintendent, Secretary of State, State Auditor, and Commissioner of Agriculture and Labor.
4. **Board of Trustees of Teacher Retirement Fund:** Composed of State Treasurer, State Superintendent, and three other persons appointed by the Governor.
5. **State Board of Equalization Fund:** Composed of the Governor, Attorney General, and the State Superintendent.

6. **State Committee on Reorganization of School Districts:** Composed of the Governor, Attorney General, and Commissioner of Agriculture and Labor.
7. **State Board on Teaching Scholarships:** Composed of State Superintendent and four others appointed by the Governor.
8. **State Board of Administration:** Composed of State Superintendent, Commissioner of Agriculture and Labor, and three other members appointed by the Governor; has charge of penal institutions.

Ohio

State Board of Education

Ohio has no general State Board of Education.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction, appointed by the Governor, and who is a member of the Executive Department of the State Government.
2. Is the executive head of the Department of Education which is an administrative department of the State Government empowered to recommend standards with respect to various phases of education and professional schools.
3. Principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers (with aid of Board of Examiners).
 - Supervision of school library service.
 - Film censorship.
 - Supervision of State Schools for the Deaf and the Blind.

Separate Boards

1. **State Board for Vocational Education:** Composed of State Superintendent (chairman and executive officer), Director of Commerce, Director of Agriculture, Director of Industrial Relations, and Director of Finance.
2. **State Board of Examiners:** Composed of five persons appointed by the State Superintendent.
3. **State Library Board:** Composed of the State Superintendent (Chairman) and four other persons appointed by the Governor.
4. **Teacher Retirement Board:** Composed of the Attorney General, State Auditor, State Superintendent, and two others appointed from and by the Retirement Association.
5. A separate board appointed by the Governor for each State Higher Education Institution; State Director of Education is an ex officio member of each board.

Oklahoma

State Board of Education

1. Constitutional provision for a board of which the State Superintendent of Education shall be a member; Legislature has established a State Board composed of the State Superintendent as president and six other members appointed by the Governor.
2. Vested by constitutional provision with "the supervision of instruction in the public schools."
3. Establishes and prescribes the duties of an executive officer who shall be the State Superintendent of Public Instruction.
4. Controls and directs the work and duties of the State Department of Education and exercises supervision over the State public-school system.
5. Vested with authority to require coordination of all divisions of the State Department of Education through its executive officer to require all recommendations to be presented through its executive officer, and to require its executive officer to be responsible for interpretation of the Board's policy.
6. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Classification and accreditation of public high schools.
 - Certification of teachers.
 - Administration of vocational education and rehabilitation.
 - Administration of Federal School Lunch Program.
 - Administration of Special Education.
 - Formulation, on request, of regulations to govern private commercial and business colleges.
 - Cooperation with Federal Government in regard to Federal-State educational relations.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote, and who is a member of the executive department of the State Government.
2. Is ex officio member and president of the State Board of Education; President of the Board of Regents of the Oklahoma College for Women; President, Oklahoma Library Commission; Secretary of the Oklahoma Textbook Commission; member of the Board of Trustees of the Teacher Retirement System; and a member of the Oklahoma Land Commission.
3. Is charged with the supervision and administration of the State Department of Education and the State public-school system.
4. Principal State agent for:
 - Making recommendations to State Board on all matters pertaining to the policies and administration of the State Department of Education and the public-school system.

Enforcement of school laws and policies of State Board of Education.

Supervision of public instruction as executive officer of State Board of Education.

Supervision of school library service.

Separate Boards

1. Board of Regents of Oklahoma Colleges: Composed of nine members appointed by the Governor; has control of all colleges with the exception of agricultural and mechanical colleges and the University of Oklahoma.
2. Board of Regents for the University of Oklahoma: Composed of seven members appointed by the Governor.
3. Board of Regents for all agricultural and mechanical colleges: Composed of nine members, eight to be appointed by the Governor, the ninth to be the President of the Board of Agriculture.
4. Oklahoma State Regents of Higher Education: Composed of nine members appointed by the Governor and constituting a coordinating board of control for all institutions of higher learning.
5. Oklahoma Library Commission: Composed of the State Superintendent and four other persons appointed by the Governor.
6. Teacher Retirement System: Composed of the State Superintendent, a member of the State Tax Commission, the State Treasurer, State Insurance Commissioner, and five other members appointed by the Governor and approved by the Senate.
7. Textbook Commission: Composed of State Superintendent as Secretary and eight members appointed by the Governor; adopts textbooks for public schools.
8. Board of Regents of Oklahoma Military Academy: Composed of five members appointed by the Governor with the consent of the Senate.
9. Board of Regents for Oklahoma College for Women: Composed of five members, four appointed by the Governor and the State Superintendent who serves as President.
10. Board of Regents for Northern Oklahoma Junior College: Composed of three members appointed by the Governor.

Oregon

State Board of Education

1. Legislative provision for a general board composed of the Governor, the State Superintendent of Public Instruction, the Secretary of State, and four other persons appointed by the Governor.
2. Vested with authority and duty to prescribe rules for the general government of the public elementary and secondary schools.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote.
2. Is ex officio member and executive officer of the State Board of Education, and is vested with the general superintendency of public schools and of county and district school officers.
3. Principal State agent for:
 - Enforcement of school laws and policies of the State Board.
 - Carrying out policy of the State Board for Vocational Education.
 - Handling State-Federal educational relations.

Separate Boards

1. State Board of Higher Education: Composed of nine members appointed by the Governor; has control over all public higher educational institutions.
2. State Board of Textbook Commissioners: Composed of five members appointed by the State Board of Education; adopts textbooks.

Pennsylvania**State Board of Education (Council of Education)**

1. Legislative provision for a State Council of Education composed of the State Superintendent of Public Instruction and nine other persons appointed by the Governor.
2. Vested with all powers and duties formerly vested in the State Board of Education and with the power and duty to equalize the educational advantages of all parts of the State.
3. Principal State agency for:
 - Determination of State educational policy.
 - Approval or disapproval of plans for merger of school districts.
 - Determination of course of study.
 - Supervision of school building construction plans.
 - Prescribing rules for sanitary equipment and inspection of school buildings.
 - Certification of teachers.
 - Administration of vocational education.
 - Providing standards and inspection of private degree-conferring institutions.

State Superintendent

1. Constitutional provision for a State Superintendent of public instruction appointed by the Governor.
2. Is member of the executive department of the State Government and is head of the Department of Public Instruction.
3. Is ex officio president and executive officer of the State Council of Education.
4. Principal State agent for:
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Enforcement of school laws and policies of the State Council of Education.
 - Administration of school library service.

Separate Boards

1. The governing boards of State teachers' colleges and examining boards for licensing members of professions; each composed of the State Superintendent and nine other members appointed by the Governor and made an administrative board in the Department of Public Instruction.
2. Pennsylvania State College Board: Composed of the Governor, State Superintendent, Secretary of Agriculture, President of the College, and 28 other members appointed by the Governor.
3. Teacher Retirement Board: Composed of seven members: The State Superintendent (chairman), State Treasurer, one member appointed by the Governor, three appointed by the Retirement Association, and one elected by the board.
4. State Public-School Building Authority: A board composed of the Governor, State Superintendent, Secretary of Property and Supplies, President of the Senate, and Speaker of the House.

Rhode Island**State Board of Education**

Rhode Island has no State board of education in the usual sense. State control over education is vested in a Director of Education as head of the Department of Education.

State Director of Education

1. Legislative provision for a State director of education appointed by the Governor.
2. Has general supervision and control of the public schools.
3. Is the head administrative officer of the Department of Education which is one of the major departments of the State Government; is also executive officer of vocational education.
4. Principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Approval of school building standards.
 - Supervision of school library service.
 - Administration of Teacher Retirement System.
 - Settling disputes arising under school law.

Separate Boards

1. State Board for Vocational Education: Composed of Director of Education, Director of Agriculture and Conservation, and the Director of Labor.
2. Board of Regents: Composed of the Director of Education and six other persons four of whom are appointed by the Governor; to have general care and management of the Rhode Island State College and the Rhode Island State College of Education.

South Carolina

State Board of Education

1. Constitutional provision for a State Board of Education composed of the Governor, the State Superintendent of Education, and not more than seven other persons appointed by the Governor.
2. Vested with power to prescribe rules governing different phases of public school activity.
3. Principal State agency for:
 - Determination of State educational policy.
 - Adoption of rules for the government of the free public schools.
 - Administration of elementary and secondary schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Providing a free or rental system of textbooks.
 - Certification of teachers.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction.
2. Is vested, by constitutional provision, with the "supervision of public instruction."
3. Ex officio member and secretary of the State Board of Education.
4. Principal State agent for:
 - General supervision over all school funds.
 - Distribution of State school funds.
 - Approval of school building plans.
 - Supervision of school library service.

Separate Boards

1. State School Book Commission: Composed of Governor, State Superintendent, Director of Division of Textbooks, one member of State Board, and three county superintendents of schools; provides textbooks for use in public schools on a rental system.
2. Library Committee: Composed of the State Superintendent, the Supervisor of Elementary Education, the High-School Supervisor, and four others appointed by the State Superintendent.
3. Separate governing board for each State higher educational institution composed largely of members appointed by the State Legislature and usually including the Governor and the State Superintendent as ex officio members.
4. Teacher Retirement Board: Composed of seven members, all ex officio.

South Dakota

State Board of Education

South Dakota has no State board with general control over elementary

and secondary schools. It has, however, a special Board of Regents in control of all public higher education. See Separate Boards, below.

State Superintendent

1. Constitutional provision for a State superintendent of public instruction elected by popular vote.
2. Is vested with the "general supervision of all public schools" and of county and local superintendents of schools.
3. Principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Approval of school building plans.
 - Supervision of school library service.

Separate Boards

1. State Board of Education (Vocational Education): Composed of State Superintendent, President of State University, President of State College of Agriculture and Mechanic Arts, and four others appointed by the Governor.
2. Board of Regents of Education: Composed of five members appointed by the Governor; provided for by the constitution and vested with the control of all public higher educational institutions.
3. State Library Commission: Composed of the Governor, State Superintendent, the State Librarian, and two others appointed by the Governor.

Tennessee

State Board of Education

1. Legislative provision for a board composed of the Governor, Commissioner of Education, and nine other persons appointed by the Governor.
2. Vested with certain specific powers with respect to education in general.
3. Has control over all public higher educational institutions except the State University.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.^o
 - Distribution of State school funds.^o
 - Determination of course of study.
 - Adoption of textbooks.^o
 - Administration of school library service.^o

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the Governor.
2. Is ex officio member and chairman of the State Board of Education

and also chief executive officer of the State Department of Education.

3. Principal State agent for:
- Supervision of public education.
 - Enforcement of all school laws and rules of the State Board of Education.
 - Distribution of State school funds.^o
 - Certification of teachers.^o
 - Supervision of school library service.^o

Separate Boards

Teacher Retirement System Board of Trustees: Composed of State Commissioner as chairman, the State Treasurer, and six members appointed by the Governor, three of whom must be members of the teaching profession of the State and three neither teachers nor State-employees.

Texas

State Board of Education

1. Constitutional provision for a board whose members shall be selected as provided by law; the Legislature has provided for the election of a 21-member State board of education, 1 member to be elected in each congressional district, for a term of 6 years.
2. Vested with the power to adopt policies, enact regulations, and establish rules for general control of the system of public education at the State level, except higher education in approved colleges.
3. Principal State agency for:
 - Appointment of State Commissioner of Education.
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Administration of vocational and rehabilitation education.
 - Certification of teachers.
 - Adoption of textbooks.
 - Accreditation of schools.
 - Formulation of contracts and agreements between the Federal Government and local units of the public-school system.
 - Execution of contracts for investment of the Permanent School Fund.
 - Organization of State Department of Education.
 - Hearing appeals from State Commissioner of Education.

Central Educational Agency

Composed of the State Board of Education, the State Board for Vocational Education, the State Commissioner of Education, and the State Department of Education; is the principal State agency for "general control of the system of public education at the State level."

Has jurisdiction over all educational activities carried on by other State or Federal agencies within the State.

^oBoth the State Board of Education and the State Commissioner of Education have been vested with certain authority over the subject.

Is the sole State agency empowered to enter into agreements respecting educational undertakings, including school lunches and construction of school buildings, with the Federal Government, except such agreements as may be entered into by the governing board of the State University or a college.

State Commissioner of Education

1. Statutory provision for the appointment of a State Commissioner of Education by the State Board of Education for a 4-year term.
2. Is vested with authority to promote public school efficiency and to evaluate the adequacy of the State program of education.
3. Is executive officer and executive secretary of the State Board of Education and executive officer for the State Board for Vocational Education.
4. Is administrative head of all divisions in the State Department of Education.
5. Principal State agent for:
 - Enforcement of school laws.
 - Distribution of State school funds.
 - Issuance of teaching certificates.
 - Administration of the school census.
 - Selection of members for the Textbook Committee.

Separate Boards

1. Textbook Committee: Composed of 15 members recommended by the Commissioner of Education and appointed by the State Board, for 1-year terms.
2. Board of Regents of State Colleges: Composed of nine members appointed by the Governor; controls the institutions previously called teachers colleges.
3. Board of Directors of the Agricultural and Mechanical College: Composed of nine members appointed by the Governor; governs the Agricultural and Mechanical College and its two branches.
4. Board of Regents of the University. Composed of nine members appointed by the Governor. Governs the State University and its four branches.
5. A separate governing board for each of the remaining State higher educational institutions: Composed of nine members appointed by the Governor.

Utah

State Board of Education

1. Constitutional provision for a board consisting of the State Superintendent of Public Instruction and such other persons as the Legislature may provide; legislative provision for nine other members to be selected by regional school board conventions, one each for six of the seven judicial districts, and three members for populous district No. 8.
2. Is vested, by constitutional provision, with "the general control and supervision of the public-school system."

STATE BOARDS OF EDUCATION

3. May adopt rules to eliminate all unnecessary duplication of work or instruction in any branch or division of the public-school system.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds (jointly with the State Superintendent).
 - Certification of teachers.
 - Supervision of school library service.
 - Administration of vocational education.
 - Administration of four State junior colleges.
 - Administration of Schools for Deaf and Blind, and two State Vocational Schools.

State Superintendent

1. Constitutional provision for a State superintendent of public instruction elected by popular vote, and who shall be a member of the executive department of the State Government.
2. Is "charged with the administration of the system of public instruction, and with general superintendency of the district schools."
3. Principal State agent for:
 - Enforcement of school law.
 - Approval of school building plans.

Separate Boards

1. State Textbook Commission: Composed of State Superintendent, President of State University, President of Agricultural College, Dean of College of Education (University), and five others appointed by the Governor.
2. Teacher Retirement Board: Composed of State Superintendent, Attorney General, Secretary of State, one member appointed by the Governor, and three members appointed by the Retirement Association.
3. Separate governing boards appointed by the Governor for the State University and the State Agricultural College.

Vermont*State Board of Education*

1. Legislative provision for a board composed of five members appointed by the Governor.
2. Is vested with the "supervision and management of the public educational system, including the State School of Agriculture."
3. Appoints the State Commissioner of Education.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.

Certification of teachers.
 Administration of State teachers colleges.
 Administration of vocational education

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board subject to the approval of the Governor
2. Is executive officer of the State Board of Education.
3. Principal State agent for:
 - Assisting the State Board in carrying out school law and State board policies.
 - Determination of course of study.

Separate Boards

1. Board of Trustees of State University: Composed of the Governor and the University President, and 18 others, 9 of whom are self-perpetuating, electing their own successors, and 9 others elected by the General Assembly.
2. Teacher Retirement Board: Composed of State Commissioner of Education, State Treasurer, Commissioner of Banking and Insurance, and two members of the Retirement Association.
3. Public Library Commission: Composed of the Commissioner of Education and two persons appointed by the Governor.

Virginia

State Board of Education

1. Constitution provision for a board composed of seven members appointed by the Governor.
2. Is vested, by constitutional provision, with "the general supervision of the school system" with authority to divide the State into appropriate divisions, to manage and invest the school funds, "to make rules and regulations for the management and conduct of the schools as the General Assembly may prescribe," and to "select textbooks and educational appliances for use in the schools of the State."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of the State school funds.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers and determination of eligibility of county superintendents.
 - Supervision of State school library service.
 - Administration of State teachers colleges.
 - Administration of vocational education.
 - Establishment of appropriate local school divisions or districts.

State Superintendent

1. Constitutional provision for a State Superintendent of Public In-

- struction appointed by the Governor unless the General Assembly should provide for his selection in a different manner (to date it has not done so); his duties to be prescribed by the State Board.
2. Is *ex officio* member of the governing board of each State institution of higher learning (except State teachers colleges, which are under the control of the State Board of Education), and also Executive Officer and secretary of the State Board.
 3. Principal State agent for:
 - Enforcing the provisions of school laws.
 - Approval of school building plans.

Separate Boards

1. A separate governing board appointed by the Governor for each State higher educational institution except the teachers colleges.
2. State Retirement Board: Composed of State Treasurer, Comptroller, Superintendent of Public Instruction, Auditor of Public Accounts, State Tax Commissioner, and three members appointed by the Governor.

Washington

State Board of Education

1. Legislative provision for a State Board of Education composed of 12 members elected at conventions of representatives of boards of directors of school districts, 2 from each congressional district.
2. Has general control over the common schools, the admission requirements to State higher institutions, the course of study in teacher-training departments, and standards for certification of teachers.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Allocation of State school building funds.
 - Determination of courses of study.
 - Certification of teachers.
 - Prescribing courses of study in teacher-training institutions even though they may be under separate governing board.
 - Administration of vocational education.
 - Coordinating the work of higher educational institutions.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote, and who shall be a member of the executive department of the State government.
2. Is charged by the constitution with the "supervision over all matters pertaining to public schools," and the performance of such specific duties as may be prescribed by law; is *ex officio* president of the State Board of Education.
3. Principal State agent for:
 - Distribution of State school funds.
 - Carrying into effect the school laws.
 - Supervision of school building plans.
 - Supervision of school library service.

Separate Boards

1. State Library Committee: Composed of the State Superintendent, Commissioner of Public Lands, and the State Treasurer.
2. Trustees of State Teachers Retirement Fund: Composed of State Superintendent, Commissioner of Insurance, and three other persons appointed by the State Board of Education from the Retirement Association.
3. A governing board appointed by the Governor for each State higher educational institution: Each Teachers College board has three members, the State College seven, and the State University seven.

West Virginia¹⁰**State Board of Education**

1. Legislative provision for a board composed of the State Superintendent of Public Instruction and nine others appointed by the Governor. (Superintendent has no vote.)
2. Makes rules for carrying into effect the laws and policies of the State relating to education.
3. Principal State agency for:
 - Determination of State educational policy.
 - Educational administration of elementary and secondary schools.
 - Classification of schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Training and certification of teachers.
 - Approval of school building plans.
 - Approval of all degree-conferring institutions.
 - Educational administration of all State higher educational institutions except the State University.
 - Supervisory control over teacher-training departments in all private schools.
 - Administration of vocational education.
 - Supervision of Teacher Retirement Fund.
 - Control of finances, business, and other affairs of all State educational institutions except the State University.
 - Acceptance and allocation of any Federal funds for education.

State Superintendent

1. Constitutional provision for a State Superintendent of Free Schools elected by popular vote, and who shall be a member of the executive department of the State government.
2. Is vested, by constitutional provision, with the "general supervision of free schools" and such other duties as may be prescribed by law. Is charged with general supervision of all county superintendents of schools and county boards of education.

¹⁰West Virginia is an example of a State in which State professional supervision and control of schools is separate from State administration of their financial support. See Separate Boards, items 1 and 2.

3. Is the chief executive officer of the State Board of Education.
4. Principal State agent for:
 - Enforcing school laws.
 - Carrying out the rules and standards of the State Board.
 - Supervision of school library service.

Separate Boards

1. State Board of School Finance: Composed of the State Superintendent (chairman), State Tax Commissioner, and the State Director of the Budget (secretary); has financial control over elementary and secondary schools, including control over the budgeting and accounting of county boards of education.
2. Board of Governors of the State University: Composed of seven members appointed by the Governor; its jurisdiction includes the Potomac State School, a branch of the University.
3. State Library Commission: Composed of five members, appointed by the Governor; renders advice and assistance to school and institutional libraries.

Wisconsin

State Board of Education

Wisconsin has no State Board of Education in the usual sense. It has, however, a Board of Regents for Teachers Colleges and a State Vocational Education Board. See Separate Boards, below.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote.
2. Is vested, by constitutional provision, with "the supervision of Public instruction" and is by statute required to inspect the "common schools, graded schools, high schools" and various vocational schools, county normal schools, schools for handicapped, etc.; is ex officio member on all governing boards of educational institutions.
3. Principal State Agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Supervision of school buildings.
 - Supervision of school library service

Separate Boards

1. State Board for Vocational Education: Composed of 11 members: The State Superintendent, a member of the Industrial Commission (to be selected by the Commission), and 9 other members appointed by the Governor.
2. Board of Regents of Normal Schools (Teachers Colleges): Composed of the State Superintendent and 10 other persons appointed by the Governor; has control over all State Teachers Colleges.

3. Separate governing boards, appointed by the Governor for the State University and the State Mining School.
4. Free Library Commission: Composed of State Superintendent, President of State University, Secretary of State Historical Society, and two others appointed by the Governor.
5. State Annuity and Investment Board: Composed of the State Superintendent and four others appointed by the Governor.

Wyoming

State Board of Education

1. Legislative provision for board composed of the State Superintendent of Public Instruction and six other persons appointed by the State Superintendent, with the approval of the Governor.
2. Appoints a Commissioner of Education who, under the general supervision of the State Superintendent, shall execute the policies of the State Board of Education.
3. Principal State Agency for:
 - Administration of elementary and secondary schools.
 - Distribution of State school fund.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Supervision of school building plans.
 - Administration of vocational education.
 - Administration of teacher retirement.
 - School district reorganization.

State Superintendent

1. Constitutional provision for a State superintendent of public instruction elected by popular vote.
2. Is vested, by constitutional provision, with the "general supervision of public schools," and charged by the legislature with the general control of the public schools and the educational interests of the State.
3. Appoints the State Board of Education with the approval of the Governor.
4. Prescribes, "with the State Board of Education," policies of educational administration and recommends rules and regulations for the administration of the schools.
5. Principal State agent for:
 - Supervising the Commissioner of Education in carrying out the policies of the State Board of Education.

Separate Boards

Board of Trustees of the University of Wyoming: Composed of the Governor, the State Superintendent, the President of the University, and nine other members appointed by the Governor; has jurisdiction over the three centers of the University: Sheridan Agricultural College, Sheridan; Southeast University Center, Torrington; and Northwest University Center, Powell. (The State has no other public institutions of higher education.)

PART 61

Part VI

Summary of Functions and Duties of State Educational Agencies and Officials

ON THE State level the most important agencies vested with administrative control over public education are: (1) State boards of education, and (2) the chief State school officers. It is not possible within the scope of this study to present a complete digest of legal provisions enumerating all the functions and duties of State school officials. The aim, therefore, is (1) to show in what State agency or officer the principal educational administrative functions and responsibilities are vested; and (2) to indicate the legal relationships between the chief State school officer and the State Board of Education.

Legal Provisions and Administrative Practices

It is important for one who studies State school laws to keep in mind that certain legal provisions may frequently give an erroneous impression of the actual practices and customs which have developed in the States. For example, although many State laws empower State boards of education to exercise "general supervision over the public schools" or to "prescribe the course of study," in actual practice the State boards may have delegated or left these functions to be exercised by the chief State school officer, acting for the State board of education. In some States the laws are couched in ambiguous terms or contain such broad general provisions that it is difficult to determine from the laws themselves the extent or degree of control that may actually be exercised by a particular State school agency or officer in a given State. It is probable that in some States in which broad or general dis-

cretionary power is given to State officials, there is at least as much State supervision and control exercised as in other States in which many powers are specifically enumerated. Similarly, the legal authority to exercise "general supervision" of schools may be construed so liberally in some States as to result in the exercise of as much power as is exercised elsewhere under laws which authorize "the administration" or "the supervision and control" of schools.

In view of this situation, it is always important in a study of distribution of State administrative control over education to check with present practices and customs which have grown up in the various States.

General Administrative State Functions

From the foundations of Statehood in the United States some provisions for public schools were written into the basic and fundamental law of each State. Under our system of government for all practical purposes each State is free to establish and administer such an educational system as it may desire. Education is a subject not mentioned in the Federal Constitution, and by inference it was reserved by the States. Both legal theory and practice for the most part have followed this inference.

Education is a prerogative of the State. It is an attribute of sovereignty which, under the constitution of the American States, rests in the people. State constitutions and statutes provide for the establishment and maintenance of public schools.

Public education in the United States is established and administered by legal authority. In the United States, a State legislature, representative of the sovereign will of the people, has broad control over education in all respects, being limited only by those constitutional provisions that may exist to curb such control. In the exercise of this prerogative it is customary for the State legislature to vest the general control, administration, and supervision of schools in State agencies and State officials. The immediate and specific control, administration, and supervision of schools and their operation in accordance with State law are vested in local boards of education which are usually regarded as creatures of the State for the exercise of the governmental function of educating its youth.

Although the legal theory of education as a State function was accepted early in the days of statehood it was customary for most of the States throughout the nineteenth century to provide for

the administration of schools principally by local school boards and superintendents. That is to say, although State educational administrators, such as State superintendents of education and State boards of education were provided for by law early in the formative years of statehood they did not as a rule exercise any considerable degree of administrative control over the common schools of their respective States. For example, the duties of State superintendents in the formative years consisted principally in stimulating interest in education, acting as guardian of State school funds and making their apportionment as provided by law, and preparing annual reports mainly of a statistical nature.

State administrative and supervisory control of public education is generally vested in the State board of education, or the State superintendent of schools, or in both. In all States the State superintendent is the chief educational officer, acting either by virtue of the power conferred upon him directly by statute or by authority given to him by the State board of education. In any event the powers of State board and State superintendent of education are determined by the nature of constitutional and statutory provisions and by their interpretation by appropriate authorities in the respective States.

Determination of Educational Policies

State boards of education are in most of the States empowered by law to formulate the State educational policies. This exercise of the policy-making power by the board is in conformity with accepted educational principles. See table 16. Of course policy-making functions are seldom found distinctly separate from the duties of the chief State school officer. Obviously in the 8 States that have no general State board of education the chief State school officer is the principal officer for both determination and administration of State educational policy.

In most States the formulation of educational policy is a cooperative function, with the State superintendent reporting on school needs and conditions and making recommendations as to educational policies for the consideration and appropriate action by the State board of education. In a few States the policy-making function and the executive functions are by law expressly vested in separate authorities. For example, Arizona law provides that the State Board of Education shall "determine the policy" and delegate to its executive officer the "execution of all policies decided upon;" California law declares the State Board of Education

Table 16.—Principal functions of State educational agencies and chief State school officers as provided by law

State (a)	State board of education or chief State school officer, principal agency for—												Separate State boards, other than State boards of education, principal agency for—														
	Determination of educational policy		Administration of elementary and secondary schools		Distribution of State funds to schools		Determination of courses of study		Adoption of textbooks		Certification of teachers		State school building plans		State school library service		All public higher institutions	Vocational education	School library service (advisory)	Adoption of text-books	Teacher retirement	Higher educational institutions					
	Board	Superintendent	Board	Superintendent	Board	Superintendent	Board	Superintendent	Board	Superintendent	Board	Superintendent	Board	Superintendent	Board	Superintendent						Board for all institutions	Board for all teachers colleges	Board for each institution	Separate board for State university (0 = no State university)		
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
Alabama	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Arizona	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Arkansas	X		X		X		X		X		X		X		X		X		X		X		X		X		X
California	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Colorado	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Connecticut	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Delaware	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Florida	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Georgia	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Iowa	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Illinois	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Indiana	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Iowa	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Kansas	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Kentucky	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Louisiana	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Maine	X		X		X		X		X		X		X		X		X		X		X		X		X		X
Maryland	X		X		X		X		X		X		X		X		X		X		X		X		X		X

educational budget auditor shall prescribe budget forms and supervise the preparation of budgets of public schools and State educational institutions.

"Separate board for all higher institutions but subordinate State Board of Regents.

"State Board of Education may supervise and prescribe rules for management and enlargement of each normal school. The State University and A. and M. College, and the Woman's College are under the trustees of the University of North Carolina. Each teachers college is under separate board.

"Usually subordinate to State Board of Education.

"The State Board of Higher Education acts as the State Board for Vocational Education.

"Each usually subordinate to State Regents for Higher Education.

"Separate boards for each institution; also a Teachers College Board composed of presidents of the teachers colleges; also a Board of Trustees of State Institutions composed of presidents of other State institutions.

"Except teachers college.

"The State Board of Education may approve entrance requirements of State higher institutions, may prescribe courses for departments of education in all said institutions, and may prevent duplication of courses.

"The State Board of School Finance has financial control of State funds for elementary and secondary schools.

"The State Superintendent . . . with the State Board of Education shall prescribe policies of educational administration." The State Board appoints Commissioner of Education as its executive officer.

to be the policy-determining body, and the State Superintendent to be executive of the policies decided upon.

Constitutional and statutory changes in Colorado and Texas in 1949 are noted recent examples of legal provisions for vesting policy-making functions in the State boards and for making the chief State school officer principally an administrative officer.

Among the States in which the chief State school officer is vested with policy making functions as well as with administrative and supervisory control with respect to public schools are the 8 States that have no general State board in control of common schools; *Illinois, Iowa, Nebraska, North Dakota, Ohio, Rhode Island, South Dakota, Wisconsin*. Additionally there are a few States where general State boards of education exist but do not exercise paramount control over the common-school system of the State. Combined administrative and policy-making functions are likely to be exercised by chief State school officers in those States whose constitutions grant broad education functions to that official and provide for his election by the people.

A State whose chief State school officer has constitutional status, is elected by the people, and is by law *ex officio* member, president, and executive officer of the State board tends to vest in that officer both administrative and policy-making functions. Among such States are: *Alabama, Arizona, California, Indiana, Kentucky, Mississippi, Oklahoma, Oregon, Pennsylvania, and Utah*. See table 16.

Policy-making functions.—Although educational authorities agree that policy-making and administrative functions in education should be exercised by different officials, they recognize the difficulty of separating the functions under the existing laws of the many States.

Administration of Elementary and Secondary Schools

In many States it is a difficult problem to determine what State agency or officer is principally responsible for the general administrative and supervisory control over elementary and secondary schools. Many variables enter into the picture. One must consider not only general legislative provisions but also State board policies, regulations, and practices within a given State. For instance, the State board of education may be principally responsible

¹The State Board of Administration in North Dakota was originally vested with supervision of the public and common schools, but it appears to be inoperative so far as general State supervision of such schools is concerned.

for certification of teachers and adoption of textbooks, while the chief State school officer in the same State may be principally responsible for prescribing the course of study, distributing school funds, and inspecting the schools. Moreover, although many functions are legally vested in the State board, they are in practice exercised for the board by the chief State school officer.

In determining where principal authority over elementary and secondary schools is vested, one needs to consider many phases of control. For example, columns 4 and 5 of table 16 are in a sense a composite of columns 2 to 17, inclusive. From columns 4 and 5 it appears that the State board of education is by law the principal agency for the administration of elementary and secondary schools in about three-fourths of the States, and that in the remaining States the chief State school officer performs this function.

Distribution of State School Funds

Authority to regulate the distribution of State funds for public elementary and secondary schools is vested in the State board of education in a majority of the States. In the other States the chief State school officer may be said to be the principal authority for this function (table 16, cols. 6 and 7).

The authority to manage or regulate the distribution of elementary and secondary school funds or "to equalize education" is vitally related to and a major part of the authority to administer elementary and secondary schools.

In connection with this subject a distinction should be made between the authority to regulate the distribution of school funds and the mere authority, or rather the specific duty, to distribute school funds according to law. This latter function or duty is assigned by law, or delegated by State board rules, to the chief State school officer in practically all of the States. To illustrate this point a few examples of the legal assignment and allocation of authority and duty between the State board of education and the chief State school officer are noted here.

In *Alabama* it is the legal duty of the State Board of Education not only to standardize public schools but also to "equalize school facilities throughout the State, insofar as practicable;" the board is empowered to prescribe regulations governing the apportionment of the State minimum school program fund. It is the duty of the State Superintendent to make annual apportionment of school funds according to law and to regulations of the State Board.

The *Georgia* law requires that "educational opportunities . . .

shall be equalized by the State Board of Education"; and the State school funds used principally for this purpose. The State Board is directed to divide the various local units of administration into five groups in accordance with the density of population; and shall determine the number of teachers to be employed, taking into consideration the average daily attendance therein, etc. The Georgia chief State school officer prepares forms for use by local school boards in submitting their budgets and may approve such budgets when authorized by the State Board of Education.

West Virginia offers an exception to the general practice. In that State an attempt is made to separate the State educational policy and the professional supervision of public elementary and secondary schools from the financial and budgetary control of such schools. The Legislature has established a State Board of School Finance vested with financial control over elementary and secondary schools, including control over the budgeting and accounting of county boards of education, and required that county school budgets be approved by the State Board of School Finance. A somewhat similar system was tried in *North Carolina* and abandoned a few years ago. In a few other States the laws provide for State approval of local school budgets by State Tax Commissions or general State budgeting agencies.

Texas provides an example of recent legislation governing the management and distribution of State school funds. In 1949 the Legislature of Texas stipulated that:

SEC. 3. The State Board of Education shall review periodically the educational needs of the State and adopt or promote plans for meeting these needs. It shall evaluate the outcomes being achieved in the educational program. It shall, with the advice and assistance of the State Commissioner of Education:

- (1) Formulate and present to the Board of Control the proposed budget or budgets for operating the minimum Foundation Program of Education, the Central Education Agency, and the other programs for which it shall have responsibility;
- (2) Adopt operating budgets on the basis of appropriation by the Legislature;
- (3) Establish procedures for budgetary control, expending, auditing, and reporting on expenditures within the budgets adopted;
- (4) Make biennial reports covering all the activities and expenditures of the Central Education Agency to the Legislature;
- (5) Establish regulations for the accreditation of schools;
- (6) Execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the Legislature; and
- (7) Execute contracts for the investment of the Permanent School Fund, within the limits of authority granted by the Legislature.

Determination of the Course of Study

The authority to determine the course of study for a State school system may reside with the State Board, with the chief State school officer, or with both; and it may be retained in part by the legislature itself, as is the case when a legislature sees fit to enact a law which either requires or prohibits the teaching of specific subjects in the schools of the State.

The authority to determine or regulate the course of study in public elementary and secondary schools is vested by law in State boards of education in 31 States (table 16, cols. 8 and 9). State laws in most States have made it the duty of chief State school officers to recommend or prepare courses of study for the approval of the State board of education. For example, in *Florida* the State Superintendent prepares, organizes, and recommends to the State Board of Education for its approval, such minimum standards and rules as he may find necessary relating to the course of study and instructional aid, and he shall execute such standards and rules as are adopted by the State Board. Similarly, in *Kentucky* the State Superintendent prepares for adoption by the State Board of Education the minimum course of study and scope of instruction to be offered in the various classes and grades of the schools and the minimum requirements for graduation therefrom. In *Maryland* the State Superintendent is directed to prepare, or cause to be prepared, and submit to the State Board of Education, courses of study for the elementary and secondary schools and also the courses of study for State teachers colleges.

Adoption of Textbooks

Legal provisions exist in half of the States for systems of State-wide adoption of textbooks. In these States this function is exercised either by the State boards of education or by a separate body usually referred to as a textbook commission. By reference to table 16, columns 10, 11, and 23, it will be seen that State boards of education are authorized to adopt textbooks in most of these States, and that in a few other States textbook adoption is in the hands of the State textbook commission.

A few State legislatures have established close relationships or cooperative arrangements between State boards of education and State textbook commissions. For example, in *California* the State Curriculum Commission makes recommendations as to textbooks and the State Board of Education is required to give the commis-

sion a public hearing before making any adoption of textbooks for use in the elementary schools. In *Nevada* the State Textbook Commission is composed of members of the State Board of Education and five additional members appointed by the Governor. *Utah* has established a State Study Committee to determine what changes, if any, shall be made in the course of study and to make recommendations to the State Textbook Commission. The *North Carolina* Legislature has provided for a textbook committee of experienced educators to examine textbooks and recommend those to be adopted to the State Board of Education; the legislature has vested in the State Board the legal authority to make the actual adoption of books.

Certification of Teachers

Legal authority over the certification of teachers has been vested in State boards of education in practically all the States that have State boards. In the remaining States this function is vested principally in the chief State school officer. In most States in which the authority to regulate the standards for certification is vested in the State boards, the actual issuance of certificates is usually handled by the chief State school officer acting for the State board of education.

In practice both the State board of education and the chief State school officer often exercise joint or cooperative certification functions. It is customary for the chief State school officer to prepare and recommend for approval of the State board of education rules governing the training and certification of teachers, as in *Alabama*. In *Florida* the State Superintendent of Public Instruction issues teachers' certificates in accordance with rules of the State Board of Education, which is empowered to prescribe the types and classes of certificates and the requirements for both. In *Maryland* the State Board is charged with the duty of prescribing rules and regulations for the issuing of teachers' certificates by the State Superintendent of Schools. The *New York* Legislature makes it the duty of the State Commissioner of Education to prescribe, subject to the approval of the State Board of Regents, regulations governing certification.

School Building Plans

Most of the States have legal requirements for State supervision and control over the construction of school buildings. These laws

are in many cases a part of the public-school code but in some States school building plans are required to conform to certain provisions of State laws that govern the construction of public buildings in general.

Varying degrees of administrative or supervisory control over the construction of school buildings, their plans and specifications are vested by law in State boards of education in approximately 20 States, and in about 20 other States such functions are vested in the chief State school officer. *Colorado*, departing from either practice, places the construction of school buildings under the supervision of the State Planning Commission which is a separate State agency. It is probable that in the few States that lack specific legal provisions the State board of education or the chief State school officer, by reason of general terms of the law, exercises supervisory or regulatory functions in respect to school building plans and construction.

Vocational Education

The trend is toward the abolition of separate State boards for vocational education. The general State board of education in 36 States is now vested by law with the duty of cooperating with the Federal Government in administering the provisions of the Federal Vocational Education and Rehabilitation Acts. In the remaining 12 States special State boards for this purpose have been established (table 16, cols. 20 and 21). In 8 of these 12 States there are no State boards for general education. Hence, in only 4 States having State boards for general education are there separate boards for vocational education.

Higher Education

State control over higher educational institutions.—Varying degrees of administrative and supervisory control over higher educational institutions have been vested in general State boards of education. For a brief summary of this subject attention is invited to table 16, columns 18, 19, 24, 25, 26, and 27.

1. *Teachers colleges.*—In approximately one-third of the States all State teachers colleges are under the administrative control of the State board of education. In a few other States the State board is vested with some supervision over teachers colleges. In some States general State board functions overlap or are coordinated

with functions vested in separate State boards. For example, in *Florida* the State Board of Control is vested with the management of the higher educational institutions and with authority to make rules governing them, providing that such rules are not inconsistent with the general rules of the State Board of Education. Under the *Florida* arrangement the administration of the State educational institutions by the State Board of Control is subject to the supervision of the State Board of Education. *Kentucky* offers another interesting example of partial control by State boards of education of State higher educational institutions. Each public college in *Kentucky* has a separate governing board, but the State Council of Higher Education, which includes two members of the State Board of Education, coordinates the work of the colleges, and the State Board of Education approves the courses of study in teacher-training institutions. In the *State of Washington* the State Board of Education may approve entrance requirements of State higher educational institutions and may prescribe courses for the State colleges of education and for the departments of education in the State universities and colleges.

In 8 other States public teachers colleges are under the control of a separate State board, generally referred to as a State teachers college board. Boards of this nature are established primarily for the administration of teacher-training institutions (table 16, col. 26).

2. *Other public higher educational institutions.*—In approximately a dozen States the State board of education is vested with general control of all public higher educational institutions, with the exception in a few of these States of the State university. A few additional States have certain functions with respect to all higher institutions vested in the State board of education (table 16). Column 24 of the table indicates that most State universities are under separate governing boards. The laws of approximately 15 States provide separate boards for each State higher educational institution (table 16).

PART 7

Part VII

Observations and Conclusions

THE CONCEPTS regarding State board of education and chief State school officers presented in this bulletin are in general agreement with those expressed by State school survey commissions and by recognized authorities on school administration. Solutions and recommendations are not only tentative, but often need to be modified according to needs and conditions in different States. The study does not suggest that there should be uniformity among the States in their provisions effecting legal structure, organization, and functions of their educational agencies. Rather it regards the States as laboratories of public school administration in which a variety of legislative and administrative forms are undergoing trial.

State Boards of Education

Why a State board?—Both experience and most widely accepted principles of sound administrative procedure favor a *governing board* to determine general policies and major administrative actions. Public education is a major enterprise and like any major business stands to benefit by an over-all governing body. A State board of education responsible for adopting general and major policies in conformity with educational laws should be of great value in the administration of a State school system. It should be a highly useful agency in separating legislative and policy-making functions from ministerial and executive duties. Moreover, if a State superintendent or chief State school officer has the counsel of a State board of education the management of the State school system is more likely to be flexible, adaptable, well balanced, and more nearly representative of the interests of the people than if the superintendent alone determines policies.

Furthermore, a State board of education, if it is composed of members whose terms expire at different times, is a valuable agency to prevent sudden changes in policies. If there is no State board of education, the policies of the chief State school officer who fails to be reelected or reappointed may be almost entirely disregarded by his successor. If, however, there is a State board of education with policy-determining functions it can decide what policies should or should not be changed.

Scope and control.—There is general agreement on the part of State school survey commissions as well as most school authorities that there should not be a multiplicity of State boards and agencies dealing with public education. Lack of coordination and consequent ineffective action often accompany division of authority.

Multiplicity of boards often results in duplication among the several State agencies or agents. It would seem that these undesirable results could be eliminated by giving the State board of education general control of the various educational interests of the State. This means that the State board should have under its jurisdiction public elementary and secondary schools, vocational education, residential schools for the deaf and blind, training schools for juvenile delinquents, teachers colleges, and possibly all other publicly supported higher educational institutions.

There is, however, a difference of opinion as to whether the State board of education should have control of the State schools of higher education other than those whose chief function is to prepare teachers. In some States it may not be immediately feasible to place all the publicly supported higher educational institutions under the State board because some of these boards are not properly constituted for effective work in all educational areas.

Consideration of the question of having only one State board for all areas of education should be accompanied by consideration of:

1. The size and composition of the board in order that it may be competent to function in various educational areas included under its jurisdiction.
2. The division of responsibilities between the board having jurisdiction over all areas of education and the administrative head of each area.

Powers and duties.—Under present State laws the powers and duties of State boards of education vary from a few in some States to numerous powers and duties in other States. State survey commissions and many other educational authorities have made recommendations concerning the legal powers and duties of State boards

of education. According to their recommendations the following are among the specific powers and duties that should be assigned by law to a State board of education :

1. To exercise general control over all public schools.
2. To formulate and adopt educational policies.
3. To appoint a chief State school officer, and to prescribe his duties in conformity with State law.
4. To appoint, upon the nomination of the chief State school officer, such assistants to him as are deemed necessary.
5. To adopt such rules and regulations in conformity with State law as may be necessary for its own government and for the government
6. To organize the State department of education upon recommendation of all its employees.
of the chief State school officer.
7. To present to the Governor a budget covering the necessary expenses of the education department and a budget setting forth the amount of State funds that should be appropriated to the school districts of the State and to such institutions as are under the control of the State board.
8. To decide appeals from decisions of the chief executive officer.
9. To recommend to the Governor and the State Legislature such legislation as the board deems necessary for the improvement of the schools under its jurisdiction.
10. To prescribe subjects to be taught in the elementary and secondary schools of the State.
11. To promote equalization of educational opportunities among all youth of the State.
12. To adopt, in conformity with State law, rules and regulations governing the distribution of State school funds.
13. To be responsible for rules and regulations governing the use of Federal funds for educational purposes.
14. To adopt rules and regulations for the construction of school buildings.
15. To adopt rules and regulations for the certification of teachers.
16. To establish rules for the accrediting of all schools of the State.
17. To determine the number and location of State teachers colleges.
18. To have final approval of the consolidation of schools and of school districts.
19. To see that all the laws relating to the schools under the board's jurisdiction are complied with.

Selection and composition.—Under present laws State boards of education are composed of members (other than ex officio) who are appointed by the governor, or who are elected by the people, by conventions of local school boards, or by the State legislature. Appointment by the governor is in harmony with the theory that full responsibility for each branch of State government should

be centralized in the executive of the State. This theory, however, is opposed by legislative trends and views of school authorities. Election by the people on a nonpartisan ballot represents more nearly than does appointment by the governor a direct expression of the people's interest in the control of the State school system. This method, however, if it requires its candidates to campaign, is likely to cost the State board some highly qualified persons who would accept an appointment by the governor but not a candidacy that involves campaigning.

Election by conventions of local school boards, as in *Utah* and *Washington*, is a recent method worthy of consideration and study; especially in a State having few school boards, it simplifies the problem of getting men and women of high qualifications appointed without regard to political affiliations. This method, however, violates the principle that the board should not be selected by agencies or persons who are subject to its authority.

State laws, as most educators agree, should not provide for ex officio members. However well qualified a person may be to serve as a State officer in the position to which he is elected, it does not follow that he is qualified to serve on a State board of education or that he is interested in doing so. Such an official is elected not because of his fitness for State board membership, but for his fitness for a specific political office. Moreover, the duties of State officers, for instance the governor and the attorney general, are such as to require so much of their time that they can give only incidental attention to duties as members of the State board of education. The chief State school officer should not be a member of the board, since the person who is to *execute* policies should not be a member of the board that *determines* the policies.

The State board of education should be a policy-determining body representing the people. Educational authorities generally recommend that it should be composed of laymen rather than educators, or at least that no one should be a member of it who is under the jurisdiction of the board. Since many matters coming before the board are of special interest to the members representing educational institutions, it is only natural for such members to be loyal to the institutions they represent. Originally State boards had to rely on professional educators among their members for guidance, but now boards can get all the professional information that they need from the chief State school officers and their staffs.

Number of members.—State school survey commissions usually recommend memberships of seven or nine persons for State boards

of education. The board should be large enough to be representative of the educational interests which it must control within the State but not so large as to be top heavy.

Term of office.—The term of office for a school board member is often equal in years to the number of members on the board; especially is this true of smaller boards that have five or seven members. Whatever the length of term, school authorities agree that it is highly important to maintain continuity of membership by staggering the dates of termination for the several members. If the terms of all or a majority of members expire at the same time, there is no safeguard against sudden changes in policy at the hands of a new and inexperienced majority that would be revolutionary rather than evolutionary in nature.

Compensation.—Board members should be provided with the necessary expenses for travel and subsistence while attending board meetings and inspecting school plants or facilities. If it were the function of State boards of education to administer the schools, there might be a reason for granting the members a regular salary. State boards are not executive bodies, and since they meet only a few times a year and for only a day or two at a time, and since there are in every State highly qualified men and women who are willing to serve the schools of their State without remuneration, the payment of a salary seems unnecessary. It is doubtful that provision of salaries for State board members would improve the quality of the boards. In fact, the members of the board might be less well qualified, since a small salary might be an incentive to unsuitable persons to seek appointment. Experience in the States and in the cities has shown that public-minded citizens have not been deterred from serving on boards of education because no salary is attached to the position.

Recent Trends

A study of State laws governing education over recent decades reveals many legal trends which affect various aspects of State school administration. Below are listed some of the legislative trends in evidence with respect to the State boards of education:

1. An increase in legislative activity affecting the composition and organization of State boards of education.
2. The restriction of State control over education by the Governor (1) by his removal from State boards of education and (2) by a trend away from appointment of State boards by the Governor.
3. The abolition of constitutionally created *ex officio* State boards.
4. The removal of all *ex officio* members from State boards of education.

5. The removal of professional educators from membership on State boards.
6. An increase in number of members on State boards.
7. Selection of State boards by popular vote.
8. Selection of State boards by school board conventions.
9. Increased legislative and policy-making responsibility of State boards.
10. Broadening the scope and functions of general State boards of education.

The Chief State School Officer

Education is now not merely a State responsibility; in many States it has become a major part of State business. The responsibility assigned to the chief State school officer makes his position the most important educational position in the State; judging from some State laws, however, it is not always so regarded. The contradiction exists partly because early concepts concerning the office have changed very slowly, partly because of the method of selection, and partly because salary attached to the office is often much less than the salaries of city school superintendents and State university presidents.

Before the office in general can assume the importance that is its due, consideration should be given to the following matters:

Selection.—Of the three methods of choosing chief State school officers—election by popular vote, appointment by the State board, or appointment by the governor—election by popular vote is perhaps the least desirable, and appointment by the governor is little better. The method recommended by authorities in school administration and in State school survey reports is appointment by the State board of education. As stated by P. P. Claxton, former United States Commissioner of Education:¹

In most of the States the mistake was made of supposing that this Office (that of chief State school officer) could be made a political office subject directly or indirectly to the vicissitudes of partisan government, as if, forsooth, the political parties as such ever advocated different educational policies and as if the people would tolerate partisan influence in their schools. . . . Nominating conventions have all too often left this office to the last and then chosen a candidate for it to placate some partisan or sectarian faction or to give recognition to some neglected region of the State. Governors in appointing chief State school officers have frequently been guided by similar motives, or worse still have made this appointment through personal favoritism or in recognition of partisan obligation.

¹U. S. Department of the Interior, Bureau of Education, Bulletin 1926, No. 44, Organization of State Departments of Education. p. 2.

If the chief State school officer is elected by popular vote the political parties are limited in their nominations to members of the parties. They are also limited in their nominations to residents of the State. Most authorities in State school administration hold the view that the chief State school officer should be selected from the country at large as are city school superintendents and university presidents. No matter how efficient an elected chief State school officer may be, he is likely, when his term expires, to have opposition at the primary election and is almost certain to have opposition at the State election. This is especially true in those States in which there are two major political parties, and as a result of this opposition he may be defeated.

It is true that efficient chief State school officers have been elected by popular vote, but on the whole this method has not resulted in the choice of persons so well qualified for the position as has appointment by the State board. Reeder says on this point:²

In State board appointments the merit basis seems to have been kept in mind more perfectly than in any other methods of selection, because checking from 1899 to 1938 against "Who's Who in America" the names of those who have held office shows that State board appointments have secured persons of eminence much more frequently than popular election and gubernatorial appointment.

Term of office.—The term of office should be such as to permit the person selected for the position sufficient time in which to demonstrate his fitness for the office. A 2-year term as provided in several States does not allow enough time for a new chief State school officer to become acquainted with the duties of his office and to put into operation any new or far-reaching policies that the State board may adopt or, in the absence of such board, the policies that he deems necessary for the improvement of the schools of the State. A term of at least 4 years should be provided, and after that period he should be given indefinite tenure if his services have been satisfactory.

Salary.—Considering the importance of the office and the scope and manifold nature of the duties of the chief State school officers, their salaries in some States are inadequate as compared with the salaries of city school superintendents and of State university presidents. The comparatively low salaries are due largely to the fact that in most States they are fixed by statute and in several by the State constitution; in such cases it is difficult to change the

²Reeder, Ward G. *The State Board and State Department of Education*. Columbus, Ohio, The Ohio Education Association, 1939. p. 21.

salary in order to secure the best qualified person for the position. City boards of education and university boards are free to arrange salaries. A State board of education, as well as a city school board or a university board, should have authority to fix the salary of its chief executive officer at a figure that is at least equal to that of any other school executive in the State who has comparable duties.

Qualifications.—The legal qualifications for chief State school officers in general relate mostly to age and residence. In only about one-third of the States are qualifications of an educational nature prescribed by law, and in some of these States the educational qualifications are expressed in such general terms that it is difficult for the appointing officers or for the electors to decide whether candidates for the office actually meet the requirements. In order to safeguard the position from election or the appointment of persons who are educationally and professionally unqualified, some of the States have prescribed certain minimum qualifications. Such qualifications include graduation from college, 2 or 3 years of graduate work of a professional nature, and a specified number of years of experience in the field of education. There are, of course, certain personal characteristics that should be considered by State boards, governors, and the voters in choosing chief State school officers.

Powers and duties.—The number of powers and duties assigned by law to the chief State school officer varies among the States. In some States numerous powers and duties are listed in the school codes and in other States only a few are listed. In those States having State boards of education the number of powers and duties assigned by law to the chief State school officer doubtless need not be as great as in the States in which there are no such boards, since most of his powers and duties can be assigned by the State boards.

Among the powers and duties that should be assigned to the chief State school officer are the following:

1. General supervision of the public schools.
2. Acting as the executive officer of the State board of education, and also, if there is one, of the separate board for vocational education.
3. Nomination of required members of his professional and clerical staff and recommending the removal of any employee whose services are so unsatisfactory as to warrant such action.
4. Organization of the State department of education, subject to the approval of the State board.

5. Preparation of an outline for each State course of study and approval of courses of study for use in local school districts.
6. Preparation for submission to the State board of education, or, if there is no State board, to the governor, of a budget for the current expenses of the State department of education and a budget setting forth the amount of State funds that should be appropriated to the school districts of the State and to each of the institutions of the State under the control of the State board of education or under his supervision.
7. Interpretation of the school laws and deciding such controversies as may be appealed to him by teachers and others from the decisions of local school boards.
8. Preparation of forms for reports from local school districts and from State educational institutions to the State department of education.
9. Evaluation of credentials and issuance of certificates to teachers, principals, and supervisors.
10. Approval of school sites and school building plans.
11. Withholding State funds from school districts that fail to comply with State laws.
12. Review of proposals for the consolidation of schools or of school districts and submission of his recommendation to the State board.
13. Reporting to the State board of education and to the governor regarding the status of the schools in the States and the needs of the schools, and making recommendations for their improvement.
14. Approval of curriculums for teacher-preparing institutions.
15. Distribution of State school funds in accordance with State law.

Trends with Respect to the Chief State School Officer

Among recent trends affecting the position of this officer are the following:

1. Toward appointment of the chief State school officer by the State board of education.
2. Constitutional changes away from election of the chief State school officer by popular vote.
3. Away from appointment of the chief State school officer by the governor.
4. Toward the removal of the chief State school officer from membership on State boards of education.
5. Toward making the chief State school officer the executive officer of the State board.
6. Toward making the chief State school officer the chief administrative officer of the State department of education.
7. Toward longer or indefinite terms of office and better salaries for chief State school officers.
8. Toward increasing the educational and administrative qualifications of chief State school officers.

9. Toward clarifying the duties and functions of chief State school officers in relation to those vested in the State board of education.
10. Toward the separation of policy-making functions from executive and administrative functions, vesting the former with State boards and assigning the latter to chief State school officers.

General Observations

From a study of present legislative principles and practices affecting the legal structure and organization for State administration of public schools a number of broad or general observations may be made. Among some of the more noteworthy observations are:

1. A State legislature is free to change or adjust school laws to meet changing conditions.
2. Present conditions in school administration emphasize a need for legislators to consult with educational authorities.
3. A State legislature has considerable freedom to go the way it chooses but it should go with its eyes open.
4. It is desirable that legislation affecting State school administration conform to the best opinion of authorities in education, and that it should follow carefully worked-out systems which have been found to produce good results.
5. Fewer statutory prescriptions and an extension of discretionary powers in State school officials would apparently enable the development of more flexible and efficient systems of State school administration.
6. Laws which require too much uniformity in administration may stifle the natural educational and administrative processes.
7. Legal provisions governing State school administration are not susceptible to separation from local school administration; the separation of State functions from local administrative functions is a constant problem in school administration.
8. Whatever the degree of State administrative control, it should secure local cooperation, mutual respect and confidence, and promote local initiative and freedom of action.
9. A study of various types of State laws governing State school administration emphasizes the importance of developing some scientific method for measuring the results or effects of different legal provisions. Actual experimentation in this area is inadequate. After many years of experience with various types of school laws and much theorizing, school administrators as well as legislators do not yet agree on what constitutes the best legislative provisions, or what provisions produce the most desirable results.
10. School administration may not be an exact science, but its procedures may be subject to objective appraisal in terms of results obtained. The science of education may yet work out the technique to determine with reasonable assurance that certain legislative provisions governing school administration are better than others.