



700 Broadway, Suite 810 • Denver, CO 80203-3442 • 303.299.3600 • Fax: 303.296.8332 • www.ecs.org

Governors: Seeking Greater Control over Education

By Jennifer Dounay Zinth

Updated April 2011

The past year has seen a variety of proposed legislation or gubernatorial actions to give governors a greater role in education policymaking. Below is a summary of completed or proposed action in this vein, followed by a discussion on the political and education policy impacts such changes may have.

Recent Actions

Increasing gubernatorial influence over selection of state board members

A [change](#) in the state constitution approved by **Hawaii** voters in November 2010 makes the state board appointed by the governor, with the advice and consent of the state senate, rather than directly chosen by the Hawaii electorate. [Legislation](#) enacted in March 2011 provides the details of the process for the governor to appoint board members.

Creating an entity to advise the governor

In **Georgia**, the state board of education is appointed. However, in February 2011, Governor Nathan Deal appointed an [Education Advisory Board](#), comprised of superintendents, principals, educators and school board members. Meeting quarterly with the governor, the new board will, quoting Governor Deal in the February 25, 2011 press release, “discuss how we can continue to improve educational outcomes for Georgia students[.]”

Proposed Actions

Amendment of the membership, power and/or duties of the state board

Strengthening gubernatorial influence over the state superintendency

[Legislation](#) introduced in **Oregon** in the 2011 session notes that under the state constitution, the governor is the superintendent of education. This bill specifies the process for the governor to appoint a deputy superintendent of education while also clarifying that overall, the governor is the responsible party.

Reconstituting membership of the state board

Presently, **Oklahoma's** state board is a seven-member body comprised of the state superintendent and six members appointed by the governor. The most current version of 2011 [S.B. 435](#), amended and engrossed April 7, 2011, provides that effective July 1, 2011, the terms of the members of the state board of education are terminated, and by August 1, 2011, the governor is to fill the vacancies with a one appointment from each congressional district and a member appointed from the state at-large. The appointments would be subject to senate approval during the next session of the legislature. Each successive governor is to appoint six members upon assuming office, with the state superintendent continuing to serve as the 7th member and chairperson of the board.

Under the latest version of the measure, the superintendent would be vested with some powers currently given to the state board, although the reconstituted board would retain control over such areas as curricula and educator licensure. The board would meet quarterly rather than monthly.

Consolidation of governance and/or administration

Other states are considering legislation to combine multiple agencies into one entity under the governor's authority:

1. **Washington:** Governor Chris Gregoire has developed a [proposal](#) to consolidate multiple boards and agencies with authority for various components of early learning, K-12 and higher education into a single cabinet-level department of education, to be overseen by a governor-appointed secretary of education. The proposal has been introduced in both houses of the Washington General Assembly, under [S.B. 5639](#) and [H.B. 1974](#).
2. **Utah:** Under 2011 [Senate Joint Resolution 9](#), "general control and supervision" of K-12 and postsecondary education would be shifted to the governor. The state board of education would no longer exist, unless the governor chose to create one. The measure would require approval from the state's electorate, since changes to the state constitution would be necessary. (As of March 10, 2011, the bill is in the Senate Rules Committee file for defeated bills, according to the Utah Legislature Web site.)
3. **North Dakota:** 2011 [House Concurrent Resolution 3046](#) would do away with the position of the elected state superintendent of public instruction, and would, effective January 1, 2015, create a department of education responsible for overseeing all public education in the state, from early learning through postsecondary. The director of the department of education would be appointed by the governor for a three-year term. The resolution also calls for the creation of an 11-member "educational council", also appointed by the governor, with the advice and consent of specified legislative leaders, to advise the director of the department of education "in all matters pertaining to the delivery and administration of education in [the] state..." The proposed efforts would require amendments to the state constitution, so such changes would have to be ratified by voters of the state. (A Senate vote on April 6, 2011 killed the measure.)
4. An [executive order](#) issued in February 2011 by **Oregon** Governor Kitzhaber puts the governor at the helm of a group to develop a consolidated finance mechanism for all publicly-funded education in the state. The executive order establishes the Education Investment Team, to be appointed and chaired by the governor. The 13-member team is tasked with "[developing] specific concepts to achieve a comprehensive redesign of Oregon's public education budgeting and governance system." The team must design a "unified, performance-based 0-20 budget model for consideration by the 2012 legislative session" and must ultimately develop recommendations that will additionally:
 - Create an Oregon Education Investment Board (OEIB) to oversee a unified 0-20 Oregon Education Investment Fund (OEIF)
 - Create an integrated early childhood and family investment strategy
 - Develop a strategy to ensure effective assessment and accountability throughout the public education system
 - Consolidate state level responsibilities for public education.

The executive order calls for the team to develop a report by May 31, 2011, identifying the progress made and setting forth the groundbreaking budget and policy framework.

In addition, Oregon [S.B. 909](#) creates the Task Force on Education Investment Board through statute. According to an April 5 [press release](#) from the governor's office, the Oregon Education Investment Board will:

- “Develop an outcome-based budget that makes strategic investments across the entire public education system
 - Streamline and connect early childhood services to the K-12 system, and the K-12 system to post-secondary education programs
 - Consolidate early childhood programs by reconfiguring Oregon’s disparate early learning-related programs
 - Improve K-12 education outcomes with tools developed by K-12 design teams
 - Coordinate higher education institutions with a consolidated finance model and budget.
 - Measure results with an integrated, statewide, child-based data system to track expenditures and return on investment for education-related programs from zero-to-20.”
5. **Kansas:** 2011 [House Concurrent Resolution 5018](#) provides a twist on other efforts to consolidate governance. The measure would do away with the state board of education and the state board of regents, placing oversight of K-12 and postsecondary education with the legislature. The position of the commissioner of education (who is currently appointed by the state board) would be replaced with that of a governor-appointed secretary of education, subject to confirmation by the senate. The measure would require state voters’ approval, as it would necessitate amendments to the state constitution.

What are the potential implications of the proposed changes?

The quotes in the following section are from the seminal 1993 work *State Education Governance Structures*, written by Martha McCarthy, Carol Langdon and Jeannette Olson from the Indiana Education Policy Center, and published by ECS.

And in fact, these words on conflicting pressures in education policymaking are just as applicable today as they were nearly 20 years ago: “State policy makers currently are faced with the problem of reconciling a number of competing values, such as efficiency versus autonomy ... For example, the state education bureaucracy is under pressure to streamline so decisions can be made more quickly and efficiently. Also, attention is being given to state-level coordination of services for youth ... through a single agency ... to address children’s multiple needs more coherently ... But at the same time, states are under pressure to decentralize decisions and provide more autonomy at the school district and even at the local school level, which means reducing state regulations.”¹

The authors of the 1993 report make clear that changing who appoints the chief state school officer may have implications for education policymaking, as discussed in the following section.

State board-appointed chief may de-politicize education policymaking

According to the authors of *State Education Governance Structures*, if the prevailing value in a state is to unyoke education decisionmaking from “partisan politics”, a “strong, policy-making SBE [state board of education] (with members appointed for long terms) that appoints the” chief state school officer may be the best course of action. This approach can allow the state board to “focus on a long-range vision for schools, and it might make education reform less vulnerable to political pressures of election cycles that often result in ‘quick-fix’ strategies.”

The other potential benefits of a state board-appointed chief, as cited in *State Education Governance Structures*:

- State board can hold chief accountable for executing its policy recommendations
- Chief’s role is perceived as less partisan
- Chief is more likely to be an educator than a politician (Harris, 1973).

On the down side, a state board-appointed chief “may not have the necessary backing of political constituencies to secure legislative enactment of education reform measures.”

Centralizing governance in governor’s office may streamline decisionmaking

The authors suggest, “If the most important value is to ensure coordination in education reform efforts and the efficient implementation of decisions, a system that streamlines governance and centralizes decisions in the governor’s office, for example, may be considered the ‘best’ system. The potential benefits of a gubernatorially-appointed chief:

- More “cohesion at the executive level, which can facilitate statewide planning and coordination”
- May diminish the influence of “competing political agendas on education reform efforts.”

However, the authors posit that a system in which education decisionmaking is centralized in the governor’s office does to a certain degree mute the electorate’s voice in “education policy deliberations.” And it has been noted elsewhere that an education system highly centralized in the governor’s office reduces the opportunity for checks and balances, and may in fact stymie education reform when the governor and legislature are of opposing political parties.

Consolidating state agencies may lead toward coherent policies for children

Most efforts proposed today to consolidate state agencies look to combine agencies that oversee K-12 and higher education (and potentially also early education), rather than put together agencies administering non-education-related services for youth. However, the arguments made by the authors for combining education and non-education services also apply to plans to consolidate education sectors: “A system that coordinates education, welfare, health, juvenile justice and other services for youth through one agency might be adopted if developing coherent policies for children’s services is the primary goal. ... Advocates of such an approach contend that coordination would better serve the multiple needs of children by addressing gaps in services and allocating resources more efficiently. Although this strategy might increase effectiveness of service delivery, **traditional patterns of agency autonomy are extremely difficult to change**” [emphasis added].

Politician vs. professional educator as chief = benefits and disadvantages

A professional educator chosen to be the chief may “have a vested interest in maintaining the status quo”, the authors contend. However, a chief who is a politician “may not fully understand the complexities of the educational enterprise and may make decisions based on political expediency rather than educational efficacy.”

No ideal education governance structure

The authors make clear that there is no “ideal” when it comes to a state’s education governance structure: “[W]e have not attempted to identify the ‘best’ model of state education governance. The optimum governance model depends on the political philosophy and educational goals and priorities within a given state. ... Alternative goals (e.g., ensuring the efficiency and effectiveness of schools or their responsiveness to citizens’ expectations or their ability to serve as change agents to resolve society’s chronic and emerging problems) have implications for how schools are governed. ... There is no design for education governance that is likely to achieve all the desirable objectives for education.”

Senior Policy Analyst Jennifer Dounay Zinth may be reached at 303.299.3689 or jdounay@ecs.org.

© 2011 by the Education Commission of the States (ECS). All rights reserved.

ECS is the only nationwide, nonpartisan interstate compact devoted to education.

ECS encourages its readers to share our information with others. To request permission to reprint or excerpt some of our material, please contact the ECS Information Clearinghouse at 303.299.3675 or e-mail ecs@ecs.org.

Equipping Education Leaders, Advancing Ideas

¹ Martha McCarthy, Carol Langdon and Jeannette Olson, *State Education Governance Structures* [Denver: Education Commission of the States, November 1993].