



Vermont Legislative Research Service

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State Boards of Education

State boards of education are government bodies, created via statute, which oversee and contribute to state educational policy.¹ Depending on the state, members of a state board of education might be elected or appointed.² Every state has differences in the composition, election or appointment process, and the jurisdiction of the board. The National Association of State Boards of Education, a non-profit organization representing boards of education across the country, lays out four primary responsibilities of state boards:

establishing high school graduation requirements, determining qualifications for professional education personnel, establishing state accountability and assessment programs, and establishing standards for accreditation of local school districts and preparation programs for teachers and administrators.³

While almost all states have a state board of education, some do not. Minnesota and Wisconsin do not have state boards of education, instead, educational policy is governed directly by the states' departments of education. In New Mexico, the board is advisory only.⁴

Composition

Vermont

The board of education consists of ten members. Two of the board members are Vermont high school students; one is a voting member, and the other is not. The Secretary of Education serves on the board as a non-voting member. Vermont law states that to the “extent possible, the members shall represent the State’s geographic, gender, racial, and ethnic diversity.”⁵

¹ National Association of State Boards of Education, “About State Boards of Education,” National Association of State Boards of Education, Accessed December 2, 2023, <https://www.nasbe.org/about-state-boards-of-education/>.

² National Association of State Boards of Education, “About State Boards of Education.”

³ National Association of State Boards of Education, “About State Boards of Education.”

⁴ Educational Commission of the States, “50-State Comparison: K-12 Governance,” Educational Commission of the States, accessed December 4, 2023, <https://www.ecs.org/50-state-comparison-k-12-governance/>

⁵ Vermont Statutes, Chap. 003 § 161 (2021), <https://legislature.vermont.gov/statutes/section/16/003/00161>.

Connecticut

The board of education consists of fourteen members. There are four non-voting members. Two are students. The remaining two are the President of Connecticut State Universities and Colleges and the Chairperson of the Technical Education and Career System Board. Among the ten voting members, there must be at least two people with trade or manufacturing experience and at least one person with agricultural experience.⁶

Kentucky

The Kentucky board consists of fifteen members. Eleven of the board members are voting members and four are not. The four non-voting members are:

1. The President of Postsecondary Education.
2. The Secretary of the Education and Labor Cabinet.
3. A high school student.
4. An active elementary or secondary school teacher.

Seven of the eleven voting members represent each of the Supreme Court districts. The remaining four represent the state at large.⁷

California

The California board consists of eleven members, one of which is a California high-school student. All eleven members have full voting rights, including the student.⁸

Georgia

The Georgia board consists of 14 members, one from each congressional district.⁹ All members must be citizens of Georgia who have resided in the state for the past five years.¹⁰

Ohio

The Ohio board consists of nineteen members. The eleven elected members represent each of the school districts respectively, and the eight appointed members represent the state at large. Every two years, the board selects a new president and vice-president from among its members.¹¹

⁶ Connecticut General Statutes Annotated Chap. 163 § 10-1 (2012), https://www.cga.ct.gov/current/pub/chap_163.htm#sec_10-1.

⁷ Kentucky Department of Education, “Kentucky Board of Education Members,” Commonwealth of Kentucky, November 27, 2023, <https://www.education.ky.gov/KBE/Pages/default.aspx>.

⁸ California State Board of Education, “SBE Responsibilities,” California Department of Education, accessed December 4, 2023, <https://www.cde.ca.gov/be/ms/po/index.asp>.

⁹ Georgia Code Annotated § 20-2-1 (2021), <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-1/>.

¹⁰ Georgia Code Annotated § 20-2-4 (2021), <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-4/>.

¹¹ Ohio Revised Code § 3301.02 (2002), <https://codes.ohio.gov/ohio-revised-code/section-3301.02>.

Election/Appointment Process

Vermont

All members are appointed by the Governor with Senate “advice and consent.”¹²

Connecticut

All non-student members are appointed by the Governor and confirmed by the General Assembly. All student members are recommended to the Governor and confirmed based on academic qualifications.¹³

Kentucky

All eleven voting members are appointed by the Governor and confirmed by the State House of Representatives and State Senate. Seven of the eleven appointed members shall represent each of the supreme court districts and four shall represent the state at large.¹⁴

California

All members are appointed by the Governor and confirmed by two-thirds vote of the Senate, within a year of their appointment.¹⁵

Georgia

All members are appointed by the Governor with advice and consent from the Senate.¹⁶

Ohio

Eight of the members are appointed by the Governor and confirmed by the Senate. The remaining eleven members are elected by the constituents in each of the eleven school districts. Elections are staggered in even-numbered years.¹⁷

¹² Vermont Statutes, Chap. 003 § 161.

¹³ Connecticut General Statutes, Chap. 163 § 10-3a (2019), https://www.cga.ct.gov/current/pub/chap_163.htm#sec_10-3a.

¹⁴ Kentucky Revised Statutes § 156.029 (2014), <https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=37825>.

¹⁵ California State Board of Education, “SBE Responsibilities.”

¹⁶ Georgia Code, § 20-2-1.

¹⁷ Ohio Revised Code, § 3301.02.

Tenure

Vermont

All non-student members serve six-year terms. Students serve two-year terms. No member is eligible for reappointment for consecutive terms.¹⁸

Connecticut

All non-student members serve four-year terms starting on March 1st. Student members serve one-year terms starting on July 1st.¹⁹

Kentucky

All members serve four-year terms, other than the high school student who is re-appointed after graduation.²⁰

California

All non-student members serve 4-year terms. Their appointments are staggered, to avoid abrupt turnover of members. The student member serves a 1-year term.²¹

Georgia

All members serve 7-year terms from the time of appointment.²²

Ohio

All members, elected and appointed, serve 4-year terms from the time of appointment.²³

Jurisdiction/Scope

Vermont

The board establishes a strategic vision for state education, and advises the General Assembly, Governor, and Secretary of Education. Additionally, the board creates advisory commissions, may enter into legal agreements with schools and school districts, creates attendance requirements, and creates standards for student performance.²⁴

¹⁸ Vermont Statutes, Chap. 003 § 161.

¹⁹ Connecticut State Code, Chap. 163 § 10-1.

²⁰ Kentucky Rev. Stat. § 156.029.

²¹ California S.B.E., “SBE Responsibilities.”

²² Georgia Code Annotated § 20-2-2 (2022), <https://law.justia.com/codes/georgia/2022/title-20/chapter-2/article-1/section-20-2-2/>.

²³ Ohio Rev. Code. § 3301.02.

²⁴ Vermont Statutes, Chap. 003 § 161.

Connecticut

The board establishes education policy, prepares legislative proposals, sets academic standards for teachers and students, administers a \$2.45 billion annual general fund budget, and provides leadership and support services to Connecticut's 149 local and 17 regional school districts. It also serves as the board of education for the 17 regional technical high schools. The board must provide a comprehensive education plan every five years.²⁵

Kentucky

The board's function is to develop and adopt policies and administrative regulations, with the advice of the Local Superintendents Advisory Council, by which the department of education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the educational programs, services, and activities within the department of education which are within the jurisdiction of the board.²⁶

California

The board is responsible for obtaining textbooks, approving the allocation of resources, reorganizing school districts, adopting statewide standardized tests and instructional materials, and studying the educational conditions and needs of the state.²⁷

Georgia

The board is responsible for creating budget estimates, supervising the Department of Education, and allocating money for research and instructional material. The board is also in charge of assessing the need for new school buildings and receiving the funding for that construction.²⁸

Ohio

The Ohio State Board of Education is tasked with appointing a superintendent, developing educational policy and goals, establishing educational, financial, and operational standards, and implementing educational programs.²⁹

²⁵ Connecticut General Statutes Annotated Chap. 163 § 10-4 (2019), https://www.cga.ct.gov/current/pub/chap_163.htm#sec_10-4.

²⁶ Kentucky Rev. Stat. § 156.029.

²⁷ California S.B.E., "SBE Responsibilities."

²⁸ Georgia Code Annotated § 20-2-11 (2021), <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-11/>.

²⁹ Ohio Rev. Code. § 3301.02.

Vouchers

While school boards primarily focus on public education, they may regulate and influence private education as well if the state has a school voucher program. A school voucher is defined as a “government-supplied coupon that is used to offset tuition at an eligible private school.”³⁰

In many states, including Vermont, there have long been legal provisions forbidding the use of vouchers for religiously affiliated private educational institutions. However, in the wake of the United States Supreme Court’s 2022 decision in *Carson v. Makin* states cannot prevent school voucher funds from being applied towards religiously affiliated educational institutions.³¹ Because of the recency of *Carson v. Makin*, state policy regarding private religious school vouchers is still in flux.

In Maine, the state legislature recently amended the Maine Human Rights Act (MHRA) to include sexual orientation and gender identity as protected civil rights categories. This amendment makes it “unlawful educational discrimination” to “deny a person admission to the institution or program” on the basis of “sexual orientation or gender identity.”³² If enforced, this provision would withhold voucher funding from some religious schools on the grounds that by refusing to admit LGBTQ students they are discriminating in violation of the MHRA. Enforcement would likely be handled by the Maine Human Rights Commission, a quasi-independent state agency in charge of administering and enforcing the Maine Human Rights Act.³³ Several religious schools filed a preliminary injunction against the recently added provision in federal court.³⁴ This litigation is ongoing.

Vermont has yet to amend its statutes, but efforts are underway to implement legislation similar to that of Maine.³⁵ Some private schools have already promised to challenge the new rules, so the legality of the provisions has yet to be determined.³⁶

³⁰ Dennis Epple, Richard E. Romano, and Miguel Urquiola, “School Vouchers: A Survey of the Economics Literature,” *Journal of Economic Literature*, 55 (2): 441, June 1, 2017, <https://www.aeaweb.org/articles?id=10.1257/jel.20150679>.

³¹ *Carson v. Makin* 20-1088 U.S. (2021) https://www.supremecourt.gov/opinions/21pdf/20-1088_dbfi.pdf.

³² Maine Senate, “An Act To Improve Consistency within the Maine Human Rights Act,” 130th Maine Legislature, 1st session, S.P. 544, page 9, https://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0544&item=1&snum=130#_blank.

³³ Maine Human Rights Commission, “About the Maine Human Rights Act,” State of Maine, Accessed December 6, 2023, <https://www.maine.gov/mhrc/about>.

³⁴ Robbie Feinberg, “Bangor church sues over law requiring its school to accept LGBTQ students, staff to get public funds,” Maine Public, March 28, 2023, <https://www.maine-public.org/courts-and-crime/2023-03-28/bangor-church-sues-over-law-requiring-its-school-to-accept-lgbtq-students-staff-to-get-public-funds>.

³⁵ Howard Weiss-Tisman, “Vermont school choice system scrutinized as Legislature responds to U.S. Supreme Court decision,” Vermont Public, February 16, 2023, <https://www.vermontpublic.org/local-news/2023-02-16/will-a-u-s-supreme-court-decision-end-vermonts-school-choice-system>.

³⁶ Weiss-Tisman, “Vermont school choice system scrutinized as Legislature responds to U.S. Supreme Court decision.”

Vermont

Vermont’s “town tuitioning program” launched in 1869 and is the oldest school voucher program in the country.³⁷ In 2012, the program was updated and expanded to allow students to attend any school throughout the state, rather than their specific region.³⁸ It is administered by the Vermont Agency of Education. As of 2020, 6,740 students participated in the program.³⁹ The average projected voucher amount in 2021-2022 was \$16,024.⁴⁰ Nonpublic schools in Vermont must be approved by the State Board of Education. Approval is based on compliance with several guidelines, as well as an onsite visit from state officials.⁴¹

Georgia

In Georgia, there are two school-choice programs currently in effect. First, students with special needs may receive vouchers from the State Board of Education for a private educational institution better suited to their needs. Second, Georgia utilizes the Georgia Private School Tax Credit to facilitate “eligible private citizens and corporations to receive tax credits for donations to Georgia Student Scholarship Organizations.”⁴² These Student Scholarship Organizations (SSOs) “provide student scholarships to parents that will help cover the cost of a private school education for their children in the state of Georgia.”⁴³ Participation in the program is available to all students statewide regardless of income.⁴⁴

To be eligible for SSOs, private schools must receive accreditation from the Georgia Accrediting Commission, an independent agency composed of “teachers, instructional supervisors, school administrators, Regional Educational Service Agency personnel, Georgia Department of Education personnel, and college personnel.”⁴⁵ Accreditation is contingent on meeting requirements such as adequate recordkeeping, acceptable health and safety standards, etc.⁴⁶

³⁷ State of Vermont Agency of Education, “Town and Unified School Districts Tuitioning One or More Grades,” accessed December 12, 2023, <https://education.vermont.gov/data-and-reporting/financial-reports/tuition-rates>.

³⁸ Weiss-Tisman, “Vermont school choice system scrutinized as Legislature responds to U.S. Supreme Court decision.”

³⁹ State of Vermont Agency of Education, “Town and Unified School Districts Tuitioning One or More Grades.”

⁴⁰ State of Vermont Agency of Education, “Town and Unified School Districts Tuitioning One or More Grades.”

⁴¹ State of Vermont Agency of Education, “Independent Schools,” State of Vermont, Accessed December 2, 2023, <https://education.vermont.gov/independent-schools>.

⁴² Georgia Department of Education, “Georgia Private School Tax Credit,” accessed December 12, 2023, <https://www.gadoe.org/External-Affairs-and-Policy/Policy/Pages/Tax-Credit-Program.aspx>.

⁴³ Georgia Department of Education, “Georgia Private School Tax Credit.”

⁴⁴ Georgia Department of Education, “Georgia Private School Tax Credit.”

⁴⁵ Georgia Accrediting Commission, “Mission of the Georgia Accrediting Commission, Inc,” Georgia Accrediting Commission, accessed December 2, 2023, <http://gac.coe.uga.edu/about/>.

⁴⁶ Georgia Accrediting Commission, “Accreditation Requirements for All Schools, Agencies and Centers Organization,” Georgia Accrediting Commission, accessed December 7, 2023, <http://gac.coe.uga.edu/gac-standards/accreditation-requirements-for-all-schools-agencies-and-centers-organization/>

Ohio

Ohio utilizes its ‘EdChoice’ program to “provide students from designated public schools the opportunity to attend participating private schools.”⁴⁷ For grades K-8, the annual voucher amount is \$6165. For grades 9-12 the annual amount is \$8407.⁴⁸ To be eligible, students and their families must meet certain household income requirements. The amount of money provided increases or decreases based on how the family’s household income relates to the federal poverty line.⁴⁹ The program originally only applied to Ohio students in public schools designated as “chronically low-performing,” but has now been extended to every student in the state.⁵⁰ To participate in the EdChoice program, nonpublic schools must be approved by the director of the Ohio Department of Education and Workforce.⁵¹ This approval is contingent upon meeting certain requirements, such as ensuring proper instruction in math and English according to state standards.⁵²

California

California does not have a school voucher program. It allows limited choice within and between public school districts, but no option exists for state-subsidized private school enrollment.⁵³

Kentucky

Kentucky does not have a school voucher program.

Connecticut

Connecticut does not have a school voucher program.

Florida

Florida has a school voucher program in the form of its “Empowerment Scholarship for Educational Options Program.” This program is the largest voucher program in the United States

⁴⁷ Ohio Department of Education and Workforce, “EdChoice Scholarship,” Ohio Department of Education and Workforce, accessed December 2, 2023, <https://education.ohio.gov/Topics/Other-Resources/Scholarships/EdChoice-Scholarship>.

⁴⁸ Department of Education and Workforce, “EdChoice Scholarship.”

⁴⁹ Ohio Department of Education and Workforce, “EdChoice Expansion Income Eligibility Requirements for 2023-2024,” Ohio Department of Education and Workforce, accessed December 2, 2023, <https://education.ohio.gov/getattachment/Topics/Other-Resources/Scholarships/DRAFT-Scholarships/EdChoice-Expansion/EdChoice-Expansion-Resources/2023-2024-Income-Eligibility-Requirements-for-EdChoice-Expansion.pdf.aspx?lang=en-US>.

⁵⁰ Ohio Department of Education and Workforce, “EdChoice Scholarship.”

⁵¹ Ohio Revised Code, Section 3301.16, “Classifying and chartering school districts and individual schools,” 2023, <https://codes.ohio.gov/ohio-revised-code/section-3301.16>.

⁵² Ohio Revised Code, Section 3301.0711, “Administration and grading of assessments,” 2023, <https://codes.ohio.gov/ohio-revised-code/section-3301.0711>.

⁵³ California Department of Education, “Title I, Part A School Choice,” accessed December 12, 2023, <https://www.cde.ca.gov/sp/sw/t1/schoolchoice.asp>.

and serves approximately 3 million students. The program offers students and their families an educational savings account (ESA) which can be directed to educational opportunities of the family's choice. This includes, but is not limited to, "private school tuition and fees, tutoring, online education, [and] home education." All students, statewide, regardless of income, are eligible to participate, though preference is given to those living below 175 percent of the federal poverty line and to foster care children.⁵⁴

To participate in the Educational Options Program, schools must be approved by the state. State approval is contingent on several factors. Schools must comply with the federal nondiscrimination requirements under Title VI of the 1964 Civil Rights Act.⁵⁵ This means they cannot discriminate on the basis of "race, color, and national origin."⁵⁶ Private schools that participate in the program "may be a parochial, religious, denominational, for-profit, or nonprofit."⁵⁷ Approval and administration for the program is handled by the Florida Department of Education.⁵⁸

Conclusion

School boards of education operate differently depending on each state's individual laws. School boards serve as a conduit between constituents and policymakers and play a major role in shaping educational policy wherever they are. In recent years, there has been debate regarding whether school vouchers may be applied to religious education. The recent Supreme Court decision in *Carson vs Mankin* said that the states must allow vouchers to be applied to religious schools. This decision has resulted in ongoing litigation between private religious education institutions and state governments, and its effects are not yet fully understood.

This report was completed on December 12, 2024, by Elyse Giblin, Sebastian D'Amico, and Wiley Barzelay under the supervision of VLRS Director, Professor Anthony "Jack" Gierzynski in response to a request from Representative Mary-Katherine Stone.

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⁵⁴ Florida Department of Education, "K-12 Scholarship Programs: Family Empowerment Scholarship," accessed December 12, 2023, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/fes/>.

⁵⁵ Florida Department of Education, "K-12 Scholarship Programs."

⁵⁶ Civil Rights Division, "Title VI of The Civil Rights Act Of 1964, 42 U.S.C. § 2000d Et Seq.," United States Department of Justice, accessed December 7, 2023, <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

⁵⁷ Florida Statutes Title XLVIII § 1002.01 (2022), http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.01.html.

⁵⁸ Florida Statutes Title XLVIII § 1002.42 (2022), http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=1002.42&URL=1000-1099/1002/Sections/1002.42.html