



## Wyoming Legislative Service Office

# EXECUTIVE SUMMARY

## State-Level Education Governance

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### Program Evaluation Division

December 2005

#### Purpose

Three entities constitute the state level of Wyoming's educational system: the Superintendent of Public Instruction, the Department of Education supervised by the Superintendent, and the State Board of Education. Statutes create a complex and interdependent structure that assumes a cooperative relationship will exist between these entities. However, at times there has been tension between the Superintendent and the State Board, as their responsibilities intertwine. This report reviews this relationship and describes the evolution of many responsibilities delegated to each, as well as the potential barriers to cooperation.

#### Background

In 1889, the Wyoming Constitution established that supervision of public education would be entrusted to the Superintendent in the manner determined by the Legislature. As one of Wyoming's five elected officials, the Superintendent serves on multiple education-related boards and on four major state boards, and is accountable to the public for education matters. The Superintendent's education-related duties have changed over the years but remain primarily administrative, those of the Department's chief executive officer.

The State Board, created by the Legislature in 1917, consists of 11 members appointed by the Governor for staggered, six-year terms.

The Board has long had the duties of prescribing standards for education programs and evaluating and accrediting schools. These responsibilities, along with that of assessing student performance, became critical in state school reform of the late '90s.

In the past two decades, the Legislature has made numerous statutory changes to address issues of authority believed to be creating tension in the Superintendent/State Board relationship, and to add to the duties of each. Further, since 1997, the Legislature itself has become more involved in guiding education through reform efforts. Finally, federally mandated "No Child Left Behind" requirements have created specific demands affecting this relationship by linking academic standards and student assessments more closely to federal funding issues.

#### Principal Findings

One perspective is that tension results because the Superintendent, as the primary public face of education in the state, has accountability but not authority for critical education decisions made by the Board. Candidates for Superintendent campaign on specific education issues with the belief that as an elected official and the chief education officer, the Superintendent should have a leadership role in all areas of education, even those that have been legislatively delegated to the State Board.

Another source of contention is that the State Board must rely on the Department to provide almost all the information and research it needs to conduct business. Each new Superintendent can reconfigure the Department's organization and allow the Board a different degree of access to the Department's staff and resources.

Superintendents may also disagree with Boards as to their roles and scope of authority. The Superintendent and the Department need the Board to perform specific statutorily- designated duties, while some Boards see a broader role for themselves in becoming more proactive and bringing about "big picture" discussions to enhance education. Because pursuing such a role requires Department support, it can strain Department resources already pledged to support other responsibilities, some assigned by the Legislature. Complicating matters further, the Legislature's education reform measures from 1997 on have given many new responsibilities to this lay board that has no staff.

Most states use one of four basic models of education governance. Wyoming and ten other states use the same basic structure: an elected Superintendent and a Board appointed by the Governor. Significant variation occurs from state to state and no one model or organizational variation is ideal or more functional than the others. While other states may at present have a cooperative relationship, the balance can be tenuous.

### **Options to Reduce Tension**

Our research suggests that radical changes to the structure are not necessary. Instead, the following are several options available to address the sources of tension:

- ❖ Make the orientation currently provided only to State Board members also available to candidates for

Superintendent. Expand the orientation by incorporating the Attorney General's Office to review statutes, roles, and responsibilities.

- ❖ Enhance State Board resources by providing a staff analyst to do some research and information gathering.
- ❖ Empower the Superintendent with a vote on the State Board to help balance accountability with authority.
- ❖ Make the State Board an advisory body, thus eliminating questions of authority and allowing the State Board to focus on discussion of improving education.
- ❖ Maintain the status quo if the Legislature is comfortable with the creative tension that occasionally occurs.

### **Agency Comments**

The Superintendent generally agrees or partially agrees with the report's findings and desires that the current structure be retained. The Superintendent is committed to cooperating and communicating with the State Board and will institute various changes within the Department to assist the Board.

The State Board also favors maintaining the current system, believing minor adjustments will help it be more effective. The Board disagrees, however, with the options of giving the Superintendent a vote on the Board; of making the Board advisory; and of having the Legislature focus the Board on only its decision-making responsibilities.

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*Copies of the full report are available from the Wyoming Legislative Service Office. If you would like to receive the full report, please fill out the enclosed response card or phone 307-777-7881. The report is also available on the Wyoming Legislature's website at [legisweb.state.wy.us](http://legisweb.state.wy.us)*