

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli, and an adjunct professor at McGeorge School of Law. Today's podcast, we're going to take a look at who's in charge of education policy in the state of California.

As you may be aware, there are multiple players who take part in setting education policy in the state of California. We'll begin with the California Constitution in Article IX, which is focused on education. Article IX was adopted in 1879 into the state Constitution. And this particular article contains sixteen sections, but we'll look at just a handful of them in terms of the roles of the Superintendent of Public Instruction, as well as the State Board of Education.

Section 2 provides that a Superintendent of Public Instruction, sometimes referred to as SPI, shall be elected by the qualified electors of the state at each gubernatorial election. And no Superintendent of Public Instruction may serve more than two terms.

Section 2.1 of Article IX specifies that the State Board of Education, upon the nomination of the SPI, appoints a deputy superintendent and three associate superintendents, all of whom are exempt from state civil service and whose terms of office are four years a piece.

Section 3 provides that a Superintendent of Schools for each county may be elected by the qualified electors at each gubernatorial election or every four years, or that superintendent for each county may be appointed by the county Board of Education. And the manner of this selection is determined by a majority vote of the electors in this specific county.

Section 3.1 states that the Legislature is to prescribe the qualifications required of county Superintendents of Schools.

Section 5 of Article IX requires the Legislature to provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months of each year.

In Section 7, it specifies that the Legislature is to provide for the appointment or election of the State Board of Education, as well as a board of education in each county or for the election of joint county boards of education for two or more counties.

Section 7.5 requires the State Board of Education to adopt textbooks for use in grades one through eight throughout the state. And those textbooks have to be furnished without cost to the local jurisdictions.

Section 8 states that no public money is to be appropriated for the support of any sectarian or denominational school, or that any school not under the exclusive control of the officers of the public schools, nor shall any sectarian or denominational doctrine be taught.

Section 9 provides that the University of California shall constitute a public trust to be administered by a corporation known as the Regents of the University of California, and that they have full powers of organization and government, subject only to legislative control as well as may be necessary to ensure the security of its funds and compliance with the terms of endowments of the University of California.

Section 14 provides that the Legislature has the power by general law to provide for the incorporation and organization of school districts, high school districts, community college districts, and that they can classify those different districts.

And then finally under Article XI of the State Constitution, Section 16 allows provisions for the manner in which, and the times at which, as well as the terms for which, the members of the Boards of Education are to be elected or appointed as well as their qualifications, compensation, and removal.

Now let's look at the three entities: the Superintendent of Public Instruction, the Department of Education, and the State Board of Education. With the Superintendent, the SPI, it's a nonpartisan, although I would note that originally it was a partisan office, is the elected executive officer of the Department of Education. And the SPI directs all the functions of the Department of Education, and the

SPI executes the policy set forth by the Department or the Board of Education, and the SPI chairs the Board of Education.

Now, generally the SPI is viewed as the state's chief spokesperson for the public schools who provides education policy and direction to the local school districts. And he or she serves as an ex-officio member of the CSU community college and UC higher education systems.

Next is the Department of Education and CDE serves the state, according to them, by innovating and collaborating with educators, schools, parents, and community partners. Note again that the CDE, the California Department of Education, is under the direction of the Superintendent and the CDE implements the policies that have been adopted by the State Board of Education.

So in terms of the State Board of Education, or SBE, it's the K-12 policy-making body. It adopts statewide academic standards, curriculum, instructional materials, assessments and, of course, its accountability is a key function of the SBE. It's the role of the State Board of Education to adopt instructional materials for use in grammar schools in the state of California. The SPE also adopts regulations to implement a wide variety of programs that have been enacted by the Legislature. They also play a role regarding charter schools and special education.

Now the SBE was actually established in 1852, and as noted earlier, it's found in the state Constitution. And by statute, the State Board of Education is the governing and policy-making body of the California Department of Education. The board itself is comprised of 11 members, and note that both the Constitution and state statutes assign the State Board of Education a variety of different responsibilities.

The SBE has also adopted statewide academic standards for content and student performance in all the major topics: English, language arts, history, social science, math, science, visual and performing arts, and even physical education. Now 10 of the board's 11 members are appointed by the governor for staggered four year terms. They're subject to confirmation by the state Senate, but not by majority vote. Instead, by a two thirds vote, and that has to occur within one year of their appointment to the board.

The 11th member is also appointed by the governor and subject to Senate confirmation. However, that individual serves a one-year term and is a California public high school student. Note that the student does enjoy full voting rights and all the rights and privileges of the board membership. The only difference, again, is he or she serves a one-year term.

Now among the key roles of the board, again, is to adopt curriculum frameworks and instructional materials. They also consider requests from local education agencies to waive statutory and regulatory requirements. Also the State Board of Education adopts tests and sets policies for the statewide assessment system.

In addition, the State Board of Education reviews and acts on petitions to unify or reorganize school districts, and then all charter district petitions are actually submitted directly to the State Board of Education as well as the SPI who have joint approval authority of charter districts.

And then last but not least as required under both state and federal laws, the board approves allocation of specified state and federal funding. The SPE is authorized to also study the educational conditions and needs of the state of California and to plan improvements to the administration and efficiency of the public schools.

So that's our overview of the three main players in California education policy. Thanks for joining today's podcast.