

# Re-Envisioning State Education Governance

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## SUMMARY

**Four Core Entities Govern California's Public School System.** The State Board of Education (SBE) is a policymaking body appointed by the Governor that focuses on academic standards. The Superintendent of Public Instruction (SPI) is an elected official who implements laws and programs as head of the California Department of Education (CDE). The Governor proposes programs and funding allocations through the state budget but has little direct administrative authority. The Legislature approves the Governor's budget and passes laws, including laws that define the roles and responsibilities of the other governance entities.

**Current Governance Structure Highly Criticized.** Six major studies have examined California's governance structure over the past 30 years and identified several shortcomings. One main criticism is that the SBE, Governor, and Legislature all rely on the SPI to implement their policies, which may not align with the SPI's priorities. Conversely, the SPI influences policies through their implementation, but has no formal policy role. The studies concluded that this arrangement often prevents the state from aligning policy and administration and creates confusion for schools about state goals. They also concluded that the public is often unable to discern who is responsible when outcomes are poor and that the Legislature cannot easily hold the other entities responsible for results.

**Governor Proposes Transferring Management of CDE to an Appointed Commissioner.** Under the proposal, an education commissioner appointed by the Governor would assume management of CDE beginning January 1, 2027. The SPI would retain a small office and become a voting member of the SBE and the Board of Governors of the California Community Colleges. The proposal does not assign any specific duties to the SPI, but suggests the position could work on coordination and advocacy. The Governor's budget does not include additional funding for the commissioner position or the SPI's staff.

**Proposal Would Promote More Coherent Policymaking.** Consolidating administrative authority under the Governor could better align policy development and program administration, reduce disputes among state governance entities, and provide clearer guidance to school districts. The change would also allow for policymakers and the public to hold the Governor accountable for educational outcomes.

**A Few Issues Merit Greater Attention, Including Oversight, Fiscal Implementation, and the SPI's Role.** Strong legislative oversight is critical to ensuring the Governor exercises authority responsibly and effectively. A key oversight tool in other departments is legislative confirmation of the department head, but the Governor does not propose confirmation for the education commissioner. The proposal also does not include the fiscal changes necessary to implement it. Costs overall could be neutral, but the Legislature will need more detail on the proposed funding levels for CDE, SBE, and the Office of the SPI. Finally, with the absence of explicit duties, the SPI's role could change significantly depending on the individual holding office.

**Recommend Adopting Proposal With Refinements.** We recommend improving oversight by making the commissioner receive Senate confirmation. Regarding fiscal issues, we recommend directing the administration to submit a fiscal plan to make the shift cost-neutral and identify efficiencies. Regarding the SPI, we recommend authorizing the position to undertake three main activities: (1) representing the interests of the public, (2) reporting on the condition of education and recommending improvements, and (3) evaluating laws and programs. These duties would leverage the SPI's independence from the Governor to promote oversight.

## INTRODUCTION

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California operates the nation's largest public school system, comprising 937 school districts, 1,257 charter schools, and 58 county offices of education. This year, these local agencies will educate nearly 5.8 million students, employ around 700,000 teachers and staff, and spend nearly \$150 billion. State governance refers to the structure and duties of the entities that oversee this system. In this brief, we examine the Governor's proposal to restructure state governance. The first section explains how the current system evolved and describes the main entities and their

responsibilities. The second section reviews previous governance studies and explains how governance works in other contexts. The third section describes the Governor's proposal, including its core feature: transferring management of the California Department of Education (CDE) from the Superintendent of Public Instruction (SPI) to a new education commissioner. The fourth section assesses the merits of this proposal and outlines some principles for re-envisioning the SPI's role. The fifth section provides our recommendations.

## BACKGROUND

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### Evolution of State Governance

***Education Governance Was a Significant Issue During California's Founding.*** California had no organized public school system when it gained statehood in 1850. The state's first constitution laid the foundation for this system by setting aside land for sale to fund education, establishing the SPI as a statewide elected position, and requiring public schools to operate for at least three months per year. State law initially gave the SPI responsibility for building schools, overseeing teacher training institutes, and apportioning state funds. In 1852, the Legislature created the State Board of Education (SBE) to manage other aspects of the system. The SBE's initial responsibilities included approving textbooks, determining required coursework, and adopting regulations to govern public schools. The SBE's membership varied over time, but generally consisted of *ex officio* members—officials serving by virtue of their office—including the Governor and the SPI, county superintendents, and the leaders of the state's teacher training institutes. The state, however, was far less involved in the public school system than it is today. For example, elementary education did not become compulsory until 1874, and the state did not begin funding high schools until 1904. Early SPIs had negligible budgets and only a few staff.

***Governance Structure Changed Several Times During the State's Early History.*** State law initially assigned significant responsibilities to the SPI and the SBE, but the relationship between these entities changed several times. For example, delegates to California's Second Constitutional Convention in 1879 decided to decentralize state governance and transferred the SBE's duties to county superintendents. Following this shift, the SPI became the lead actor and the SBE became an advisory body. Over time, however, the SBE regained significant authority, including responsibility for approving textbooks and credentialing teachers. The voters also approved an amendment in 1884 that formally established the SBE in the State Constitution. The relationship between the SPI and the SBE remained unclear, however, and their policymaking roles were occasionally disputed.

***Modern Governance Structure Began to Emerge in 1912.*** In 1912, the voters amended the Constitution to remove the SBE's *ex officio* members and allow the Legislature to determine the selection process. The Legislature subsequently decided to make the SBE consist of the Governor's appointees. The Legislature also sought to clarify the relationship between the SPI and the SBE. Specifically, it made the SBE responsible for "all questions of policy" and designated the SPI as

an administrator who would implement the board's policies. It solidified this structure in 1921 when it consolidated the state's administrative functions under a new Department of Education. State law made the SPI the department's chief executive but retained the SBE as the department's policymaking body. Under this structure, the department and its staff (initially 51 employees) became responsible for apportioning state funding, collecting and disseminating data, and administering federal grants, among other duties. These basic features of state governance remain in place.

## Current Governance Entities

***The SBE Is a Policymaking Body Appointed by the Governor.*** The SBE consists of ten members, serving staggered four-year terms, and one student member, serving a one-year term. The Governor appoints all 11 members with the approval of two-thirds of the State Senate. One member of the SBE serves as president and presides over meetings, speaks for the board, and oversees board staff. State law requires the SBE to meet at least six times per year, and these meetings are subject to open meeting laws. The SBE also has several committees and advisory groups that focus on specific areas such as curriculum, charter schools, special education, and workforce pathways. The SBE employs a staff of 16, including an executive director and 6 deputy directors appointed by the Governor. The board's budget is \$5.5 million in non-Proposition 98 General Fund.

***Core SBE Duties Revolve Around Academic Standards, Curriculum, and Regulations.*** Many of the SBE's most significant responsibilities revolve around state academic policies. Specifically, the SBE approves academic standards for English, math, and other core subject areas. These standards define what students should know and be able to do in each grade level. The SBE also approves guidance for teaching these standards, known as curriculum frameworks. In addition, it approves instructional materials that align with these standards and frameworks. (State law does not require districts to use the curriculum frameworks or instructional materials approved by the board, but many do.) Related to these responsibilities, the board reviews and approves

assessments that measure students' mastery of the standards. Another core responsibility is adopting regulations when directed by the Legislature. For example, after the state adopted the Local Control Funding Formula in 2013-14, it directed the board to develop regulations clarifying how districts could spend funds intended to benefit low-income students and English learners.

### ***The SBE Performs Several Other Functions.***

The law allows districts to request waivers from most parts of the state education code, and the SBE is responsible for reviewing and approving these requests. The board also approves certain types of district reorganizations, such as when districts wish to merge or consolidate. Another significant responsibility is hearing appeals when a prospective charter school is denied authorization by a school district or county board of education. The SBE also oversees some administrative functions. For example, it reviews and approves district applications for certain federal grants, officially numbers all new charter schools, and acts as the state's liaison to the U.S. Department of Education for various federal programs. Staff from CDE support most of the SBE's functions by providing research, analysis, and technical assistance. In addition to these formal duties, the board president and senior staff are typically among the Governor's most trusted advisors on education issues and are often tasked with developing and advancing the Governor's education agenda in the Legislature.

***The SPI Is an Administrator and Advocate Elected by the Voters.*** The voters elect the SPI on a nonpartisan statewide ballot every four years. Like other state offices, the SPI can serve up to two terms. The SPI's primary responsibility is managing CDE (described below). The law also makes the SPI a nonvoting "executive officer" of the SBE. In this capacity, the SPI is the SBE's secretary and must implement its policies. Additionally, the law makes the SPI (or the SPI's designee) a voting member of several boards and commissions, including the University of California Board of Regents and the California State University Board of Trustees. Outside of these official duties, the SPI typically runs for office on a policy platform and advocates for those priorities in the Legislature. The SPI, for example,

often sponsors bills, meets with school officials, and testifies at committee hearings. The SPI is assisted by an executive cabinet, generally comprising up to six deputies whose appointments are confirmed by the SBE and the department's senior directors.

**CDE Administers Programs, Collects Data, and Conducts Oversight.** CDE is the primary state entity responsible for administering federal and state education programs. In this role, the department allocates funding, collects and reports data, and monitors district compliance with various laws (Figure 1). CDE currently employs about 1,500 staff and has a budget of \$366 million—\$196 million in federal funds, \$126 million in non-Proposition 98 General Fund, and \$44 million in various special funds. The federal funds include administrative allowances from various grants to cover CDE's costs of reviewing and approving district grant applications, providing technical assistance, and taking corrective action when a district is out of compliance. (Separate from these functions, CDE operates three special schools and three diagnostic centers for students who are blind or deaf. The funding and staff for these instructional activities are not part of its state administration budget.)

**The Governor and Legislature Have Major Roles in Governance.** The Governor exercises broad authority over education governance by proposing programs and school funding allocations through the annual budget. The Governor also signs or vetoes education legislation and appoints the members

of the SBE. The Legislature exercises governance authority by reviewing and approving the Governor's budget proposals, enacting education legislation, and confirming the Governor's appointments to the SBE. Under the Constitution, the Legislature's authority over the public school system and its governance structure is unlimited except where the Constitution itself provides otherwise. The SBE and the SPI, by contrast, have no powers beyond those expressly conferred by the Constitution or state law.

**Many Other Agencies Have Responsibilities in Specific Areas.** The SBE, SPI, Governor, and Legislature are the four main actors in state governance, but the law establishes more than a dozen other agencies with specialized responsibilities. Some of the most important include the Commission on Teacher Credentialing (sets standards for teacher preparation programs and issues teaching credentials), the California Collaborative for Educational Excellence (provides academic support and technical assistance), the Fiscal Crisis and Management Assistance Team (provides budget support and fiscal intervention), and the State Allocation Board (allocates school facility funding). Most of these agencies are overseen by multimember boards that include appointees of the Governor, SPI, and Legislature, and/or other state or local officials.

Figure 1

## Major State Administrative Activities Performed by the California Department of Education

- **Monitor Compliance.** Conduct reviews to ensure districts are following laws and requirements for education programs, including expending funds appropriately.
- **Compile Data.** Collect, summarize, and disseminate fiscal, demographic, and performance information on the state's districts, schools, and students.
- **Allocate Funding.** Distribute funding to districts and schools based on various laws and formulas.
- **Provide Information and Training.** Inform and train districts on the requirements for education programs and provide technical assistance to districts with poor student outcomes in certain areas.
- **Facilitate Certain Statewide Initiatives.** Support the development of student assessments, school facilities standards, curriculum standards and frameworks, and accountability systems including the California School Dashboard.
- **Distribute Food.** Manage and deliver food to schools that the federal government donates to the state.
- **Oversee County Offices of Education (COEs).** Review and approve COE budgets and Local Control and Accountability Plans.
- **Support the State Board of Education.** Prepare information for board hearings and develop draft regulations for the board to review and adopt.
- **Manage Internal Administration.** Attend to departmental issues such as staffing, budget preparation, information technology, government affairs, and legal services.

## RESEARCH

### Previous Studies of California Governance

**First Major Governance Study Published in 1920.** The state's first systematic study of governance was the *Report of the Special Legislative Committee on Education*, published in 1920. (The study is often known as the “Jones Report” after the committee’s chair, Senator Herbert Jones.) The report criticized the division of responsibilities between the SBE and the SPI for creating a “double-headed” governance structure. It warned that conflict and inefficiency were unavoidable because the two entities had overlapping responsibilities for governing the public school system. It specifically criticized the system for tasking the SPI with administering policies set by other entities with different policy goals. It recommended moving toward “unified educational oversight” by abolishing the elected SPI and transferring management of CDE to a new Commissioner of Education appointed by the SBE.

**Voters Have Rejected Four Ballot Measures to Abolish the SPI.** The Legislature placed a constitutional amendment on the 1928 ballot to implement the Jones Report’s recommendation by allowing the Legislature to abolish the SPI.

The voters rejected this measure, as well as three similar amendments in 1934, 1958, and 1968. (The Legislature considered another measure to make the SPI an appointed position in 2023, but this proposal [ACA 9 by Assembly Member McCarty] was withdrawn by its author.)

**Six Major Studies Have Examined Governance Over the Last 30 Years.** Since the release of the 1920 report, several other legislative committees and outside organizations have published additional governance studies. Over the last 30 years, six organizations have published major governance studies that included specific policy recommendations (**Figure 2**). All except one of these studies (the 2025 report by Policy Analysis for California Education) were overseen by boards or commissions established by the state to make findings and recommendations on governance and other education-related issues. Their research typically involved (1) interviewing state and local officials, (2) reviewing the state’s experience with its governance model, (3) examining theories of governance, (4) studying governance in other states, (5) analyzing the political and fiscal incentives of the main governance entities, and (6) gathering public feedback.

Figure 2

### Six Major Governance Studies Conducted Over the Past 30 Years

Year	Organization	Publication
1996	<b>California Constitution Revision Commission</b> A commission appointed by the Governor and Legislature to recommend governance reforms and constitutional changes.	<i>Final Report and Recommendations to the Governor and the Legislature</i>
2002	<b>The Joint Committee to Develop a Master Plan for Education</b> A joint committee of the Senate and Assembly charged with making recommendations for a coherent and coordinated approach to education.	<i>The California Master Plan for Education</i>
2004	<b>California Performance Review</b> A commission appointed by the Governor to gather feedback from state employees and recommend ideas for improving the delivery of government services.	<i>A Government for the People for a Change: A Report of the California Performance Review</i>
2007	<b>The Governor’s Committee on Education Excellence</b> A group of researchers, state and school officials, advocates, and other public leaders convened to recommend educational reforms.	<i>Students First: Renewing Hope for California’s Future</i>
2008	<b>The Little Hoover Commission</b> An independent oversight agency established to review state operations and recommend improvements.	<i>Educational Governance and Accountability: Taking the Next Step</i>
2025	<b>Policy Analysis for California Education</b> A nonpartisan research center led by faculty at Stanford University, University of California, and University of Southern California, focusing on school performance and equity issues.	<i>TK-12 Education Governance in California: Past, Present, and Future</i>

**Studies Generally Agreed on Core Problems in State Governance.** All six studies concluded the state’s governance model had fundamental shortcomings and could be improved. The studies also generally agreed on the core problems. Specifically, they identified three main issues:

- **Unclear Lines of Accountability.** One consistent criticism was that no one entity could be held accountable for educational quality and results. The studies concluded that none of the main actors could establish clear policy goals and align state administration with those goals. They also expressed concern that the public does not know who is responsible when outcomes are poor or improvements are needed. As the Governor’s Committee on Education Excellence explained in 2007, “the problem with California’s K-12 governance system is that everyone is in charge, and no one is accountable.”
- **Blurred Responsibilities.** The studies expressed concern that the policymaking entities—the Governor, Legislature, and SBE—rely on the SPI to implement their policies, yet the SPI may have been elected with different priorities. Conversely, the SPI influences policy by deciding how to administer programs, yet has no formal policymaking role. Governance becomes even more blurred in areas where the SPI shares authority with one of the smaller agencies. As Policy Analysis for California Education explained in 2025, “this fragmented, disjointed structure reflects the complexity of California’s TK-12 system, where multiple entities operate independently, often with overlapping responsibilities.”
- **Muddled Direction to Schools.** The studies expressed concern that the entities involved in state governance often send mixed signals to districts. They also expressed concern about districts falling short of state goals because the state does not align policy, funding, and administration to support those goals. As the Joint Committee to Develop a Master Plan for Education explained in 2002, the result is often “confusion for local schools and districts about what objectives they are expected to pursue—particularly when the interpretations and directives from these state entities are not always in alignment with or even complementary to each other.”

**Studies Recommended Making the Governor the Head of Administrative Functions.** The six studies reached a broad consensus that the Governor should oversee the implementation and execution of state education policy. Among other considerations, they concluded that the Governor could align policy and administration more effectively than the SPI, given the Governor’s existing policymaking role. They also concluded that the Governor’s authority over the budget would always provide some influence over program administration, such that assigning administrative duties to another entity could only lead to fragmented governance. The six studies recommended granting the Governor administrative authority in various ways. Four studies recommended that the Governor (or the Governor’s appointees on the SBE) appoint the head of CDE. A fifth study recommended creating a new Department of Education and Workforce Preparation that would report directly to the Governor and absorb some of CDE’s coordination and administrative functions. A sixth study recommended leaving most of the existing governance structure in place—including the basic roles of CDE and the SPI—but strengthening the Governor’s influence by increasing the SBE’s oversight of CDE, retaining a Secretary of Education in the Governor’s office, and making other refinements.

**Studies Recommended Reducing or Eliminating the SPI’s Independent Administrative Authority.** In tandem with greater gubernatorial control, the studies recommended reducing or eliminating the SPI’s authority to administer programs independently of the Governor and the SBE. One study recommended amending the Constitution to convert the position into an appointee of the Governor. Three studies recommended leaving the SPI as a statewide elective office but making the position responsible for oversight and evaluation functions, rather than leading CDE. These studies envisioned the SPI would analyze programs and policies, report on the performance of the education system as a whole, provide advice for the Governor, Legislature, and the public, and advocate for improvements. (Two of those studies also envisioned the SPI leading state accountability efforts by compiling district performance data, flagging districts for additional support, and overseeing interventions in

low-performing districts.) Regarding the remaining studies, one recommended retaining the SPI as a statewide elected official in charge of CDE, but narrowing CDE’s duties. The other study recommended giving the Governor more authority to oversee the SPI’s management of CDE.

**Studies Made Different Recommendations on the Role of SBE.** Three studies recommended retaining the SBE as a policymaking and regulatory body. For example, one study recommended that the board continue approving academic standards while adjusting its membership to obtain greater geographic diversity. The other three studies recommended eliminating most or all of the SBE’s regular policymaking authority. These studies recommended that the SBE (1) become an advisory body or sounding board for the Governor and the head of CDE, and (2) perform limited policymaking duties when explicitly directed by the Legislature.

**Most Studies Recommend Additional Governance Reforms.** Although the studies generally agreed that the Governor should oversee administrative functions, most recommended additional governance changes. For example, the California Performance Review recommended eliminating several smaller governance agencies that operate independently of CDE. The Governor’s Committee on Education Excellence recommended providing greater autonomy to school districts and deregulating the education code. Policy Analysis for California Education recommended establishing regional hubs to coordinate technical assistance and improve linkages between school districts and CDE.

**Governance in Other Settings**

**California’s State Model Differs Notably From Local Education Governance...**

Local school districts are led by elected boards that oversee a superintendent they appoint. These boards have the authority to change district policies, modify superintendent contracts, or remove their superintendents.

The superintendent oversees day-to-day operations and implements policies set by the board. This structure does not guarantee a district is well managed or eliminate conflict, but it clearly defines the local board as the final authority and allows voters to hold the school board accountable for the district’s performance.

**...And From the Governance of Other State Departments.** Most other state departments are led by a director appointed by the Governor and confirmed by the Legislature. The director serves at the pleasure of the Governor and can be removed when necessary. This structure establishes a clear chain of command and allows the voters and the Legislature to hold the Governor and the Governor’s appointees accountable for the successful implementation of state programs.

**California Model Also Differs From Education Governance in Most Other States.** According to the Education Commission of the States, most states follow one of four education governance models. These are summarized in **Figure 3**. The most common model includes the Governor appointing both the state board of education and the chief state school officer. California is one of nine states in which the state board of education is appointed, but the chief state school officer is elected. In the past decade, one state (Indiana) has shifted away from California’s model and now appoints its chief state school officer.

Figure 3

**Four Common Education Governance Models**

Models	Number of States
Governor appoints state board of education and chief state school officer.	14
Governor appoints state board of education. State board of education appoints chief state school officer.	10
Governor appoints state board of education. Chief state school officer is elected.	9
State board of education is elected. State board of education appoints chief state school officer.	7

Note: Ten other states use less commonly adopted governance models.  
Source: Education Commission of the States.

## GOVERNOR'S PROPOSALS

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**Establishes a New Appointed Commissioner to Lead CDE.** The Governor proposes to establish the role of an education commissioner, appointed by the Governor, to manage CDE. The proposal would shift management of CDE from the SPI to the commissioner on January 1, 2027. CDE's functions would largely remain the same under the education commissioner's management. Trailer legislation specifies that the education commissioner would be "directly responsible to the SBE and the Governor for the operations of the department" and would serve at the pleasure of the Governor. The proposal also would allow the Governor to appoint up to 16 deputies to support the commissioner. The Governor's budget does not include additional funding for the commissioner position or its staff.

**Has the SPI Retain a Small Staff and Become a Voting Member of SBE.** The Governor proposes to create the Office of the SPI. The office would consist of the SPI and up to 11 other staff. Of these 11 staff, at least 4 would be nominated

by the SPI and appointed by the SBE as required by the Constitution. The Governor's budget does not include additional funding for the Office of the SPI. Under the Governor's proposal, the SPI also becomes a voting member on the SBE and the Board of Governors of the California Community Colleges. For the SBE, the SPI would replace an existing voting member currently appointed by the Governor. (The SBE would continue to have 11 total members.) For the Board of Governors, the SPI's membership would increase the number of members from 18 to 19.

**Retains Existing Statutory Duties of SBE.** While the Governor's budget proposes composition changes to the SBE by making the SPI a voting member, it does not propose any other changes. As such, the SBE would have the same statutory roles and responsibilities as it does now. The Governor also does not propose changes to the other education governance entities that are currently independent of CDE.

## ASSESSMENT

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**The Legislature Has Broad Authority to Restructure State Governance.** The California Constitution constrains a few aspects of state governance. Most notably, it establishes the SPI and the SBE, makes the SPI a statewide elected position, requires the SBE to adopt textbooks for grades one through eight, and requires the SBE to approve the SPI's senior deputies. The Legislature can modify all other aspects of state governance, including the responsibilities of the SPI and SBE, through statute. This brief focuses on the Governor's proposal and other governance changes that the Legislature could adopt without requiring a constitutional amendment.

**Current Governance Structure Lacks a Clear Path for Resolving Disagreements Between SBE and SPI.** The SBE and the SPI have disagreed many times about the extent of their authority or the meaning of state laws. For example:

- In the early 1990s, a major disagreement arose over the SPI's authority to issue advisories on how districts should implement state laws. The SBE argued that many of these advisories were "underground regulations" that undermined its policymaking authority. The SPI defended the advisories as an exercise of administrative authority. An appellate court eventually sided with the SBE.
- In the late 1990s, a dispute arose around Proposition 227, a ballot measure requiring schools to teach English learners in English only. The SPI advised districts they had the right to request waivers from the SBE, but the SBE concluded the measure's requirements were non-waivable. An appellate court eventually sided with SBE.
- In the early 2020s, a charter school appealed to the state after its charter was denied by a school district. The SPI, represented

by CDE staff, concluded that a recent law prevented the state from overturning the school district's denial of that charter school. The SBE, however, approved the appeal after concluding that the district's denial constituted an abuse of discretion that could be overturned. An appellate court found the SPI's position more persuasive and invalidated the SBE approval following a lawsuit by the California School Boards Association.

The significance of these examples is not simply that two different entities disagreed about policy, but that the governance structure did not provide a clear path for resolving these disagreements outside of extended litigation. This ambiguity, in turn, left school districts with unclear guidance on how to interpret and implement state laws. Moreover, the Legislature, school districts, and the public could not determine which entity to hold accountable for the lack of clear state direction.

***Districts Concerned About Clarity and Consistency From the State.*** We gathered feedback from several district leaders about governance and their relationship with the state. They generally agreed that conflict between the SPI and other state entities had declined compared with previous years, but described several longstanding concerns. One concern was that they sometimes did not know which entity oversaw a particular issue and could receive feedback or offer advice. For example, districts concerned about the length and complexity of their Local Control and Accountability Plans were not sure whether to engage with the SBE (which adopts the template for the plans) or the SPI's staff at CDE (the department provides technical assistance and manages the data that districts are required to include). Another recent example involved ethnic studies. Districts were uncertain whether the state expected them to teach ethnic studies or what content to cover because the main governance entities expressed different opinions for several years. (The SBE and the SPI partially addressed this ambiguity in 2021 by agreeing on a model curriculum districts could use.) The district leaders believed that clearer, more consistent guidance from the state would help them implement local programs more effectively.

***Governor's Proposal Would Promote More Coherent Policymaking.*** By consolidating policymaking and administrative functions under the Governor, the proposal could improve state governance in several ways. First, it would allow the Governor to ensure that state policies are implemented in ways that directly align with the goals agreed upon by the Governor and the Legislature. For example, it would reduce the likelihood that policies are diluted through their administration or because the SPI prioritizes other policy goals. Second, it would help address the concern identified in previous studies that governance authority is too diffused for anyone to be held accountable for results. If outcomes are poor, the Legislature and the public can attribute the results to decisions made by the Governor and appointees acting on the Governor's behalf. Third, it would reduce the likelihood of unresolved disputes among the governance entities. For example, the Governor could resolve disagreements that arise between the SBE and the education commissioner without resorting to litigation. Finally, it would increase the likelihood that school districts receive clear guidance from the state. School leaders could discuss concerns with CDE knowing the department is acting on behalf of the entities responsible for developing and implementing policy.

***Legislative Oversight Remains Essential.*** Many of the potential benefits of the Governor's proposal could be lost or eroded if the Legislature does not preserve its oversight role in the new governance system. For example, the proposal would align the state's administrative functions more closely with the Governor's policies, but this alignment does not guarantee that the state will administer all programs effectively or that the Governor's policy goals will always have merit. To conduct effective oversight, the Legislature must be able to monitor the implementation of state policies, ascertain whether these policies align with its priorities, and insist on changes or improvements when necessary. Adopting a strong oversight role would help the Legislature ensure that as the Governor gains greater authority, this authority is used responsibly and effectively, and is focused on addressing the state's most pressing problems.

***The Proposal Could Be Cost Neutral, but Fiscal Details Are Missing.*** Recent state governance changes in other program areas have led to additional ongoing costs ranging from the low millions to tens of millions of dollars per year. Some costs were anticipated and approved by the Legislature, but in at least in one case, costs arose unexpectedly after the changes took effect. The Governor's current proposal, however, differs from these other reorganizations in a few important ways. Most notably, it does not transfer CDE's functions to another agency, require integration with another agency's systems, or require staff to relocate to another building. Moreover, the Governor's proposal likely presents opportunities for efficiencies, such as eliminating the need for two separate teams dedicated to government affairs and policy analysis at CDE and the SBE. On the other hand, the proposal would require funding a new office for the SPI. Given these factors, we think the state could implement the shift while keeping overall costs roughly neutral. The Governor's budget, however, does not propose any specific fiscal changes to implement the proposal or identify the new funding levels for CDE, SBE, and the Office of the SPI.

***New Role for the SPI Is Not Clearly Defined.*** The narrative accompanying the Governor's proposal describes the SPI's new role as an education coordinator and advocate. For the first role, it suggests the SPI could "foster needed alignment and coordination of education policies from early childhood through postsecondary education." For example, the SPI might work on dual enrollment policies that allow high school students to take community college courses, or on how preschool programs prepare children for kindergarten. For the second role, the narrative suggests the SPI would be "California's independently elected education champion." For example, the SPI could spend more time sponsoring legislation, advocating before the Legislature, and representing the public's interest in education issues. The trailer legislation, however, does not codify any specific duties. Without statutory direction, the SPI's role could change significantly depending on the individual holding office.

***A Few Core Principles Could Guide Changes to the SPI's Role.*** The Governor's proposal is an opportunity for the Legislature to consider many changes to the SPI's role and duties. The previous governance studies and the state's experience with its current governance structure contain several lessons that could guide a redesign of the position. Specifically, the Legislature could assess how any changes in the SPI's role align with the following principles:

- ***Clearly Specified Duties.*** Specifying duties allows voters to hold the SPI accountable for performing them and reduces the likelihood of unresolved conflict between the SPI and other entities. Additionally, it allows local school officials seeking guidance from the state to know if the SPI should be involved.
- ***Minimal Fragmentation.*** Minimizing fragmentation helps the state operate efficiently and provide coherent guidance to schools. The state can minimize fragmentation by assigning the SPI duties that do not significantly overlap or duplicate those of other governance entities.
- ***Avoiding Conflicts of Interest.*** Conflicts of interest arise when the SPI is asked to perform duties that are in tension. For example, the SPI is sometimes asked to implement policies that do not align with the individual's priorities. Additionally, the SPI is sometimes asked to report on the effectiveness of the programs that CDE administers.
- ***Leveraging Independence From the Governor.*** Leveraging independence means assigning the SPI duties that can be performed more effectively outside of the Governor's control. For example, the SPI can provide information or advice about an educational issue even if the Governor considers it a low priority.

## RECOMMENDATIONS

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### California Department of Education and Education Commissioner

**Adopt Proposal to Transfer Management of CDE to Appointed Commissioner.** We recommend adopting the Governor's proposal to shift the management of CDE to an education commissioner appointed by the Governor. This change would promote greater coherence in policymaking, including clearer lines of accountability and better alignment between policy development and administration. This change also could result in clearer direction and support for school districts.

**Require the Legislature to Approve the Commissioner's Appointment.** To provide greater legislative oversight of CDE, we recommend the education commissioner be subject to the Senate confirmation process. This process would provide key legislative oversight for the selection of the education commissioner, as is currently the case with most other heads of state departments. Through the confirmation process, the Legislature could better understand the commissioner's credentials, past employment history, and key priorities for leading the department. This process also allows school leaders and the public to provide input on the selected individual.

**Insist on Fiscal Efficiencies.** Given the current condition of the state budget, the state is not positioned to provide discretionary, ongoing non-Proposition 98 General Fund increases as was done for other recent reorganization efforts. We recommend requiring the Governor to propose a plan that maintains overall spending across CDE, the SBE, and the new Office of the SPI at roughly the same level. This could include consolidating or shifting staff without backfilling positions. We also recommend the plan identify areas of redundancy across the SBE and CDE where duties will be consolidated.

### Office of the State Superintendent

**Re-Envision the SPI as a Public Representative, Advisor and Independent Evaluator.** We recommend the Legislature adopt

the proposal to create a new office for the SPI but modify the trailer bill language to clearly define the SPI's duties. Specifically, we recommend the Legislature re-envision the SPI as an advisor and evaluator who would be authorized to undertake three main activities:

- **Representing the Interests of the Public.** The SPI could focus its work on specific areas that align with the greatest interest of the public. The SPI was presumably chosen by the public because they found this individual's policy platform compelling. In this charge, the Office of the SPI could focus on the SPI's most pressing priorities. Topics could include technology use in schools, teacher training, early education, or transitions from high school to college.
- **Reporting on the State of Education.** As an independently elected public official, the SPI is uniquely positioned to report on the condition of education in the state. The SPI may travel across the state as part of their duties and speak with interested parties of the education community. This would help the SPI to understand and report on key education issues, major challenges, and significant trends that affect education in California. In these reports, the SPI could make recommendations to address major challenges identified.
- **Evaluating Laws and Programs.** The SPI could also report to the Legislature, Governor, and broader public on existing laws and programs. In this work, the SPI would offer recommendations for areas that need improvement. The SPI could identify specific laws and programs to evaluate based on public feedback and the Office of the SPI's expertise. Alternatively, the Legislature could direct the SPI to evaluate specific issues. This could involve assuming responsibility for some program evaluations currently assigned to CDE.

Codifying these activities would clearly define the scope of the position, while still allowing the SPI to focus on activities aligned with their education priorities. To maintain clear lines of accountability and avoid fragmentation, the SPI would not be involved in administering policies, enforcing state or federal laws, or providing technical support. Adopting this approach would give the SPI a set of duties in which independence from the Governor is a clear strength and help the Legislature perform its role of overseeing the state's education system.

***Adopt Proposals to Give the SPI Voting Rights on SBE and Community College Governing Board.*** We recommend adopting the proposals to make the SPI a voting member of the SBE and Board of Governors of the California Community Colleges. Providing the SPI with voting membership on these boards could help ensure the SPI has access to information and can represent the public. The SPI would also be able to monitor the implementation of their recommendations across the education spectrum.

## State Board of Education

***Refine the SBE's Role to Focus on Major Policies Requiring Public Input.*** We recommend refining the SBE's duties to focus on broad policy issues where public input and diverse perspectives are especially important. As a body with regular meetings, multiple members, and several subcommittees, the SBE is better positioned to gather public input than a single individual like the commissioner. For example,

the board could continue to approve and oversee academic standards after gathering input from teachers, administrators, researchers, parents, advocates, and other members of the public. Similarly, the SBE could continue to oversee charter school appeals and school district reorganizations because the Legislature has prioritized public input for those decisions. We also recommend shifting administrative functions to the new commissioner. For example, the commissioner could directly number new charter schools, approve district applications for federal grants, and represent the state before the U.S. Department of Education. This shift would free up the SBE to focus on broader policy issues while making state administrative functions more efficient.

***Considering Adding Legislative Appointees to the SBE.*** The Legislature could consider adding two legislative appointees to the SBE. These appointees could enable greater legislative oversight of the new governance system and ensure the SBE's policies are consistent with legislative intent. Additionally, they could help ensure the SBE and the commissioner remain responsive to legislative requests for data or information. If the Legislature takes this approach, it could either expand the SBE or reduce the number of gubernatorial appointees. In either case, it would likely want separate appointments for the Assembly and Senate so that each house could choose a board member to represent its interests.

## CONCLUSION

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***State Governance Is Ripe for Reform.*** The state has been debating education governance since California gained statehood in 1850. Over the past three decades, six major studies have criticized the system for lacking cohesion and failing to clarify who is responsible for educational performance. Many of these critiques center on the roles of the SBE and the SPI, which are clear in theory but often murky in practice. Despite these calls for reform, the state continues to operate with the same basic structure it established more than

100 years ago. The Governor's proposal provides an opportunity to consider structural changes that would address some of these longstanding critiques. It also highlights the central role of the Legislature in defining the other governance entities' roles.

***Some Logistical Details Will Need to Be Addressed.*** A large-scale governance change will require many smaller changes to existing laws and administrative practices. The Legislature and administration will need to address these details

to ensure a seamless transition to a new system. For example, the education code will need to be amended to shift the SPI's duties to the education commissioner. New positions in the SBE, CDE, and the SPI will have to be created, others deleted, and responsibilities defined. The Legislature will need to develop practices for working with the new commissioner and redefine its relationship with the SPI. It will also need to ensure it continues to receive data from CDE, potentially by codifying statutory reporting requirements or adopting supplemental reporting language. Other issues may arise as the transition proceeds. Many of these changes will need to occur as a new Governor and new SPI are taking office. The complexity of the transition, however, is not by itself a reason to avoid making improvements.

**Further Governance Changes Could Be Warranted.** The Governor's proposal makes a significant change to state governance, but it does not implement many of the other recommendations made by previous studies. Focusing on the SPI, however, could be a reasonable starting point. This approach would allow the Legislature to provide oversight and ensure the transition is successful before addressing other governance concerns. In the future, the Legislature could explore whether additional changes are necessary.

***Governor's Proposal Is Not a Panacea...***

Implementing the Governor's budget proposal would address one of the most criticized features of California's education system. Many other issues, however, will continue to merit additional attention from the Legislature. For example, the state will still need to work towards improving student achievement, addressing the fiscal and academic problems of struggling districts, clearly defining its educational goals, and improving its teacher and administrative workforce.

***...But Could Make Other Problems Easier to Address.*** Adopting the new governance structure would allow for voters to hold the Governor accountable for change, reduce confusion about who is in charge, and improve oversight of existing programs. Our recommended refinements would help the Legislature ensure the Governor uses this new authority effectively and responsibly. Even if these changes do not automatically solve the state's other longstanding education challenges, they would allow the Legislature to set goals and monitor results in ways that make them easier to address in the future.

## APPENDIX: KEY CALIFORNIA GOVERNANCE STUDIES

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Listed in chronological order of publication:

Special Legislative Committee on Education. (1920). "Report of the Special Legislative Committee on Education." Digitized in 2007 by the Internet Archive from the collection of the University of California, Los Angeles.

California Constitution Revision Commission. (1996). "[Final Report and Recommendations to the Governor and the Legislature](#)." Online version provided by the Golden Gate University School of Law.

Joint Committee to Develop a Master Plan for Education. (2002). "The California Master Plan for Education."

California Performance Review. (2004). "A Government for the People for a Change: A Report of the California Performance Review." *Volume I (Prescription for Change), Volume II (Form Follows Function), Volume IV Chapter 3 (Education, Training and Volunteerism), Volume IV Chapter 8 (Issues and Recommendations: Education, Training Volunteerism)*.

Governor's Committee on Education Excellence. (2007). "Students First: Renewing Hope for California's Future."

Milton Marks "Little Hoover" Commission on California State Government Organization and Economy. (2008). "[Educational Governance & Accountability: Taking the Next Step](#)."

Policy Analysis for California Education. (2025). "[TK-12 Education Governance in California: Past, Present, and Future](#)."

Studies can be accessed on our website in the online version of this report.



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This report was prepared by Sara Cortez and Kenneth Kappahn, and reviewed by Edgar Cabral and Ross Brown. The Legislative Analyst's Office (LAO) is a nonpartisan office that provides fiscal and policy information and advice to the Legislature.

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