



MEMORANDUM

Prepared for: Senator Gelser Blouin
Date: June 27, 2022 (revised November 2, 2022)
By: Lisa Gezelter, Analyst
Re: State Oversight of School Districts

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

Dear Senator Gelser Blouin,

This memorandum responds to your request for a 50-state survey of statutes ensuring state oversight of local school districts. Specifically, you asked for information and references to statutes that allow or require state intervention in local school district affairs, in particular when local districts may be operating in ways that violate state or federal law.

SUMMARY

Most states provide some means for the state government to enforce state and federal laws on local districts. Common elements include:

- the ability for residents of a district to appeal local decisions to a state body;
- criminal or other individual penalties for officials who operate districts outside the confines of state or federal education laws;
- the insertion of state actors into local decision making;
- minimum or basic operating standards based on what a district provides to students (inputs);
- outcomes-based accountability systems based on how well students perform or improve on specific metrics; and
- oversight of district budgets.

[Appendix 1](#), at the end of this document, shows which states have enacted these types of provisions in their education statutes.

METHOD STATEMENT

The Legislative Policy and Research Office (LPRO) reviewed all 50 states' education statutes. Staff did not review administrative rules, which may provide more detail; nor did staff review non-education statutes which may provide avenues for state intervention in school districts, such as local government, open government, or public records statutes. As a result, there may be other interventions available to state governments that are not listed in this memorandum.

Hyperlinks to statutes in this memorandum direct users to Westlaw, a subscription-based service. For any reader without a subscription, staff will provide the full text of any given statute upon request.

STATE STATUTES

Each state structures state intervention differently. The following sections of this memorandum explain how states have structured their statutes to ensure state oversight of local districts.

Alabama

Alabama grants the State Board of Education the authority to promulgate rules governing the review and disposition by the State Superintendent of Education over actions and orders of county and city boards of education and of county superintendents of education and city superintendents of schools. The State Superintendent of Education has the authority to review actions and orders of county and city boards and county and city superintendents. The Superintendent has the power to determine the just and proper disposition of the matter, and the orders of the state superintendent are binding on districts.¹ The State Board may intervene and assume control over all decision making and operational functions of a district under certain conditions.²

Alaska

Alaska requires its Department of Education to establish by regulation, based on student performance, criteria under which the department may intervene in a department to improve instructional practices.³ The legislature has given the Department the power to intervene in a school district to improve instructional practices, including directing the district's employees and spending.⁴

Arizona

Arizona's State Board of Education has the authority to "regulate the conduct of the public school system" as well as aiding in the enforcement of laws relating to schools.⁵ State law allows the Department of Education to monitor school districts to ascertain that laws are implemented as prescribed.⁶ The state's accountability system requires that state funds be withheld from districts that are found to be poor performers if they fail to submit an improvement plan as required by law.⁷ Arizona exercises financial oversight of school districts at the state level.⁸ Arizona also gives program and fiscal audit authority to the Department of Education for oversight of special education.⁹

¹ [Ala. Code 16-4-8](#)

² [Ala. Code 16-6E-4](#)

³ [Alaska Stat. 14.07.020 \(16\)](#)

⁴ [Alaska Stat. 14.07.030 \(14\) and \(15\)](#)

⁵ [Ariz. Rev. Stat. Ann. 15-203 \(1\) and \(11\)](#)

⁶ [Ariz. Rev. Stat. Ann. 15-239-A1](#)

⁷ [Ariz. Rev. Stat. Ann. 15-241.02-H](#)

⁸ [Ariz. Rev. Stat. Ann. 15-272](#), [15-914.02](#), [41-1279.03](#), [15-103](#)

⁹ [Ariz. Rev. Stat. Ann. 15-236](#)

Arkansas

Arkansas state law establishes fines for officers of employees of the State Board of Education or any local board who willfully fail or refuse to comply with provisions of education law.¹⁰ The State Board and Commissioner have the authority to take over a district, order the removal of local school board members, and assume all authority of the local school board necessary to govern the district.¹¹ Additionally, state law requires local school boards to adhere to state and federal laws.¹² State law establishes a series of penalties for districts that fail to meet the state's standards for accreditation.¹³ Among the possible penalties is the authority of the State Board to reconstitute the leadership of a school district by removing permanently or suspending temporarily the district's superintendent or board members. Additionally, the State Board has greater authority over districts classified as needing intensive support.¹⁴

California

California delegates enforcement authority to its Department of Education.¹⁵ The state superintendent may intervene in a local district's operations if the state board approves, and the district has met specific criteria relating to the academic performance of multiple demographic groups.¹⁶ Possible interventions include a change to the local control and accountability plan as well as budget revisions. In addition, California has statutes governing districts' requests for emergency funding apportionments.¹⁷ One of the conditions placed on emergency apportionments is the appointment of an administrator to take over the district board's responsibilities.¹⁸ California also has an accountability system that provides for intervention by the Superintendent of Public Instruction.¹⁹

Colorado

Colorado grants its Commissioner of Education the power to issue instructions to school district officers and employees concerning the schools under their control, as well as to recover state funding, plus interest, if audits reveal fiscal problems or overpayments.²⁰

The Commissioner has a duty to enforce all policies, rules, and regulations adopted by the State Board of Education to be carried out, and to withhold state funding from school districts that fail to meet specific requirements.²¹ The State Board has the authority to appraise and accredit the state's public schools and districts via accreditation contracts with districts.²² If the Department of Education has reason to believe that the district is out of compliance with statutory or regulatory requirements, the local board is given 90 days to comply. If the district has not complied after 90 days,

¹⁰ [Ark. Code Ann. 6-10-102](#)

¹¹ [Ark. Code Ann. 6-11-105 \(11\)](#) and [6-13-112](#)

¹² [Ark. Code Ann. 6-13-620 \(3\)](#)

¹³ [Ark. Code Ann. 6-15-207](#)

¹⁴ [Ark. Code Ann. 6-15-2916](#) and [6-15-2917](#)

¹⁵ [Cal. Educ. Code 33308](#)

¹⁶ [Cal. Educ. Code 25072](#)

¹⁷ [Cal. Educ. Code 41320 *et seq.*](#)

¹⁸ [Cal. Educ. Code 41326](#)

¹⁹ [Cal. Educ. Code 52072](#)

²⁰ [Colo. Rev. Stat. 22-2-113 \(1\)\(b\)](#)

²¹ [Colo. Rev. Stat. 22-2-112](#)

²² [Colo. Rev. Stat. 22-2-106 \(1\)\(c\)](#), [22-11-206](#), and [22-11-207](#)

it is subject to a series of interventions including evaluation and feedback, technical assistance and support, assignment of a state review panel, loss of accreditation or reorganization.²³

The outcomes-based components of Colorado's accreditation system are based on a statistical model that measures students' academic growth over time.²⁴ Districts or schools that perform poorly for three years must host a parent and community meeting to discuss the accreditation level.²⁵ In addition, all schools and districts must have local accountability committees.²⁶

Colorado's legislature has given the Department of Education the authority to monitor and approve districts' choices of reading assessments and instructional materials and limits district choice to those that meet specific requirements.²⁷

Connecticut

Connecticut identifies statewide educational interests in statute, and then allows residents, parents, or guardians who have been unable to resolve a complaint locally to file a complaint with the State Board of Education.²⁸ After an investigation and an opportunity for the local board to explain the circumstances, the State Board has the power to order local districts to rectify the situation. If a local district still does not come into compliance, the State Board may seek a court order.²⁹

Delaware

Delaware gives the State Board of Education the authority to overturn the decisions of local boards after the party to a local controversy appeals to the state.³⁰ The state board may overturn local decisions if the local decision was contrary to a specific state or federal law or regulation, was not supported by evidence, or was arbitrary or capricious.

Florida

In Florida, the legislature has provided the State Board of Education with oversight and enforcement authority over district school boards.³¹ State law in Florida allows the Commissioner of Education to investigate allegations of noncompliance with law or rule and determine probable cause. The Commissioner then issues a report to the State Board, which can then require the local board to document its compliance with law or rule. The Commissioner must report to the State Board any instances in which the state's Auditor General finds a local school board is acting without statutory authority or contrary to state law. The State Board can order a local board to come into compliance with state law within a specified timeframe, and if it finds a local board unable or unwilling to comply, can:

²³ [Colo. Rev. Stat. 22-2-206](#), [22-2-208](#), [22-2-209](#), [22-2-210](#)

²⁴ [Colo. Rev. Stat. 22-11-202](#)

²⁵ [Colo. Rev. Stat. 22-11-211](#)

²⁶ [Colo. Rev. Stat. 22-11-201](#) and [22-11-401](#)

²⁷ [Colo. Rev. Stat. 22-7-1209](#)

²⁸ [Conn. Gen. Stat. 10-4a](#)

²⁹ [Conn. Gen. Stat. 10-4b](#)

³⁰ [Del. Code Ann. tit. 14 sect. 1058](#)

³¹ [Fla. Stat., tit. XLVIII, ch. 1008, sect. 1008.32 \(2021\)](#)

- report noncompliance to the legislature and recommend action to be taken by the legislature;
- withhold state funds;
- declare the school district ineligible for competitive grants; or
- require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

Georgia

Georgia gives the State School Superintendent the authority to carry out and enforce laws and administrative rules.³² The State Board of Education has the authority establish and enforce standards.³³ If a local district is in danger of losing accreditation or if at least half the schools in a district are eligible for turnaround status, the State Board has the authority to conduct a hearing and recommend whether or not the Governor suspend local board members.³⁴ Georgia law states explicitly that local superintendents have the duty “to enforce all regulations and rules of the State School Superintendent and of the local board according to the laws of the state....”³⁵ Georgia law requires local boards to comply with, execute, and enforce all statewide policies, rules, and laws.³⁶ Compliance is enforced via withholding funding at the discretion of the State Board.³⁷ Local boards have authority to hear and adjudicate complaints, but aggrieved parties may appeal to the State Board, which has the authority to affirm, reverse, or remand the local decision.³⁸

Hawaii

Hawaii is unique in that the entire state comprises a single school district, so there is no specific state oversight of districts as exists in other states. Hawaii’s statutes do allow the state superintendent to reconstitute a public school under certain circumstances.³⁹

Idaho

Idaho gives its state board the authority to enforce the state’s school laws through its executive departments and offices.⁴⁰ State law also gives the State Board “supervision and control” over local school districts.⁴¹ The state requires that local boards govern their districts in compliance with state law and administrative rules.⁴² Idaho also requires the State Board to set standards for accreditation of secondary schools. Accreditation can be withdrawn if schools do not conform to standards.⁴³

³² [Ga. Code Ann. 20-2-34](#) and [20-2-241](#)

³³ [Ga. Code Ann. 20-2-240](#)

³⁴ [Ga. Code Ann. 20-2-73](#)

³⁵ [Ga. Code Ann. 20-2-109](#)

³⁶ [Ga. Code Ann. 20-2-242](#)

³⁷ [Ga. Code Ann. 20-2-243](#)

³⁸ [Ga. Code Ann. 20-2-1160](#)

³⁹ [Hi. Rev. Stat. 302A-1005](#)

⁴⁰ [Idaho Code 33-107](#)

⁴¹ [Idaho Code 33-116](#)

⁴² [Idaho Code 33-512](#)

⁴³ [Idaho Code 33-119](#)

Illinois

In Illinois, the State Superintendent's powers and duties are established in rule by the State Board of Education.⁴⁴ The State Board is required to submit an annual report to the General Assembly containing each action of a school district that constituted a failure to comply with applicable state or federal laws, including the name of the district, the dates the district was notified, and what action the district took.⁴⁵

Similar to California, Illinois law provides a system under which the state monitors districts' financial health and can direct district actions or appoint a Financial Oversight Panel under certain circumstances.⁴⁶ The State Board is given the authority to act as the legal adviser of school officers and issue opinions in that capacity.⁴⁷ The State Board has the authority to hear and determine disagreements about state laws, on appeal from a regional superintendent.⁴⁸ Under limited circumstances, the State Board can require the withholding of funds from individual school officers or employees.⁴⁹

The State Board is tasked with determining whether all schools and districts are meeting minimum state standards and to issue certificates of recognition.⁵⁰ The State Board may take the following actions for districts that do not meet certain performance targets: (1) withhold state funds; (2) reassign students; (3) direct the reassignment or replacement of district staff; (4) dissolve the district entirely; (5) provide technical assistance; or (6) require districts to undergo an accreditation process.⁵¹ In some situations, the State Board has the authority to order the removal of local board members and establish an independent authority to run the district.⁵²

Indiana

Indiana gives its State Board of Education the authority to "assure compliance with established standards and objectives".⁵³ The state requires schools to meet legal standards in order to gain state accreditation. The accreditation system also rests on districts' performance.⁵⁴ Indiana also monitors the financial health of its districts.⁵⁵ The State Department of Education employs mediators, administrative law judges and hearing officers to adjudicate disputes involving school districts.⁵⁶

Iowa

Iowa's Director of the Department of Education has shared responsibility for the enforcement of the state's education laws.⁵⁷ The state has an accreditation program for local education agencies, which includes possible mergers or management contracts

⁴⁴ [105 Ill. Comp. Stat. 5/1A-4](#)

⁴⁵ [105 Ill. Comp. Stat. 5/1A-4](#)

⁴⁶ [105 Ill. Comp. Stat. 5/1A-8](#)

⁴⁷ [105 Ill. Comp. Stat. 5/2-3.7](#)

⁴⁸ [105 Ill. Comp. Stat. 5/2-3.8](#)

⁴⁹ [105 Ill. Comp. Stat. 5/2-3.24](#)

⁵⁰ [105 Ill. Comp. Stat. 5/2-3.25](#)

⁵¹ [105 Ill. Comp. Stat. 5/2-3.25f](#)

⁵² [105 Ill. Comp. Stat. 5/2-3.25f-5](#)

⁵³ [Ind. Code 20-19-2-14](#)

⁵⁴ [Ind. Code 20-31-4.1-2](#)

⁵⁵ [Ind. Code 20-19-7-1 et seq](#)

⁵⁶ [Ind. Code 20-19-3-20.5](#)

⁵⁷ [Iowa Code, tit. VII, ch. 256, sect. 256.9 \(8\)](#)

with other districts for districts that do not abide by required remediation plans.⁵⁸ Iowa also has a school budget review committee charged with reviewing local district budgets.⁵⁹

Iowa allows affected students, parents, or guardians to appeal decisions and orders enacted by their local school board up to 30 days after the decision.⁶⁰ Appeals are made to the State Board of Education by filing an affidavit. The State Board then has five days to notify the district of the appeal, at which time the district must send to the State Board a complete transcript of the proceedings in question. The State Board is authorized to issue subpoenas, compel attendance, and compel witness testimony. State law allows it to function similarly to a district court, with the cost of the appeal being deducted from the state funds allocated either to the district in question or the appellant, whoever loses. The State Board is authorized to delegate its power to hear appeals to the director of the Department of Education or the director's designee.

Kansas

Kansas authorizes its State Board of Education to adopt and maintain standards as well as rules and regulations, and to accredit both public and nonpublic schools.⁶¹ Local boards are required to open all records to the State Board or its designees.⁶² The State Board can appoint hearing officers to hear appeals or disputes.⁶³ Kansas law explicitly states that local boards must comply with state law.⁶⁴

Kentucky

Kentucky requires the chief state school officer to have access to all local records and authorizes that officer to compel testimony in investigations. If the Department of Education finds “any mismanagement, misconduct, violation of law, or wrongful or improper use of any district or state school fund, or neglect in the performance of duty on the part of any official” it is required to report that and any other violations of school laws to the State Board of Education, which is then required to call in the county attorney or the Commonwealth’s attorney. Those attorneys are then required to assist in the indictment, prosecution, and conviction of the accused. In cases where prosecution is not “warrantable,” the State Board is authorized to “rectify and regulate” a solution.⁶⁵ Kentucky’s education statutes also include a list of penalties at the end of each chapter. Typical penalties include fines. In certain cases, penalties can include revocation of licensure, removal from office, or imprisonment. State law gives the State Board “management and control” of all public schools, and allows the chief state school officer to recommend in writing to relevant authorities, including the State Board, the removal of any local district official he believes to be “guilty of immorality, misconduct in office,

⁵⁸ [Iowa Code, tit. VII, ch. 273, sect. 273.10](#)

⁵⁹ [Iowa Code, tit. VII, ch. 257, sect. 257.30](#) and [257.32](#)

⁶⁰ [Iowa Code, tit. VII, ch. 290, sect. 290.1 through 290.6 \(2020\)](#)

⁶¹ [Kan. Stat. Ann. 72-255](#)

⁶² [Kan. Stat. Ann. 72-258](#)

⁶³ [Kan. Stat. Ann. 72-262](#)

⁶⁴ [Kan. Stat. Ann. 72-1138](#)

⁶⁵ [Ky. Rev. Stat. Ann. 156.210](#)

incompetency, willful neglect of duty, or nonfeasance.”⁶⁶ The State Board may suspend or remove any local officials if other authorities fail to act.⁶⁷

Kentucky’s financial oversight of districts consists of a State Committee for School District Audits, which reviews local budgets and accounts. The committee’s membership includes statewide officials such as the Auditor of Public Accounts, the Commissioner of Education, and the Legislative Research Commission.⁶⁸

Louisiana

Louisiana’s statutes require school boards to apply to the Department of Education each year for approval, demonstrating that they have met minimum standards. In the event that a district (parish) has not met minimum standards, the department notifies the State Board of Elementary and Secondary Education, which then holds a hearing. Districts that fail to meet minimum standards within a timeframe specified by the Department are not approved and the Board must notify the governor, state treasurer, and legislature. No state funding may be disbursed to a non-approved school district.⁶⁹

Maine

Maine establishes local control in statute, but requires compliance with state statutes.⁷⁰ The Commissioner of Education is charged with both enforcing regulatory requirements and providing technical assistance.⁷¹ State law requires the Commissioner to inspect a school or district when petitioned by 60 percent of parents in the school, requested by the local board or superintendent, or petitioned by 20 percent of voters in the district.⁷² The State Board of Education is given authority to formulate policy, advise the Commissioner, and enforce regulatory requirements.⁷³ State law requires local administrative units (districts) to provide free education that meets the requirements of the state’s basic school approval.⁷⁴ The requirements for basic school approval are also laid out in statute.⁷⁵ The Commissioner is charged with determining which schools are in compliance with basic school approval standards and conducting comprehensive reviews.⁷⁶ The Commissioner has authority to withhold state funding. If compliance is not achieved in this manner, the Attorney General is authorized to seek injunctive relief to enjoin activities that put the district out of compliance, or to seek any other remedy authorized by law.⁷⁷ Maine also has state accreditation of elementary and secondary schools, although participation in the accreditation system is optional for local school boards.⁷⁸

⁶⁶ Ky. Rev. Stat. Ann. [156.070](#)

⁶⁷ Ky. Rev. Stat. Ann. [156.132](#)

⁶⁸ Ky. Rev. Stat. Ann. [156.265](#)

⁶⁹ La. Stat. Ann. [17:10](#)

⁷⁰ Me. Stat. tit. [20-A sect. 2](#)

⁷¹ Me. Stat. tit. [20-A sect. 251-A](#)

⁷² Me. Stat. tit. [20-A sect. 258-A](#)

⁷³ Me. Stat. tit. [20-A sect. 401-A](#)

⁷⁴ Me. Stat. tit. [20-A sect. 4501](#)

⁷⁵ Me. Stat. tit. [20-A sect. 4502](#)

⁷⁶ Me. Stat. tit. [20-A sect. 4504](#)

⁷⁷ Me. Stat. tit. [20-A sect. 6801-A](#)

⁷⁸ Me. Stat. tit. [20-A sect. 4511](#) and [4512](#)

Maryland

Maryland permits the State Board of Education to institute legal proceedings to enforce state laws and administrative rules.⁷⁹ The State Superintendent is also authorized to enforce state law and administrative rule. They can require the State Comptroller to withhold legislative appropriations as well as other budgeted funds.⁸⁰ Maryland has county-wide school districts. County boards are required to carry out relevant state laws and administrative rules.⁸¹ The State Superintendent can remove a county superintendent for immorality, misconduct, insubordination, incompetency, or willful neglect of duty.⁸² County superintendents are specifically charged with carrying out state school laws, State Board policies and administrative rules, and the policies of the county board.⁸³

In 2020, Maryland enacted significant new funding for its education system.⁸⁴ To ensure district compliance with new initiatives tied to the funding, some new funding increases are withheld from districts each year and released once the district has demonstrated its alignment with the new initiatives.⁸⁵ As part of this new initiative, Maryland has created Expert Review Teams to conduct comprehensive investigations of the state's schools and make recommendations for improvements. Until 2025, the recommendations of these review teams are advisory only. After that date, implementation of the team's recommendations will be required for release of increased funding.⁸⁶

In addition, Maryland has established an Inspector General for Education. That office is responsible for examining and investigating the management and affairs of county boards and public schools, the state's education department, nonpublic schools that receive state funds, and an interagency commission. Among its responsibilities are investigating compliance with applicable federal and state laws. The Inspector General can refer criminal violations to local prosecutors, the Attorney General, the State Prosecutor, or a federal agency. For issues of concern that do not constitute criminal offenses, the Inspector General can report the issue to the State Superintendent, State Board, the Governor, and the General Assembly.⁸⁷ As stated above, the State Board can then institute legal proceedings to force compliance.

Massachusetts

Massachusetts maintains an evaluation system to adjudicate the performance of districts and schools.⁸⁸ Schools and districts that are underperforming or chronically underperforming are subject to turnaround plans, the appointment of an external receiver, reallocation of funds, or appointment of a targeted assistance team.⁸⁹ State law allows the State Board of Elementary and Secondary Education to withhold state

⁷⁹ Md. Code Ann. [Education 2-205](#)

⁸⁰ Md. Code Ann. [Education 2-303](#)

⁸¹ Md. Code Ann. [Education 4-108](#)

⁸² Md. Code Ann. [Education 4-201](#)

⁸³ Md. Code Ann. [Education 4-204](#)

⁸⁴ [House Bill 1300 \(2020\)](#)

⁸⁵ [Md. Code Ann. Education 5-405](#) and [5-407](#)

⁸⁶ [Md. Code Ann. Education 5-411](#)

⁸⁷ [Md. Code Ann. Education 9.10-104](#)

⁸⁸ Mass. Gen. Laws ch. [69, sect. 1j](#)

⁸⁹ Mass. Gen. Laws ch. [69, sect. 1J](#) and [1K](#)

and federal funds from school boards that fail to comply with state laws and regulations governing the operation of public schools, and requires the State Board to ensure that local school boards comply with all laws relating to the operation of public schools. In the event of noncompliance, the Commissioner of Education is required to refer cases to the Attorney General for action to obtain compliance.⁹⁰ Additionally, schools that do not provide the minimum number of instructional days can have state funding withheld.⁹¹

Michigan

In general, Michigan conditions the receipt of state funding on compliance with the law. School officials or board members who neglect or refuse to carry out their duties as required for the district to receive state aid are guilty of a misdemeanor and can be imprisoned for 90 days or fined \$1,500.⁹² Michigan requires its school districts to apply for permission to provide special education programs that do not comply with state law. State law outlines a process for submitting the application and criteria for approval.⁹³ Michigan law authorizes the withholding of state funding from districts that do not submit complete data.⁹⁴ Michigan conditions allocation of nonmandated payments on compliance with certain statutes.⁹⁵ The Superintendent of Public Instruction has the authority to assign some districts as partnership districts. Those districts must have partnership agreements with the Department of Education in order to receive state funding. Partnership districts must make changes based on a comprehensive review of data.⁹⁶ The Department can withhold state funding from districts that do not submit required deficit elimination plans.⁹⁷

Minnesota

Minnesota places the authority to determine the proper interpretation of school laws to the state's Attorney General, whose written opinions are binding until and unless overruled by a court.⁹⁸ Minnesota places a duty on officers of independent school districts to report violations of law and requires county attorneys to institute proceedings.⁹⁹

Mississippi

Mississippi grants its school districts home-rule status, but only so far as is consistent with the State Constitution or state law.¹⁰⁰ The state gives its State Board of Education the authority to decide appeals from county superintendents or the State Superintendent. The State Board may hold hearings conducted by designated hearing officers. The decisions of the board are final.¹⁰¹ The State Board also has authority to

⁹⁰ Mass. Gen. Laws ch. [69, sect. 1B](#)

⁹¹ Mass. Gen. Laws ch. [71, sect. 4A](#)

⁹² Mich. Comp. Laws [388.1761](#)

⁹³ Mich. Comp. Laws [380.1702](#)

⁹⁴ Mich. Comp. Laws [388.1614](#)

⁹⁵ Mich. Comp. Laws [388.1622b](#)

⁹⁶ Mich. Comp. Laws [388.1622p](#)

⁹⁷ Mich. Comp. Laws [388.1702](#)

⁹⁸ Minn. Stat. [120A.10](#)

⁹⁹ Minn. Stat. [123B.21](#)

¹⁰⁰ [Miss Code Ann. 37-7-301.1](#)

¹⁰¹ [Miss Code Ann. 37-1-5](#)

remove county superintendents for neglect of duty, drunkenness, incompetency, or official misconduct.¹⁰² The State Board can compel witnesses, administer oaths, take depositions, subpoena individuals, and compel records.¹⁰³ The State Superintendent is given the authority to advise local superintendents and may submit facts to the Attorney General, who is then required to issue a decision.¹⁰⁴ The State Board is given the authority to accredit public schools and to provide for the enforcement of standards.¹⁰⁵

Mississippi has a Commission on School Accreditation to review standards and enforcement and hear and decide controversies.¹⁰⁶ State law establishes parameters for the accreditation system. For schools that do not meet standards and do not correct deficiencies, or that violate state or federal law, the State Board can request the Governor to declare a state of emergency in that district. When that declaration is made, the State Board can escrow state funds, override local decisions concerning management and operations, assign an interim superintendent, grant transfers to students, abolish the district, request a recall of the superintendent, or request a recall of local board members. When corrective action has been taken, the State Board requests the Governor to end the state of emergency. Mississippi has separate consequences for districts that find themselves in a state of emergency a second time or are placed in transformation status.

Additionally, Mississippi has established a fund for loans to districts in a state of emergency. The State Board can also determine that an extreme emergency exists in a district. This requires the Board to take immediate action to recover funds.¹⁰⁷ Mississippi has established an Office of Educational Accountability to monitor the accreditation program and assess the impact on school districts and a Center for Education Analysis to collect, compile, and publish data on the state's education system.¹⁰⁸ Local officials who willfully violate the state's education accountability laws or falsify records are guilty of a misdemeanor and subject to fines and imprisonment.¹⁰⁹

Missouri

Missouri's State Board of Education must supervise instruction in public schools, establish requirements for schools, formulate rules governing accreditation, and classify the schools, among other responsibilities.¹¹⁰ For schools that are identified as priority schools, local boards must submit improvement plans that meet specific criteria. The State Board can appoint an audit team to determine the causes of problems in the district. The state's Department of Education is required to withhold state funding from districts that fail to submit a required improvement plan.¹¹¹ Missouri's Commissioner of Education is given an advisory role in relation to local districts.¹¹² Local officials who

¹⁰² [Miss Code Ann. 37-1-7](#)

¹⁰³ [Miss Code Ann. 37-1-9](#)

¹⁰⁴ [Miss Code Ann. 37-3-11](#)

¹⁰⁵ [Miss Code Ann. 37-17-1](#)

¹⁰⁶ [Miss Code Ann. 37-17-5](#)

¹⁰⁷ [Miss Code Ann. 37-17-6](#)

¹⁰⁸ [Miss Code Ann. 37-151-9](#) and [37-151-10](#)

¹⁰⁹ [Miss Code Ann. 37-151-107](#)

¹¹⁰ Mo. Rev. Stat. [161.092](#)

¹¹¹ Mo. Rev. Stat. [160.720](#)

¹¹² Mo. Rev. Stat. [161.122](#)

willfully neglect or refuse to perform their duties, or who violate any provision of the state's education laws, are guilty of a misdemeanor and may be fined up to \$500 or imprisoned for up to one year.¹¹³ Duties imposed on local boards are enforced via the state's accreditation system.¹¹⁴ Missouri's Office of the Child Advocate is given responsibility for mediating disputes between school districts and students.¹¹⁵ For special education, Missouri allows parents, guardians, or local education agencies to request a due process hearing before the Administrative Hearing Commission.¹¹⁶

Montana

Montana requires its Board of Public Education to adopt accreditation standards and establish the accreditation status of every school in the state.¹¹⁷ The Superintendent of Public Instruction is charged with resolving controversies, overseeing school budgeting and financial administration, recommending standards for accreditation, and supervising and coordinating special education in the state, among other responsibilities.¹¹⁸ State law outlines some parameters of the state's accreditation system, but places primary responsibility for designing the system with the State Board.¹¹⁹

Nebraska

Nebraska gives its State Board of Education the authority to provide, through the Commissioner, both supervisory and consultative services to local school districts. The State Board is required to establish and maintain an accreditation system, and school districts are required to comply with accreditation requirements in order to continue operating.¹²⁰

Nevada

Nevada requires its State Board of Education to enforce courses of study, as well as establish goals, benchmarks, and annual review of student achievement.¹²¹ The Superintendent of Public Instruction has authority to enforce the state's education laws and request plans of corrective action from local boards that do not comply with the state's education laws.¹²² In the state's accountability system, parents and guardians are required to be notified if a public school is rated as underperforming.¹²³

New Hampshire

New Hampshire gives its State Board of Education the powers of management, supervision, and direction of all public schools in the state.¹²⁴ The State Board must supervise the expenditure of funds and inspect all institutions that use state funds.¹²⁵

¹¹³ Mo. Rev. Stat. [162.091](#)

¹¹⁴ Mo. Rev. Stat. [161.529](#)

¹¹⁵ Mo. Rev. Stat. [160.262](#)

¹¹⁶ Mo. Rev. Stat. [162.961](#)

¹¹⁷ Mont. Code Ann. [20-2-121](#)

¹¹⁸ Mont. Code Ann. [20-3-106](#)

¹¹⁹ Mont. Code Ann. [20-7-101](#) and [20-7-102](#)

¹²⁰ [Neb. Rev. Stat. 79-318](#) and [79-703](#)

¹²¹ Nev. Rev. Stat. [385.113](#) and [385.114](#)

¹²² Nev. Rev. Stat. [385.175](#)

¹²³ Nev. Rev. Stat. [385A.750](#)

¹²⁴ [N.H. Rev. Stat. Ann. 186:5](#)

¹²⁵ [N.H. Rev. Stat. Ann. 186:11](#)

State law establishes the requirements for a standard school.¹²⁶ The State Board is authorized to ensure the accuracy and completeness of information submitted by districts to the department, including enforcement actions.¹²⁷ State law establishes “an integrated system of shared responsibility between state and local government.”¹²⁸ The criteria for an adequate education is established in law, but schools must prove that they have met basic requirements.¹²⁹ The Education Commissioner must require schools that are unable to submit proof of adequacy to resubmit their explanations, and integrate the inputs-based accountability system with the state’s school approval process, administered by the Department of Education.¹³⁰

State law establishes a performance-based accountability system with public reporting in addition to the inputs-based system.¹³¹ Schools that do not demonstrate that they are providing adequate education receive corrective and technical assistance from the Department of Education. The first two years a school or district is unable to deliver adequate education, the district must submit revised plans for meeting adequacy standards. In the third year, the Commissioner must assess local expenditures, assign a coach, require the school or district to account for funds, require or provide professional development, external support, new instructional models, evidence of data-driven decision making, or structural changes to school leadership.¹³² However, the Department of Education may not take control of the daily operations of any school.¹³³ The Commissioner is required to provide for fair hearings and provide local districts with direct services to improve effectiveness and efficiency, such as assistance in addressing problems, resolving disputes or planning; developing clear role definitions; and board training or community education regarding the role of boards and staff.¹³⁴ The State Board is given the authority to hear appeals and issue decisions in disputes between individuals and local school systems.¹³⁵

New Jersey

New Jersey’s State Board of Education has general supervision and control authority, but also has authority to enforce its rules, administer oaths, examine witnesses, compel testimony, and issue subpoenas.¹³⁶ The Commissioner of Education is required to enforce all rules enacted by the State Board, and also has the ability to administer oaths, take affidavits, and examine witnesses.¹³⁷ The Commissioner has jurisdiction to hear and determine controversies and disputes arising under the state’s education laws,

¹²⁶ [N.H. Rev. Stat. Ann. 189:24](#)

¹²⁷ [N.H. Rev. Stat. Ann. 189:28](#)

¹²⁸ [N.H. Rev. Stat. Ann. 193-E:1](#)

¹²⁹ [N.H. Rev. Stat. Ann. 193-E:2](#) and [193-E:3-b](#)

¹³⁰ [N.H. Rev. Stat. Ann. 21-N:6](#)

¹³¹ [N.H. Rev. Stat. Ann. 193-E:3-c](#)

¹³² [N.H. Rev. Stat. Ann. 193-E:3-e](#)

¹³³ [N.H. Rev. Stat. Ann. 193-H:5](#)

¹³⁴ [N.H. Rev. Stat. Ann. 21-N:4](#)

¹³⁵ [N.H. Rev. Stat. Ann. 21-N:11](#)

¹³⁶ N.J. Stat. Ann. [18A:4-10](#), [18A:4-15](#), [18A:4-17](#), [18A:4-18](#), [18A:4-19](#)

¹³⁷ N.J. Stat. Ann. [18A:4-23](#) and [18A:4-31](#)

and their decisions are final.¹³⁸ New Jersey has county superintendents who provide oversight for school districts within their county.¹³⁹

The Commissioner is tasked with evaluating the thoroughness and efficiency of all public schools to “ensure that all districts are operating at a high level of performance.”¹⁴⁰ The Commissioner has the ability to place a district under state intervention, including ordering budgetary changes or other measures they deem necessary. For these districts, the State Board can approve the appointment of up to three additional members of a local board or appoint a new superintendent.¹⁴¹ Districts remain under full state intervention for three years, and then may be placed under partial state intervention or designated as transitioning to local control.¹⁴² In cases where local districts have negative audit results, the Commissioner can appoint a state monitor to oversee district finances, or can order a compliance audit if they suspect that district spending is not in compliance with state education laws or regulations.¹⁴³ New Jersey requires local boards to enforce the rules of the State Board.¹⁴⁴

New Mexico

New Mexico tasks its Public Education Department with enforcing administrative rules, including applying to district courts to enforce state laws or rules and evaluating public schools for accreditation.¹⁴⁵ The State Board of Education and Public Education Department are tasked with prescribing standards for all public schools in the state.¹⁴⁶ Schools that fail to meet those requirements must be notified of deficiencies and must comply with the requirements or submit a plan to do so within 30 days. In school districts that fail to comply or where the deficiency is severe, the Secretary of Education can suspend a local board, local superintendent, or school principal. This process requires a hearing and allows the Department to act in lieu of a suspended local board, superintendent, or principal.¹⁴⁷ Local superintendents are required by law to carry out the educational policies and rules of the State Board as well as the local board.¹⁴⁸ New Mexico’s Public Education Department is also responsible for significant oversight of district finances overseeing the creation of and approving local operating budgets.¹⁴⁹

New York

New York allows parties aggrieved by school board or superintendent actions to appeal those actions to the Commissioner of Education for redress, and allows the Commissioner to stay local proceedings, regulate the practices being contested, dismiss an appeal, and make orders (including directing spending) necessary to affect the decision.¹⁵⁰ New York’s Commissioner of Education can remove local board

¹³⁸ N.J. Stat. Ann. [18A:6-9](#) and [18A:6-9.1](#)

¹³⁹ N.J. Stat. Ann. [18A:7-8](#)

¹⁴⁰ N.J. Stat. Ann. [18A:7A-10](#)

¹⁴¹ N.J. Stat. Ann. [18A:7A-15 et seq](#) and [18A:7A-34 et seq](#)

¹⁴² N.J. Stat. Ann. [18A:7A-49](#)

¹⁴³ N.J. Stat. Ann. [18A:7A-55](#) and [18A:7A-60](#)

¹⁴⁴ N.J. Stat. Ann. [18A:11-1](#)

¹⁴⁵ N.M. Stat. Ann. [22-2-1](#) and [22-2-2](#)

¹⁴⁶ N.M. Stat. Ann. [22-2-8](#)

¹⁴⁷ N.M. Stat. Ann. [22-2-14](#)

¹⁴⁸ [N.M. Stat. Ann. 22-5-14](#)

¹⁴⁹ [N.M. Stat. Ann. 22-8-4](#) and [22-8-11](#)

¹⁵⁰ N.Y. [Education Law, tit 1, art. 7, sect. 310 and 311](#)

members, superintendents, or other school officers after a hearing if they are members of subversive organizations or if they have willfully violated or neglected their duty, violated any law pertaining to schools or educational institutions, or willfully disobeyed any administrative rules.¹⁵¹

North Carolina

North Carolina's State Board of Education has the authority to supervise and administer the state's public school system. The Superintendent of Public Instruction must administer rules and regulations. In addition, the State Board must both develop and enforce the state's management and accountability program.¹⁵² Further, the Superintendent of Public Instruction has "direction and control" as well as direct supervision of the public school system.¹⁵³ Under the state's management and accountability program, the Superintendent of Public Instruction can make changes to local leadership at the school or district level. If the locally elected board refuses to work with the new leadership, the State Board can suspend the powers and duties of the local board and act on its behalf.¹⁵⁴ The State Board also has responsibility for ensuring compliance with state laws and regulations governing budgeting and management of funds. The State Board can suspend local flexibility and direct the local use of funds or assume control of a local district's financial affairs under specific conditions.¹⁵⁵

North Dakota

In North Dakota, the Superintendent of Public Instruction supervises elementary and secondary education, including determining the outcome of appeals of local decisions and accrediting schools.¹⁵⁶ Additionally, local districts must obtain approval to operate by submitting compliance reports that indicate they meet certain standards. For schools that do not meet standards, the Superintendent of Public Instruction is required to notify parents and withhold some state funding.¹⁵⁷

Ohio

Ohio's State Board of Education must prescribe minimum operating standards for the state's elementary and secondary schools.¹⁵⁸ In Ohio, every school and district has a charter from the state in order to operate. The State Board must revoke the charter of any district that fails to meet state standards.¹⁵⁹ The Superintendent of Public Instruction may inspect local district expenditures and determine the efficiency of those expenditures.¹⁶⁰ School districts must file a report every year indicating their compliance with certain state mandates. For any indications of noncompliance, a district must provide to its local board a written explanation within 30 days, including a plan of action

¹⁵¹ N.Y. [Education Law, tit 1, art 7, sec. 306](#)

¹⁵² N.C. Gen. Stat. [115C-12](#)

¹⁵³ N.C. Gen. Stat. [115C-21](#)

¹⁵⁴ N.C. Gen. Stat. [115C-105.39](#) and [115C-39 \(b\)](#)

¹⁵⁵ N.C. Gen. Stat. [115C-451](#)

¹⁵⁶ N.D. Cent. Code [15.1-02-04](#) and [15.1-02-11](#)

¹⁵⁷ N.D. Cent. Code [15.1-06-06](#)

¹⁵⁸ [Ohio Rev. Code Ann. 3301.07](#)

¹⁵⁹ [Ohio Rev. Code Ann. 3301.16](#)

¹⁶⁰ [Ohio Rev. Code Ann. 3301.12](#)

to address the problem.¹⁶¹ Schools identified as needing improvement must implement corrective actions required by the Ohio Department of Education.¹⁶²

Additionally, the Superintendent of Public Instruction can establish academic distress commissions for districts that meet specific conditions. The commission can appoint a chief executive officer for the district, who has authority to replace administrators or staff, reassign employees, hire new employees, change compensation and working conditions, create a new budget, and more. For districts in this category, local mayors are authorized to appoint new boards.¹⁶³ These districts are subject to state performance audits and must submit an academic improvement plan.¹⁶⁴ Districts with consistently poor-performing schools are required to take specific actions.¹⁶⁵ Ohio also has provisions for the appointment of school action teams to rectify local problems.¹⁶⁶ Large districts are required to have an independent auditor, who is charged with receiving complaints of alleged wrongful or illegal acts impacting the district's operations, finances, or data.¹⁶⁷ Districts in financial trouble can receive a variety of state interventions.¹⁶⁸ Violations of certain sections of the state's education laws are considered misdemeanors.¹⁶⁹

Oklahoma

Oklahoma's Department of Education is charged with "directing the administration and supervision" of the state's public schools, while its State Board of Education is named as the governing board of the state's public school system.¹⁷⁰ The State Board must adopt rules for the classification, inspection, supervision, and accreditation of all public schools.¹⁷¹ The state's accreditation standards must provide for warnings, probation, and nonaccredited status if schools do not meet the standards. The Department must investigate complaints of failure to provide educational services or comply with accreditation standards within 30 days of receipt. Schools receive assistance, but those that fail to comply with standards within 90 days of the Department's determination may lose accreditation, which can result in closure of the school and reassignment of students to accredited schools, or annexation of the district. Schools are evaluated every four years on a rotating schedule to determine whether or not they meet accreditation standards, although they undergo annual evaluations in specific areas or if they have previously been found deficient.¹⁷²

Oklahoma also has a Commission for Educational Quality and Accountability, charged with overseeing the performance of the state's schools.¹⁷³ The state's Secretary of

¹⁶¹ [Ohio Rev. Code Ann. 3301.68](#)

¹⁶² [Ohio Rev. Code Ann. 3302.041](#)

¹⁶³ [Ohio Rev. Code Ann. 3302.10](#) and [.11](#)

¹⁶⁴ [Ohio Rev. Code Ann. 3302.103](#)

¹⁶⁵ [Ohio Rev. Code Ann. 3302.12](#)

¹⁶⁶ [Ohio Rev. Code Ann. 3302.18](#)

¹⁶⁷ [Ohio Rev. Code Ann. 3311.60](#)

¹⁶⁸ [Ohio Rev. Code Ann. 3313.483](#) *et seq* and [3316.03](#) *et seq*

¹⁶⁹ [Ohio Rev. Code Ann. 319.99](#)

¹⁷⁰ Okla. Stat. tit. [70 sect. 1-105](#)

¹⁷¹ Okla. Stat. tit. [70 sect. 3-104](#)

¹⁷² Okla. Stat. tit. [70 sect. 3-104.4](#)

¹⁷³ Okla. Stat. tit. [70 sect. 3-116.2](#)

Education monitors the state's accountability system.¹⁷⁴ Oklahoma also monitors districts' finances by requiring budget and operations performance reviews for each district.¹⁷⁵ Local school boards are authorized to make rules, but those rules must not violate state laws or administrative rules. Local boards exercise sole control, subject to state law.¹⁷⁶ The State Auditor approves auditors who must audit districts' funds.¹⁷⁷ Local boards are also required to have annual financial and compliance audits. Boards who fail to do so may be removed from office or have state aid withheld.¹⁷⁸

Oregon

In general, Oregon's education statutes provide local control to school districts within the context of the Legislative Assembly's authority over statewide policy and the delegation of authority to the State Board of Education. While the Oregon Department of Education (ODE) can find a district to be deficient for not complying with state laws or administrative rules, state law establishes a process in which districts file plans to come into compliance and have the ability to get extensions up to 12 months before complying. Although there are certain statutes in which accountability for compliance is placed on licensed individuals with suspension or revocation as a means of enforcement, accountability for a district's overall compliance with state laws and standards established by the State Board of Education is placed at the district level, and the withholding of state funding is the only means of enforcement.¹⁷⁹ In practice, enforcement in Oregon is generally complaint-driven. Additionally, Oregon's Student Success Act established the ability of the Department of Education to intervene in local districts via coaching and intensive programs.¹⁸⁰ In terms of financial oversight, Oregon requires school districts to comply with the state's municipal audit law, which requires reporting at the local level, to the Secretary of State, and then to the legislative audit committee, as well as the local budget law.¹⁸¹

Pennsylvania

In general, Pennsylvania specifies the role of the State Board of Education and the Department of Education separately for each area of statute, as it does for enforcement. Pennsylvania allows the withholding of state funding from districts that do not comply with certain standards.¹⁸² Pennsylvania requires districts to submit annual financial reports to the Secretary of Education, and the state can order forfeiture penalties against districts that fail to submit their reports on time.¹⁸³ The Department must maintain an early warning system to monitor the financial health of districts. Districts can be placed on financial watch status, financial recovery status, or placed in receivership under certain circumstances.¹⁸⁴

¹⁷⁴ Okla. Stat. tit. [70 sect. 3-118](#)

¹⁷⁵ Okla. Stat. tit. [70 sect. 3-118.1](#)

¹⁷⁶ Okla. Stat. tit. [70 sect. 5-117](#)

¹⁷⁷ Okla. Stat. tit. [70 sect. 18-118](#)

¹⁷⁸ Okla. Stat. tit. [70 sect. 22-103](#), [22-111](#), and [22-112](#)

¹⁷⁹ [ORS 327.103 \(2021\)](#)

¹⁸⁰ [House Bill 3427 \(2019\)](#)

¹⁸¹ [ORS 297.405, et seq \(2021\)](#), [ORS 294.305 et seq \(2021\)](#)

¹⁸² [24 Pa. Cons. Stat. 10-1005](#)

¹⁸³ [24 Pa. Cons. Stat. 2-218](#)

¹⁸⁴ [24 Pa. Cons. Stat. 6-611a et seq](#)

Rhode Island

Rhode Island gives its Commissioner of Elementary and Secondary Education responsibility for certifying the approval of accredited schools, requiring the observance of all school laws, and interpreting school laws and deciding controversies, among others.¹⁸⁵ Cities or towns that cannot provide sufficient revenue to maintain schools at state standards can request the state to assume supervision, control, and management of local schools.¹⁸⁶ Local school committees (boards) must adopt a state-mandated code of basic management principles and ethical school standards.¹⁸⁷

The Department of Elementary and Secondary Education also provides oversight of local districts' finances, including periodic reviews of revenues and expenses.¹⁸⁸ Local superintendents are charged with complying with federal and state law, as well as local ordinances.¹⁸⁹ The Department must establish program standards to be used in overseeing the use of some state funds.¹⁹⁰ School officials who violate education laws or refuse to perform their duties can face fines of up to \$500 or imprisonment for up to six months.¹⁹¹ Parties to any dispute involving education law or the conduct of schools, or any action of a local board, can appeal directly to the Commissioner of Elementary and Secondary Education, who is responsible for deciding the appeal.¹⁹²

The State Board of Education must implement a system for annual evaluations of district and school performance. Districts in which 20 percent of the students do not meet grade level expectations must submit a success plan to the department. The Department must review schools' efforts and provide targeted assistance and interventions.¹⁹³ Districts that do not meet performance goals may receive supports or intervention from the state, including progressive levels of control by the Department.¹⁹⁴

South Carolina

South Carolina tasks its Superintendent of Education with administering all policies and procedures adopted by the State Board of Education.¹⁹⁵ The State Board has the authority to adopt minimum standards.¹⁹⁶ School districts in South Carolina must provide the Department of Education with copies of their audit reports.¹⁹⁷ To run the state's accreditation system for public schools, the Department of Education is tasked with providing recommendations to the State Board.¹⁹⁸ State law provides the right for parents, guardians, or anyone aggrieved by a decision of a local school district board to

¹⁸⁵ <title #> [R.I. Gen. Laws 16-1-5](#)

¹⁸⁶ <title #> [R.I. Gen. Laws 16-1-10](#)

¹⁸⁷ <title #> [R.I. Gen. Laws 16-2-9.1](#)

¹⁸⁸ <title #> [R.I. Gen. Laws 16-2-9.4](#)

¹⁸⁹ <title #> [R.I. Gen. Laws 6-2-11](#)

¹⁹⁰ <title #> [R.I. Gen. Laws 16-7.2-8](#)

¹⁹¹ <title #> [R.I. Gen. Laws 16-38-9](#)

¹⁹² <title #> [R.I. Gen. Laws 16-39-1](#) and [16-39-2](#)

¹⁹³ <title #> [R.I. Gen. Laws 16-97.1-1](#) and [16.97-2](#)

¹⁹⁴ <title #> [R.I. Gen. Laws 16-7.1-5](#)

¹⁹⁵ [S.C. Code Ann. 59-3-30](#)

¹⁹⁶ [S.C. Code Ann. 59-5-60](#) and [-65](#)

¹⁹⁷ [S.C. Code Ann. 59-17-100](#)

¹⁹⁸ [S.C. Code Ann. 59-18-70](#)

appeal to the county board of education, whose decisions can in turn be appealed to the county court system.¹⁹⁹

South Dakota

South Dakota charges the Board of Education Standards with establishing standards for the classification and accreditation for the state's schools.²⁰⁰ The Board and Department of Education jointly are charged with developing standards to ensure effective prekindergarten programs, effective instruction, and graduation requirements.²⁰¹ The state's Secretary of Education is given authority over classification and accreditation of all public and nonpublic schools in the state.²⁰² In addition to accreditation standards, South Dakota has a statewide accountability system related to the academic achievement of students.²⁰³ All schools within a district must be accredited in order for the district to receive any state aid.²⁰⁴ School districts that fail to submit adequate data to determine their share of state aid are subject to fines by the Department of Education.²⁰⁵ The State Fire Marshal has the authority to inspect schools, can order the elimination of hazardous conditions, and can order the closure of schools for hazardous conditions.²⁰⁶ All public schools are required by law to conform to the accreditation standards adopted by the State Board.²⁰⁷ The Department of Education is given specific regulatory authority over special education in the state.²⁰⁸ Aggrieved parties may appeal local board decisions to the state's circuit courts.²⁰⁹ The State Board must submit an annual accountability report to the state's Government Operations and Audit Committee.²¹⁰

Tennessee

In Tennessee, the Commissioner of Education is responsible for the implementation of state education laws and policies. The Commissioner has authority to provide direction via supervisory activities, including inspections and surveys of public schools and direct supervision of local districts. The legislature tasks the Commissioner with reporting misuse of funds to law enforcement. Additionally, the Commissioner has the authority to send a state supervisor to any district in order to enforce all school laws and regulations if a local board has requested intervention.²¹¹

The State Board of Education must set rules for the review, approval, and disapproval as well as classification of all public schools.²¹² The State Board must establish

¹⁹⁹ [S.C. Code Ann. 510 et seq](#)

²⁰⁰ S.D. Codified Laws [13-1-12.1](#)

²⁰¹ S.D. Codified Laws

²⁰² S.D. Codified Laws [13-3-47](#)

²⁰³ S.D. Codified Laws [3-3-62](#)

²⁰⁴ S.D. Codified Laws [3-13-18](#)

²⁰⁵ S.D. Codified Laws [13-13-38](#)

²⁰⁶ S.D. Codified Laws [13-25-3 et seq](#)

²⁰⁷ S.D. Codified Laws [13-33-1](#)

²⁰⁸ S.D. Codified Laws [13-37-1.2](#)

²⁰⁹ S.D. Codified Laws [3-46-1](#)

²¹⁰ S.D. Codified Laws [13-48A-7](#)

²¹¹ <year> Tenn. Pub./Priv. Acts [49-1-201](#)

²¹² <year> Tenn. Pub./Priv. Acts [49-1-302](#)

performance goals and measures for schools and districts. Schools and districts that fall below specific performance standards are subject to increased levels of state control.²¹³

Tennessee's audit law for school districts requires copies of annual audit reports be made available to the press as well as the state's comptroller and the local board.²¹⁴ The Commissioner may withhold state funding from any district that does not comply with the census and compulsory school attendance laws.²¹⁵ The Commissioner has additional specific authority to withhold state funding from a district that fails to provide students with disabilities a free appropriate public education (FAPE), until such failure is remedied. In addition, the Commissioner can provide FAPE directly to students whose districts are not providing it. The Commissioner must return responsibility for providing FAPE to the local district when they find the district is both willing and able to fulfill its legal responsibilities.²¹⁶

Texas

The Texas Education Agency must monitor districts' compliance with state and federal law.²¹⁷ Texas' State Board of Education has the authority to revoke districts' home-rule charters.²¹⁸ Texas has an accreditation system for school districts, and districts are required to maintain accreditation.²¹⁹ The Commissioner of Education must determine each district's accreditation status annually. Considerations must include students' academic performance and the district's financial accountability. Optional considerations include the district's compliance with laws and administrative rules. If the Commissioner revokes a district's accreditation, they must order the closure of the district. Districts that receive sub-par accreditation ratings must notify parents and property owners.²²⁰ State law requires local boards to establish performance goals for the district and publish an annual performance report.²²¹ Additionally, Texas maintains a performance rating system for districts.²²²

Districts that do not meet the state's accreditation criteria, academic performance standards, or financial accountability standards may be subject to a public notice of deficiency, a public hearing conducted by the local board, preparation of an achievement improvement plan, a hearing before the Commissioner, a monitoring review of the district by the state, appointment of an agency monitor, appointment of a conservator, appointment of a management team to direct district operations, authorization to enter an agreement with an institution of higher education, or the use of the state's board improvement and evaluation tool.²²³

²¹³ <year> Tenn. Pub./Priv. Acts [49-1-602](#)

²¹⁴ <year> Tenn. Pub./Priv. Acts [49-2-112](#)

²¹⁵ <year> Tenn. Pub./Priv. Acts [49-6-3302](#)

²¹⁶ <year> Tenn. Pub./Priv. Acts [49-10-109](#)

²¹⁷ [Tex. Education Code ch. 7 sect. 7.021](#)

²¹⁸ [Tex. Education Code ch. 7 sect. 5.102](#)

²¹⁹ [Tex. Education Code ch. 7 sect. 11.001](#) and [ch. 7 sect. 39.051](#)

²²⁰ [Tex. Education Code ch. 7 sect. 39.052](#)

²²¹ [Tex. Education Code ch. 7 sect. 11.1511](#)

²²² [Tex. Education Code ch. 7 sect. 39.0543](#)

²²³ [Tex. Education Code ch. 7 sect. 39A.001](#) and [39A.002](#)

Texas allows individuals to appeal to the Commissioner of Education to review school laws of the state as well as local board decisions that may violate either state education laws or employment contracts.²²⁴ The Commissioner may hold a hearing, and has authority for discovery and conduct of a hearing. The Commissioner has 180 days to hold a hearing, and 240 days to issue a decision.

The Texas Education Agency has authority to conduct special investigations and is required to present findings to any individual or entity the agency finds has violated a law, rule, or policy.²²⁵

Texas districts are required to send their annual audits to the Texas Education Agency, which reviews the reports and notifies the local board of any deficiencies and refers any criminal violations to the county or district attorney and the Attorney General.²²⁶

Utah

Utah prohibits the State Board of Education from governing, managing, or operating school districts or programs unless specifically granted the authority to do so. The State Board has the authority to require education providers that violate state law to enter into corrective action agreements, forfeit state funds, or pay penalties. Education providers have the ability for a hearing, and individuals can bring violations to the attention of the State Board. In addition, the State Board must report criminal conduct of an education entity to the local district attorney. The State Board may also audit local funds and verify local audits.²²⁷ The State Board must establish minimum standards for public schools.²²⁸

Utah also has a statewide accountability system governed by its State Board, which rates each school annually.²²⁹ The State Board is given specific authority to govern special education programs.²³⁰ State funds may only be used for approved programs.²³¹ Local boards must meet a variety of state standards.²³² Districts must share their annual audit reports with the State Superintendent, who is then required to publish all district audit reports.²³³ In addition, districts with more than 10,000 students must have audit committees and internal audit programs.²³⁴ Districts may apply for waivers from State Board rules, but the State Board may not grant any waiver that would cause the district or school to violate state or federal law.²³⁵

²²⁴ [Tex. Education Code ch 7 sect. 7.057](#)

²²⁵ [Tex. Education Code ch. 7 sect. 39.004](#)

²²⁶ [Tex. Education Code ch. 7 sect. 44.008](#)

²²⁷ Utah Code Ann. [53E-3-401](#) and [53E-3-603](#)

²²⁸ Utah Code Ann. [53E-3-501](#)

²²⁹ Utah Code Ann. [53D-5-202](#) and [53D-5-504](#)

²³⁰ Utah Code Ann. [53E-7-204](#)

²³¹ Utah Code Ann. [53F-2-204](#)

²³² Utah Code Ann. [53G-4-402](#)

²³³ Utah Code Ann. [53G-4-404](#)

²³⁴ Utah Code Ann. [53G-7-402](#)

²³⁵ Utah Code Ann. [53G-7-202](#)

Vermont

Vermont requires districts to offer educational opportunities that are “substantially equal,” but allows educational programs to vary among districts.²³⁶ Vermont gives its Secretary of Education the authority to supervise and direct the execution of the state’s education laws, and to ensure compliance.²³⁷ Vermont requires all school districts to obey its education laws and the rules adopted by the State Board of Education.²³⁸ When districts fail to meet their legal obligations to students with disabilities, the Secretary of Education must withhold the amount of funding that the Agency spent on the child.²³⁹ State law requires an annual special education program review conducted by the Secretary of Education.²⁴⁰ Districts must comply with state laws as a condition of receiving funding.²⁴¹

Virginia

Virginia’s State Board of Education is required to accredit public schools.²⁴² Local boards must “see that the school laws are properly explained, enforced, and observed.”²⁴³ Virginia law establishes seven standards of quality for school districts.²⁴⁴ These standards include instructional content, personnel, accreditation, certain student outcomes, professional development, public involvement, and local board policies. State law requires every local board to provide an education system that meets the prescribed standards of quality. Local boards must report their compliance annually. Noncompliance must be reported to the Governor and General Assembly. The legislature has given the State Board authority to seek districts’ compliance by petitioning a circuit court to mandate or enforce compliance.²⁴⁵

Because Virginia has county-wide school districts, the state’s fiscal oversight of local districts includes ensuring that the county appropriates sufficient funds to meet the state’s basic quality standards.²⁴⁶ Additionally, Virginia reduces state aid to districts with fewer than 990 instructional hours spread over 180 teaching days.²⁴⁷ State law establishes the ability of the State Board to withhold special education funding from districts that fail to comply with free appropriate public education (FAPE) requirements and use that funding to provide FAPE directly to eligible children.²⁴⁸

Washington

In Washington, the State Board of Education has authority over the state’s accountability system, and can redirect a district’s Title I funds under certain circumstances.²⁴⁹ The Superintendent of Public Instruction generally has supervisory

²³⁶ Vt. Sta. Ann. tit. [16 sect. 1](#)

²³⁷ Vt. Sta. Ann. tit. [16 sect. 212](#)

²³⁸ Vt. Sta. Ann. tit. [16 sect. 551](#)

²³⁹ Vt. Sta. Ann. tit. [16 sect. 2965](#)

²⁴⁰ Vt. Sta. Ann. tit. [16 sect. 2974](#)

²⁴¹ Vt. Sta. Ann. tit. [16 sect. 4003](#)

²⁴² Va. [Code Ann. 22.1-19](#)

²⁴³ Va. [Code Ann. 22.1-79](#)

²⁴⁴ Va. [Code Ann. 22.1-253.13:1 et seq](#)

²⁴⁵ Va. [Code Ann. 22.1-253.13:8](#)

²⁴⁶ Va. [Code Ann. 22.1-97](#)

²⁴⁷ Va. [Code Ann. 22.1-98](#)

²⁴⁸ Va. [Code Ann. 22.1-214](#)

²⁴⁹ Wash. Rev. Code [28A.305.130](#) and [28A.657.080](#)

authority, but must establish sanctions on any school district that fails to comply with special education law.²⁵⁰ Washington has basic education requirements that school districts must meet.²⁵¹ For school districts that fail to meet basic education requirements, the State Board may recommend that the Superintendent of Public Instruction withhold state school funds in whole or in part.²⁵²

Some districts in Washington must submit condensed compliance reports annually. In these districts, local boards must dedicate a public meeting to the report and receive public testimony. District compliance reports may be subject to random audits by the Superintendent of Public Instruction.²⁵³ Local districts that are the subjects of state audits must have a public hearing on audit findings, and local boards may discipline their superintendents.²⁵⁴ Additionally, some schools and districts are subject to academic performance audits by the state.²⁵⁵ Districts that fail to comply with state law or policy may have their state funding withheld.²⁵⁶ In Washington, any individual aggrieved by a local decision can appeal that decision to the county superior court.²⁵⁷

West Virginia

West Virginia gives its State Superintendent of Schools the authority to institute proceedings or processes for the enforcement of the state's education laws and administrative rules, including the authority to remove school officials that have exhibited dishonesty, neglect of duty, or failure to comply with the state's education laws.²⁵⁸ Additionally, West Virginia has a performance-based accreditation system through which the State Board of Education assures that local districts provide their students with an education that meets state requirements.²⁵⁹

Wisconsin

Wisconsin's State Superintendent of Public Instruction is tasked with supervision and inspection of public schools; supervision, auditing, and program review of cooperative education service agencies; ensuring financial transparency of district budgets; and other responsibilities.²⁶⁰ The State Superintendent also may request safety inspections of public schools under certain circumstances.²⁶¹ For districts that do not meet minimum performance standards, the State Superintendent must make recommendations regarding the improvement of those districts and assess implementation of those recommendations.²⁶² The state's Department of Education must publish an annual school and district accountability report based on a five-star rating system.²⁶³

²⁵⁰ Wash. Rev. Code [28A.300.040](#) and [28A.155.100](#)

²⁵¹ Wash. Rev. Code [28A.150.210](#) and [28A.15.220](#)

²⁵² Wash. Rev. Code [28A.150.250](#)

²⁵³ Wash. Rev. Code [28A.330.250](#) and [28A.300.545](#)

²⁵⁴ Wash. Rev. Code [28A.320.245](#)

²⁵⁵ Wash. Rev. Code [28A.657.040](#)

²⁵⁶ Wash. Rev. Code [28A.505.120](#)

²⁵⁷ Wash. Rev. Code [28A.645.010](#)

²⁵⁸ [W. Va. Code 18-3-4](#)

²⁵⁹ [W. Va. Code 18-2E-5](#)

²⁶⁰ Wis. Stat. [115.28](#)

²⁶¹ Wis. Stat. [115.33](#)

²⁶² Wis. Stat. [115.38](#)

²⁶³ Wis. Stat. [15.385](#)

In Wisconsin, school boards may only take actions that are not prohibited by state or federal law.²⁶⁴ State law establishes standards for school districts. For school districts that do not comply with these standards, the State Superintendent must conduct a public hearing in that district. After the public hearing, if the State Superintendent finds the district to be out of compliance, they develop, with the local board, a plan to achieve compliance. For any district that fails to achieve compliance within the time specified in the plan, the State Superintendent must withhold up to 25 percent of state aid.²⁶⁵

Wyoming

Wyoming assigns general supervision of its schools to the State Superintendent of Education.²⁶⁶ The State Superintendent must enforce the state's education laws and regulations, as well as monitor special education staffing levels, identification, and service delivery practices.²⁶⁷ Wyoming has an evaluation and accreditation process, under which the State Board of Education is charged with enforcing uniform standards for educational programs as well as implementing a statewide accountability system, which must include a progressive system of supports and interventions.²⁶⁸ In this accountability system, low-performing districts are assigned a liaison with the Department of Education. The State Superintendent must report annually to the State Board on the progress toward goals.²⁶⁹

In Wyoming, local board actions must be consistent with state laws and administrative rules.²⁷⁰ Local board members who fail, refuse, or neglect to perform their duty are guilty of a misdemeanor and face fines of up to \$100 or imprisonment for up to 30 days.²⁷¹ In addition to the applicability of the state's municipal fiscal procedures act to school districts, the state's audit department has a school finance section to conduct periodic audits of each school district at least once every three years.²⁷²

STAFF CONTACT

Lisa Gezelter, Senior Legislative Analyst
Legislative Policy and Research Office
Oregon State Legislature
503-986-1664
lisa.gezelter@oregonlegislature.gov

²⁶⁴ Wis. Stat. [118.001](#)

²⁶⁵ Wis. Stat. [121.02](#)

²⁶⁶ Wyo. Stat. Ann. [21-2-201](#)

²⁶⁷ Wyo. Stat. Ann. [21-2-202](#)

²⁶⁸ Wyo. Stat. Ann. [21-2-304](#)

²⁶⁹ Wyo. Stat. Ann. [21-2-204](#)

²⁷⁰ Wyo. Stat. Ann. [21-3-110](#)

²⁷¹ Wyo. Stat. Ann. [21-3-124](#)

²⁷² Wyo. Stat. Ann. [21-3-125](#) and [9-1-513](#)

APPENDIX 1: STATUTORY AUTHORITY BY STATE

Table 1 illustrates state governments' authority to oversee local school districts as established in statute. Common interventions established in state statutes include those listed below.

- Appeals: the ability of those affected by local board decisions to appeal those decisions, often the state board or chief state school officer.
- Fines or penalties: punishments for violations of state education laws meted out to the individuals responsible for school districts' actions, often the local board or other district officials.
- State intervention: the ability of the state government to intervene in local affairs. Common interventions range from requiring a local district to establish a compliance plan to reallocating local staff, budget, or reassigning students.
- Consequences for inputs: the ability of the state government to require basic standards for the operation of a local district and to intervene when districts do not meet those standards. Many states call this "accreditation" or "basic education." Common interventions include requiring a district to develop a compliance plan, the ability of students to change schools or districts, or the ability of the state to reallocate staff or budget within a district.
- Consequences for outcomes: the ability of the state government to hold districts accountable for student proficiency or growth on specific academic metrics. Common interventions include requiring districts to implement an improvement plan, or the ability of the state to reallocate staff or budget within a district.
- Budget oversight: the ability of the state government, usually the education department, to monitor districts' budgeting and spending. Common interventions for districts that find themselves in financial trouble or violating state fiscal laws include the assignment of a state monitor or receiver to the district. Several states provide emergency loans to districts that come with specific oversight measures.
- Funding reductions: the ability of the state government to reduce state funding to districts that do not adhere to state laws or standards, do not meet performance expectations, or violate state fiscal policy.

Table 1: Common Statutes by State

State	Appeals	Fines or penalties	State intervention	Consequences for inputs	Consequences for outcomes	Budget oversight	Funding reductions
Alabama			•	•			
Alaska					•	•	
Arizona				•	•	•	•
Arkansas		•	•	•	•		
California			•		•	•	
Colorado			•	•	•	•	•
Connecticut	•		•				
Delaware	•		•				
Florida				•			•
Georgia	•			•			•
Hawaii							
Idaho				•			
Illinois				•		•	•
Indiana	•			•	•	•	
Iowa	•			•		•	•
Kansas				•			
Kentucky		•	•			•	
Louisiana				•			•
Maine		•		•			•
Maryland		•	•	•		•	•
Mass.		•	•	•	•		•
Michigan		•					•
Minnesota		•					
Mississippi	•	•	•	•		•	•
Missouri	•	•		•			•
Montana	•			•			
Nebraska				•			
Nevada				•	•		
New Hamp.	•		•	•	•	•	
New Jersey	•		•	•	•		
New Mexico		•		•		•	
New York	•	•	•				
N. Carolina			•			•	
N. Dakota	•			•			•
Ohio		•	•	•	•	•	
Oklahoma				•	•	•	•
Oregon	*			•	**		•
Pennsylvania				•			•
Rhode Island	•	•		•	•	•	
S. Carolina	•			•		•	
S. Dakota	•	•		•	•		
Tennessee		•		•	•	•	
Texas	•	•	•	•	•	•	•
Utah		•		•	•	•	•
Vermont							•
Virginia		•		•			•
Washington	•			•		•	•
W. Virginia		•		•	•		
Wisconsin				•	•	•	•
Wyoming		•		•	•	•	

Source: Legislative Policy and Research Office

*Oregonians can appeal only complaints. **Oregon's outcomes-based interventions exist only for Student Success Act grants.