

Vermont Legislative Research Service

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State Boards of Education

State boards of education are government bodies created via statute, which oversee and contribute to

Connecticut

The board

Election/Appointment Process

Vermont

All members are appointed by the Governor with Senate "advice and consent"¹²

Connecticut

All non-student members are appointed by the Governor and confirmed by the General Assembly. All student members are recommended to the Governor and confirmed based on academic qualifications¹³

Kentucky

All eleven voting members are appointed by the Governor and confirmed by the State House Representatives and State Senate. Seven of the eleven appointed members shall represent each of the supreme court districts and four shall represent the state at large¹⁴

California

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

Georgia

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

Ohio

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

¹² Vermont Statutes Chap. 003 § 161.

¹³ Connecticut General Statutes Chap. 163 § 103a (2019)
https://www.cga.ct.gov/current/pub/chap_163.htm#sec10-

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

¹⁵ California State Board of Education, "SBE Responsibilities."

¹⁶ Georgia Code § 202-1.

¹⁷ Ohio Revised Code § 3301.02.

Tenure

Vermont

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

Connecticut

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

Kentucky

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

California

All non-student members serve ~~one~~ year terms. Their appointments are staggered, to avoid abrupt turnover of membe~~rs~~. The student member serves ~~one~~ year term.²¹

Georgia

All members serve ~~one~~ year terms from the time of appointment.²²

Ohio

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

Jurisdiction/Scope

Vermont

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Connecticut

The board establishes education policy, prepares legislative proposals, sets academic standards

Vouchers

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

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

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

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

³⁰ Dennis E. Bishop, *Education*, 43 *Encyclopedia of Education* 104 (2011); *Encyclopedia of Education*, 43 *Encyclopedia of Education* 104 (2011).
³¹ *Carson v. Makin*, 142 S. Ct. 1997 (2022).
³² 17 *Maine Human Rights Act* § 101(1)(B) (2021).
³³ *Maine Human Rights Act* § 101(1)(B) (2021).
³⁴ *Carson v. Makin*, 142 S. Ct. 1997 (2022).
³⁵ *Vermont Human Rights Act* § 101(1)(B) (2021).
³⁶ *Carson v. Makin*, 142 S. Ct. 1997 (2022).

Vermont

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

Georgia

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

To be eligible for SSO private schools must receive accreditation from the Georgia Accrediting Commission, an independent agency composed of "teachers, instructional supervisors, school administrators, Regional Educational Service Agency personnel, Georgia Department of Education personnel, and college personnel." Accreditation is contingent on meeting requirements such as adequate recordkeeping, acceptable health and safety standards, etc.⁴⁸

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

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

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

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

⁴¹ State of Vermont Agency of Education, "Independent Schools, State of Vermont, Accessed December 2, 2023, [https://education.verm.4\(e\)-7.744.1\(n.\)-9osen.pendentuco.e](https://education.verm.4(e)-7.744.1(n.)-9osen.pendentuco.e)

Ohio

Ohio utilizes its 'EdChoice' program to "provides students from designated public schools the opportunity to attend participating private schools".⁴⁷ For grades K-8, the annual voucher amount is \$6165. For grades 9-12 the annual amount is \$8407.⁴⁸ To

