

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Darshana R. Patel, Chair
AB 2117 (Alvarez) – As Amended March 18, 2026

SUBJECT: State Board of Education: Superintendent of Public Instruction: Education Commissioner

SUMMARY: Establishes the position of Education Commissioner appointed by the Governor and requires the Education Commissioner, rather than the Superintendent of Public Instruction (SPI) to assume management of the California Department of Education (CDE) beginning on January 1, 2027. Removes or changes the various roles and responsibilities of the SPI. Requires the SPI to become a voting member of the State Board of Education (SBE) and the Board of Governors of the California Community Colleges. Specifically, **this bill:**

New role of the SBE and establishment of the Education Commissioner

- 1) Requires the CDE to be administered through the SBE, the governing and policy determining body of the CDE, and the Education Commissioner, rather than the Director of Education/SPI, in whom all executive and administrative functions of the CDE are vested and who is the executive officer of the SBE.
- 2) Requires the CDE to be conducted under the control of an executive officer known as the Education Commissioner, rather than the Director of Education/SPI. Requires the Education Commissioner to be appointed by the Governor, and to hold office at the pleasure of the Governor. Requires the Commissioner to be exempt from civil service. States that the Education Commissioner has the power of general supervision over, and is directly responsible to the SBE and the Governor for, the operations of the CDE. Authorizes the Commissioner to issue those orders as the Commissioner deems appropriate to exercise any power or jurisdiction, or to assume or discharge any responsibility, or to carry out or effect any of the purposes vested by law in the CDE.
- 3) Requires the Education Commissioner, rather than the SPI, to execute, under direction of the SBE, the policies which have been decided upon by the SBE and to direct, under general rules and regulations adopted by the SBE, the work of all appointees and employees of the SBE.
- 4) Requires, commencing January 1, 2027, the Education Commissioner to be granted the authority to succeed and is vested in the executive director of the SBE with all the grant and contract approval as of that date. Requires, commencing January 1, 2027, specified appointed deputies and associate superintendents to report to the Education Commissioner.

New role of the SPI

- 5) Requires that there be an Office of the SPI.
- 6) Adds the SPI as a voting member of the SBE. Specifies that the SBE membership term for SPI is not limited to four years as with all other members except the student board member, which serves for a term of one year.

- 7) Removes a requirement for the SPI to be secretary and to act as executive officer of the SBE. Removes the requirement for the SPI to have charge of all the SBE's correspondence and to keep a record of its proceedings. Removes a requirement for the SBE to appoint an acting secretary, and act as executive officer of the SBE in the absence of the SPI from the state, or in case of his incapacity for duty.
- 8) Removes a requirement that the SPI is the ex officio Director of Education/SPI.
- 9) Requires that the actual and necessary traveling expenses of the SPI, and the SPI's deputy and assistants, be paid out of the appropriation of the Office of the SPI, rather than the CDE.
- 10) Adds the SPI to the voting members of the Board of Governors of the California Community Colleges (CCC).

Staff positions

- 11) Authorizes, commencing January 1, 2027, the Governor to appoint a total of 16 deputies to the Education Commissioner who are exempt from state civil service. Prohibits appointments to these exempt positions from resulting in any net increase in the expenditures of the CDE.
- 12) Requires the Governor, with the recommendation of the SPI, in addition to the positions authorized by the California Constitution, to appoint five deputy SPIs and five associate SPIs exempt from state civil service. Removes this requirement on January 1, 2027, and requires any deputies appointed before December 31, 2026, to be transferred to the CDE and to report to the Education Commissioner. Requires these appointments to these exempt positions to not result in any net increase in the expenditures of the CDE.
- 13) Requires the Office of the SPI to be made up of the SPI, the SPI's deputy and three associate SPIs appointed by the SBE pursuant to the California Constitution, one additional deputy and one employee selected by the SPI pursuant to the California Constitution, and necessary clerical and expert assistants operating under the supervision and control of the SPI. Authorizes the SPI to transfer up to five employees of the CDE who are serving in the state civil service to carry out necessary clerical duties and serve as expert assistants in the Office of the SPI. Requires the status, positions, and rights of those persons to not be affected by the transfer, and to be retained by them as employees of the Office of the SPI, except as to positions exempt from civil service. Authorizes the SPI to fix the compensation of all statutory and other employees as provided by law.
- 14) Requires the annual salaries of the deputy SPI and of the associate SPIs appointed by the SBE under the California Constitution to be fixed by the SPI with the approval of the Director of Finance (DOF).
- 15) Requires the duties of the Deputy SPI and of the associate SPI appointed by the SBE under the California Constitution to be assigned to them by the SPI.
- 16) Removes, as of January 1, 2027, an authorization for the Governor to appoint a total of six deputies to the executive director of the SBE. Requires, on or before December 31, 2026, those deputies to be transferred to the CDE and to report to the Education Commissioner.

- 17) Removes the authorization for the SPI to employ one deputy SPI and necessary clerical and expert assistants, and to fix the compensation of all statutory and other employees as provided by law.
- 18) Repeals the requirement for the duties of the deputy SPI and of the associate SPIs appointed by the SBE under the California Constitution to be assigned to them by the SPI.

Shift responsibilities from the SPI (otherwise known as the Director of Education) to Education Commissioner

- 19) Requires that in specified sections of the Government Code related to the authorization for state departments to investigate and prosecute actions concerning all matters relating to the business activities and subjects under the jurisdiction, and violations of any law or rule or order of a state department, the term “head of the department” of similar designation occurs, to mean the Education Commissioner, rather than the Director of Education/SPI.
- 20) Requires the Education Commissioner, rather than the SPI, to do all of the following:
 - a) Superintend the schools of this state;
 - b) Prepare, have printed, and furnish to teachers and to all officers charged with the administration of the laws relating to the public schools the blank forms and books necessary to the discharge of their duties, including blank teachers’ certificates to be used by county and city and county boards of education;
 - c) Authenticate with his or her official seal all drafts or orders drawn by him or her, and all papers and writings issued from his or her office;
 - d) Have bound, at the state bindery, all valuable school reports, journals, and documents in his or her office, or received by him or her;
 - e) Deliver over, at the expiration of his or her term of office, on demand, to his or her successor, all property, books, documents, maps, records, reports, and other papers belonging to his or her office, or which may have been received by him or her for the use of his or her office;
 - f) Designate and appoint, or terminate the designation and appointment of, any officer or employee of the CDE to have the powers and liabilities of a deputy, including designation pursuant to Section 7.9 of the Government Code, which appointment and termination of appointment shall be effective when filed in writing in the office of the Secretary of State; and
 - g) Annually inform the governing boards of school districts, in a manner prescribed by the Education Commissioner, of the provisions of the donation or sale of instructional materials.
- 21) Requires the Education Commissioner, rather than the SPI, to prescribe regulations under which contracts, agreements, or arrangements may be made with agencies of the federal

government for funds, services, commodities, or equipment to be made available to schools under the jurisdiction of the SBE and the Education Commissioner.

- 22) Requires the Education Commissioner, rather than the SPI, to enter into all such contracts, agreements, or arrangements in accordance with regulations prescribed by the Education Commissioner and in no other manner.
- 23) Authorizes the Education Commissioner, rather than the SPI, to enter into an agreement with the government of the United States or any agency thereof relative to the establishment of courses of study in aeronautics in the technical schools of the public school system, except the California State University (CSU).
- 24) Authorizes the Education Commissioner, rather than the SPI, to enter into agreements with any agency of the federal government for the education of persons in the service of the federal government in schools under the jurisdiction of the CDE. Requires all money received from an agency of the federal government for the education of persons in any such school is appropriated for the support of such school in addition to such other funds as may be appropriated therefor by the Legislature.
- 25) Authorizes the Education Commissioner, rather than the Director of Education/SPI, to enter into agreements with agencies of the federal government, county superintendents of schools, county boards of education, any school district, and state college foundations or other auxiliary organizations, as specified. Requires all money received under any agreement, except recovery of contributions to the Public Employees' Retirement Fund, to be appropriated for the support of the school in addition to other funds as may be appropriated therefor by the Legislature.
- 26) Requires adult education programs and regional occupational programs operated by school districts and county offices of education (COEs) that have contracted with the Education Commissioner, rather than the SPI, to provide services to welfare recipients, as specified.
- 27) Requires the Education Commissioner, rather than the SPI, to use 30% of the funds available under the federal Job Training Partnership Act to support the work-based learning component of a school-to-career program.
- 28) Requires the Education Commissioner, rather than the SPI, not later than the 25th day of July in each year, to prepare an estimate of the amount of state school money that will be apportioned to each county or city and county during the current school year, and furnish a certified copy of the estimate to each county or city and county superintendent of schools.
- 29) Requires, other than for persons in the state civil service, the length of, and the time for, vacations of teachers, officers, and employees of the schools for the deaf, the school for the blind, and orientation centers for the blind to be prescribed by the Education Commissioner, rather than the Director of Education/SPI, except that the length of vacations for teachers at orientation center for the blind to not exceed 30 days.
- 30) Authorizes the Education Commissioner, rather than the Director of Education/SPI, to conduct experimental work in education through various media, including radio and television.

- 31) Authorizes the Education Commissioner, rather than the Director of Education/SPI, to develop aural and visual curriculum materials, evolve means and methods, and prescribe standards, for the use of such materials in the public elementary and secondary schools.
- 32) Requires the Education Commissioner, rather than the Director of Education/SPI, to employ such persons as are necessary for the coordination and supervision of services for hard-of-hearing children.
- 33) Authorizes the Education Commissioner, rather than the Director of Education/SPI, to purchase annuity contracts for the employees of the California School for the Deaf, the California School for the Blind, and the diagnostic schools for neurologically handicapped children, and to reduce the salary of any such employee for whom such contract is purchased in the amount of the cost thereof if specified conditions are met.
- 34) Requires the Education Commissioner, rather than the SPI, to recommend and the SBE to appoint 13 members to serve on a school accountability report card broad-based advisory committee of local administrators, educators, parents, and other knowledgeable parties to develop definitions for the school conditions for which standard definitions do not yet exist.
- 35) Authorizes the Education Commissioner, rather than the SPI, to recommend additional data elements for inclusion in the Academic Performance Index.
- 36) Require the State Allocation Board, in cooperation with the Education Commissioner, rather than the SPI, to develop and maintain an automated school facilities inventory that is capable of indicating the statewide percentage of facility utilization and projecting school facility needs five years in advance, in order to permit the board to study alternative proposals for the allocation of funds for new construction, maintenance, and rehabilitation.
- 37) Requires, until December 31, 2026, to the extent necessary, any revisions or updates to the standards and criteria to be developed by the SPI, the Controller, and the Director of Finance. Requires, commencing January 1, 2027, to the extent necessary, any revisions or updates to the standards and criteria to be developed by the Education Commissioner (rather than the SPI), the Controller, and the Director of Finance. Requires the revisions or updates to specify the fiscal year in which the revisions or updates are applicable. Requires the Education Commissioner to convene a committee composed of representatives from school districts, COEs, state agencies, the Legislature, and appropriate labor and professional organizations.
- 38) Requires the Education Commissioner, rather than the SPI, to develop specified information to strengthen and promote the opportunity for quality involvement by parents and guardians in schoolsite councils and submit this information to the SBE for its approval.
- 39) Requires the Education Commissioner, rather than the SPI, to create a poster that notifies children of the appropriate telephone number to call to report child abuse or neglect.
- 40) Requires every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level to file an affidavit or

statement to the Education Commissioner, rather than the SPI, between the first and 15th day of October of each year.

- 41) Requires every person, firm, association, partnership, or corporation operating a heritage school to file with the Education Commissioner, rather than the SPI, an electronic registration form.
- 42) Authorizes the Education Commissioner, rather than the SPI, to expand moneys deposited in The Heritage Enrichment Resource Fund.
- 43) Requires the Education Commissioner, rather than the SPI, to review all program guidelines prepared by the CDE prior to issuance to LEAs.

EXISTING LAW:

- 1) Requires an SPI to be elected by the qualified electors of the State at each gubernatorial election. Requires the SPI to enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election. Prohibits an SPI from serving more than 2 terms. (California Constitution, Article IX, Section 2)
- 2) Requires that all judicial, school, county, and city offices, including the office of the SPI, to be nonpartisan. (California Constitution, Article II, Section 6)
- 3) Requires the SBE, on nomination of the SPI, to appoint one Deputy SPI and three Associate SPI who are exempt from state civil service and whose terms of office are four years. (California Constitution, Article IX, Section 2.1)
- 4) Requires the Legislature to provide for the appointment or election of the SBE and a board of education in each county or for the election of a joint county board of education for two or more counties. (California Constitution, Article IX, Section 7)
- 5) Requires, whenever there is a vacancy in the office of the SPI, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor to nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who are required to hold office for the balance of the unexpired term. Requires, in the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee to take office as if they been confirmed by a majority of the Senate and Assembly. Requires, if such a 90-day period ends during a recess of the Legislature, the period to be extended until the sixth day following the day on which the Legislature reconvenes. (California Constitution, Article V, Section 5)
- 6) Specifies that there is in the state government a SBE, consisting of 10 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate. Specifies that the term of office of the members of the SBE is four years. (Education Code (EC) 33000 and 33001)

- 7) Requires the Governor to also appoint a student member to the SBE with the advice and consent of two-thirds of the Senate. Specifies that the term of office for the student member of the SBE is one year. (EC 33000.5)
- 8) Requires the SPI to be secretary and shall act as executive officer of the SBE. Requires the SPI to have charge of all its correspondence and shall keep a record of its proceedings. (EC 33004)
- 9) Requires the SBE to determine all questions of policy within its powers. (EC 33030)
- 10) Requires the SBE to adopt rules and regulations not inconsistent with the laws of the state for its own government, for the government of its appointees and employees, for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the state, and for the government of other schools, excepting the University of California (UC), the CSU, and the CCC, and may receive in whole or in part financial support from the state. (EC 33031)
- 11) Authorizes the Governor to appoint a total of six deputies to the executive director of the SBE. Requires a deputy to the executive director appointed to be exempt from state civil service, as specified. (EC 33043)
- 12) Authorizes the SPI to employ one Deputy SPI and necessary clerical and expert assistants, and may fix the compensation of all statutory and other employees as provided by law. (EC 33110)
- 13) Requires the CDE to be administered through:
 - a) The SBE, which is required to be the governing and policy determining body of the CDE; and
 - b) The Director of Education/SPI in whom all executive and administrative functions of the CDE are vested and who is the executive officer of the SBE. (EC 33301)
- 14) Requires the CDE to be conducted under the control of an executive officer known as the Director of Education/SPI. (EC 33302)
- 15) Requires the SPI to be the ex officio Director of Education. (EC 33303)
- 16) Requires program guidelines issued by the CDE to be designed to serve as a model or example, and not to be prescriptive. Requires program guidelines issued by the CDE to include written notification that the guidelines are merely exemplary, and that compliance with the guidelines is not mandatory. Requires the SPI to review all program guidelines prepared by the CDE prior to issuance to local education agencies (LEAs). Requires the SPI to approve the proposed guidelines only if they determine that all of the following conditions are met: the guidelines are necessary, the CDE has the authority to issue the guidelines, and the guidelines are clear and appropriately referenced to, and consistent with, existing statutes and regulations. (EC 33308.5)

- 17) Specifies that in state government there is a Board of Governors of the Community Colleges, consisting of 18 members, which does not include the SPI. (EC 71000)
- 18) Requires the UC to constitute a public trust, to be administered by the existing corporation known as “The Regents of the UC,” with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. Requires said corporation to be in form a board composed of seven ex officio members: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however requires that the present appointive members to hold office until the expiration of their present terms. (California Constitution, Article IX, Section 9)
- 19) Requires the CSU to be composed of the following five ex officio members: the Governor, the Lieutenant Governor, the SPI, the Speaker of the Assembly, and the person named by the trustees to serve as the Chancellor of the CSU; a representative of the alumni associations of the CSU; 16 appointive members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate; two CSU students from the; and a CSU faculty member. (EC 66602)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “California's students thrive when their education system is coherent, stable, and built with intention. AB 2117 restructures our state's education governance to improve coordination and accountability, but a shift of this scale demands careful, deliberate implementation to ensure nothing falls through the cracks. By taking the time to thoughtfully align every aspect of this transition, we can safeguard student learning, protect classroom stability, and build a system that truly delivers on the promise of a quality education for every child.”

Governor Newsom’s governance proposal. In January, the Governor’s Budget included a proposal to “amend the EC to move oversight authority of the management of the CDE and support of LEAs under the SBE...to strengthen governance of California’s education system to provide coherence and meaningful accountability to address the needs of students, parents, teachers, school staff, and administrators.” The Governor’s proposal was proposed in trailer bill language, with some supplementary language added in the K-12 trailer bill provided by the DOF.

Key provisions of the Governor’s proposal include the establishment of an Education Commissioner position, appointed by the Governor, responsible for the day-to-day management of CDE and SBE beginning January 1, 2027. The proposal states that 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 also makes numerous changes to the EC to

replace duties currently assigned to SPI with the Education Commissioner, such as superintending the schools of this state, and the authorization to enter into an agreement with the government of the United States.

The content of Governor’s governance proposal and AB 2117 (Alvarez), as amended on March 18, 2026, is the same. The bill language in the March 18, 2026, amended version of AB 2117 (Alvarez) of the 2025-26 Session, is taken directly from the Governor’s budget trailer bill posted on the DOF’s website. The March 18th amendments were provided by the author, without endorsement, in order for the Legislature to have the opportunity for a policy discussion regarding the Governor’s governance proposal outside of the budget process. On March 25, 2026, the Assembly Education Committee held an informational hearing on State Level K-12 Education Governance. The agenda included panels related to the California context and national perspectives, K-12 education governance in California, and local perspectives on governance with speakers from statewide organization with support, neutral and oppose positions on the Governor’s governance proposal.

Recent Policy Analysis for California Education (PACE) report recommends reconceptualizing the role of the SPI and realigning other governance roles. A 2025 PACE report, *Transitional Kindergarten (TK)–12 Education Governance in California: Past, Present, and Future*, was one of the primary sources of inspiration for the Governor’s governance proposal, namely the recommendation to redefine the SPI’s statutory responsibilities in order for the Governor to hold clear responsibility for the state’s K-12 system. This proposed shift would include 1) appointing a CDE director with the experience and expertise to lead the CDE’s work of implementing state policy, building local capacity, and ensuring coherence and equity across California’s education system, 2) establishing statewide priorities and shaping policy through the budget process, and 3) the SBE continuing to translate laws into standards, frameworks, and accountability systems that guide policy and practice statewide. The Governor’s governance proposal does not include all recommendations from the PACE report.

The report also examines the history of California’s education governance system, analyzes the state of the current system and its effectiveness across six key dimensions, and offers other recommendations for realigning roles and responsibilities to create a more coherent education governance system in California. Key findings from interviews revealed significant challenges. “Overall, the findings point to a governance system hampered by misaligned incentives, uneven capacity, and unpredictable funding. Strengthening coherence requires clarifying roles, aligning authority with responsibility, and building sustainable capacity and fiscal infrastructure across all levels of the system.”

The Legislative Analyst’s Office (LAO) reports the Governor’s governance proposal would promote more coherent policy making but also recommends changes to the proposal in order to improve oversight. The LAO examined the Governor’s proposal to restructure state governance in the 2026 report, *The 2026-27 Budget: Re-Envisioning State Education Governance*. The LAO notes that the proposal would promote more coherent policy making by consolidating administrative authority under the Governor, reduce disputes among state governance entities, provide clearer guidance to school districts, and hold the Governor accountable for educational outcomes.

The LAO suggested that strong legislative oversight is critical to ensuring the Governor exercises authority responsibly and effectively. They note that a key oversight tool in other

departments is legislative confirmation of the department head, but in this proposal the Governor does not include a requirement for the confirmation for the education commissioner. The LAO also notes the proposal does not include the fiscal changes necessary for implementation, “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.”

LAO recommendations include improving oversight by making the Education Commissioner receive Senate confirmation, and directing the administration to submit a fiscal plan to make the shift cost-neutral and identifying efficiencies. Regarding the SPI, the LAO’s recommendations include authorizing the position to undertake three main activities to leverage the SPI’s independence from the Governor to promote oversight: 1) representing the interests of the public, 2) reporting on the condition of education and recommending improvements, and 3) evaluating laws and programs.

History of K-12 education governance in California. The office of the SPI was created at the California Constitutional Convention of 1849. Although historical records show that there was little debate when the position was first created, it has subsequently been a topic of spirited discussions starting at the 1878-79 Constitutional Convention and continuing to the present.

Throughout California’s history, the elements of the statewide governance system of the K-12 education system have changed, but despite numerous challenges the SPI position has remained one chosen by the voters. The following includes a historical timeline of changes to K-12 education governance in California:

- 1849: California State Constitution established an elected SPI. Statute assigned the SPI several duties: building schools, overseeing teacher training institutes, and apportioning school funding.
- 1852: The Legislature established the SBE. Over the next 12 years, state law gave the SBE the authority to determine the required course of study, certify teachers, and adopt regulations for the public school system.
- 1879: Delegates to the second Constitutional Convention decentralized education governance by transferring most duties the Legislature had assigned to the SBE to county boards of education.
- 1884: The State Constitution was amended to establish the SBE (members serve ex officio).
- 1912: Statewide ballot passes and the Constitution is amended to give the Governor the authority to appoint SBE members. Through statute, the Legislature gave the SBE policymaking duties and made the SPI subordinate to the SBE on issues of policy.
- 1920: *The Report on the Special Legislative Committee on Education*, also known as the “Jones Report,” was issued by the state Senate to investigate the “problem of meeting the needs and furnishing support for the schools and educational institutions of the state. Chaired by Senator Herbert C. Jones, the report warned of the “double-headed system” of elected SPI and an appointed SBE. The report contended that only if harmonious

relations continued between these two power centers would there be an effective management of California's educational system.

- 1921: The Legislature established the CDE, to be overseen by the SPI.
- 1928: Voters rejected an initiative that would have replaced the SPI position with an appointed Director of Education.
- 1944: The "Mills Report," a study commissioned by the Legislature and conducted by the management engineering firm J. N. Mills & Company, emphasized the need to clarify the roles and responsibilities of the SPI, the Director of Education, and the SBE. "There is a general looseness of the management structure within the Department [CDE]."
- 1945: *The Administration, Organization and Financial Support of the Public School System, State of California*, also known as the "Strayer Report," a report required by Chapter 36, Statutes of 1944, recommended a constitutional amendment to have the SPI selected by an appointed board, rather than by voters, and noted:

Even a rough sketch of the problems confronting education in California in the postwar period indicates the desirability of taking action now to provide for the best possible organization, administration, and financing of the program of education. The highest type of leadership on the State level will demand the professionalization of the office of the SPI. This means the need for a constitutional amendment that will provide for the selection of this official by a lay board rather than by popular vote. There will most certainly be required an expansion of the staff of the CDE in order that significant leadership and general supervision of the expanded program may be furnished. The State office must be in a position to guarantee that whatever program of education is mandated by the State is actually carried out in all local school districts.

- 1958: Voters rejected a ballot initiative that would have made the SPI an appointed position.
- 1963: An Assembly bill to amend the State Constitution to eliminate the election of the SPI by popular vote failed to make the statewide ballot. The Assembly Legislative Reference Service prepared the report, *The SPI: A report on the history of the office in the State of California, and a review of the recent trends in the other 49 states*, which stated:

Once again the issue of how the SPI shall be chosen is making news on the political front in California. Since 1961 Governor [Edmund G. "Pat"] Brown has favored making the office appointive, and this session he has once again come out in favor of such an arrangement.

- 1964: *A New Organizational System for State-Level Educational Administration*, also known as the "Little Reports," completed by Arthur D. Little, Inc., found that significant changes in schools required a changed role for the CDE.

The impact of Sputnik on our instructional programs, new involvements of the federal government in support of education, the “knowledge explosion” that is rendering obsolete much of what is being taught, research and experimentation in education, explosive population growth, “big city blight,” and increasing costs of education compound the demands made on education systems in all states. The educational system of California, including its state-level administration, is regarded as one of the best in the nation. However, educators and the public are well aware that improvements can be made.

- 1968: Voters rejected Proposition 1 that would have changed the process for selecting the SPI.
- 1982: The Little Hoover Commission recommended expanding the role of the SPI.
- 1985: *The Initial Report of the Commission on School Governance and Management A Legislative Report Prepared for the California Legislature and the Governor*, created in accordance with EC 33603, recommended changing the process used to select the SPI and SBE members.
- 1988: Voters approved Proposition 98 to guarantee a minimum level of funding for education.
- 1991: Governor Wilson established the Secretary for Child Development and Education by executive order, which later became the Secretary of Education cabinet position. According to the 2002 California Master Plan for Education, “the position included a small complement of staff whose duties were largely duplicative of those in the CDE.”
- 1993: California Appeals Court ruled in *SBE v. Honig* that the SPI must execute the SBE’s policies.
- 1993: Governor Wilson vetoed SB 856, which would have placed the SPI at the center of policy-making.
- 1996: *The Final Report and Recommendations to the Governor and the Legislature* from the California Constitution Revision Commission recommended having the Governor appoint the SPI.
- 1996: SB 1570 created an advisory committee to assist the SPI in developing an accountability system.
- 1999: SB 839 proposed to clarify the responsibilities of the SPI, SBE, and the Secretaries for Child Development and Education. The bill was held in the Assembly Education Committee.
- 2002: *The California Master Plan for Education*, created on behalf of the Joint Legislative Committee to Develop a Master Plan for Education – Kindergarten through University, recommended that the Governor should have authority over California’s education system and recommend a more limited SPI role.

- 2004: The California Performance Review recommended restructuring the Secretary of Education as the head of a prekindergarten to workforce department and maintaining the SPI in a diminished role.
- 2011: Governor Edmund G. “Jerry” Brown eliminated the Secretary of Education position.
- 2011: SB 204 proposed to reduce the responsibilities and powers of the SBE to an advisory role to the Governor and specified the role of the SPI was to ensure delivery of high-quality education to the pupils of the state from preschool through grade 12.
- 2013: The Local Control Funding Formula (LCFF) is established. The California Commission on Educational Excellence (CCEE) was formed.
- 2023: ACA 9 (McCarty) of the 2023-24 Session would have required a SPI to be appointed by the Governor, subject to confirmation by the Assembly, the Senate, and the Senate Committee on Rules, and to serve at the pleasure of the Governor. This bill was held in the Assembly Education Committee.

Sources: CDE, Legislative Analyst’s Office, and unpublished research from PACE

As demonstrated by the last 174 years of California history, the education governance of the state’s public schools continues to be contemplated by policymakers and the public. As the state has grown and changed, the role of the SPI has stayed relatively stable since the 1920s: to run the CDE. Numerous attempts to modify that role by either changing the position from elected to appointed or diminishing the role have been unsuccessful. Although each elected SPI enters the constitutional office with their own policy priorities, in most cases they lack the authority to make significant policy changes. According to the 1996 California Constitution Revision Commission report, *The Final Report and Recommendations to the Governor and the Legislature*, “The general public and many in the education community perceive that the superintendent of public instruction has more authority over the schools than actually exists.” Many SPIs use the bully pulpit to rally support for various initiatives and projects.

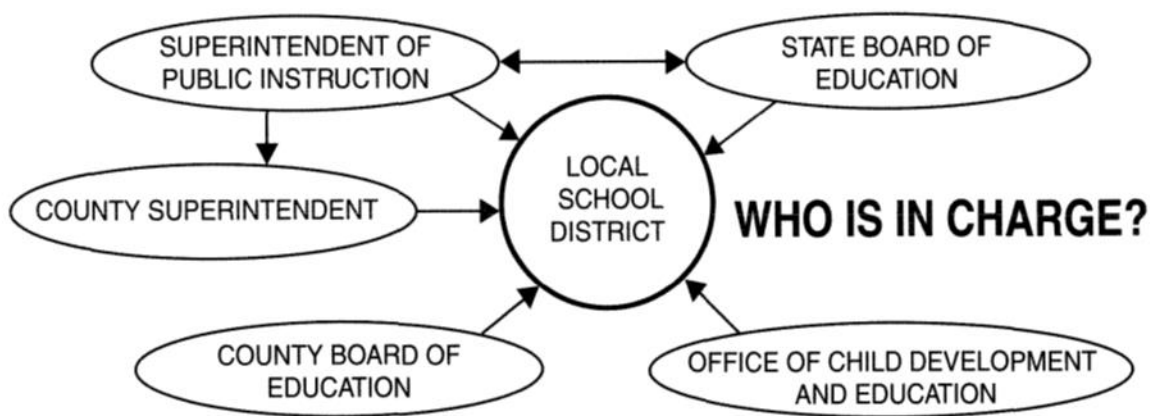
The Constitution assigns no specific duties to the SPI, however state law assigns the SPI three basic responsibilities: manage the CDE, serve as executive office and secretary of the SBE, and serve on various boards and commissions as an ex officio member. As the head of the CDE, the SPI has numerous responsibilities: administer state and federal education programs; ensure schools are complying with applicable state and federal laws; allocate funding based on various formulas; compile and disseminate data on districts, schools, staff and students; oversee development of curriculum frameworks, standardized student assessments, instructional materials, and school facilities standards; and oversee COEs.

Lack of shared goals. The position of the SPI is just one component of the larger K-12 governance structure in California including the Governor, the Legislature, the SBE, the CDE, the CCEE, and local governing boards, among others. Despite the many agencies and leaders supporting K-12 public schools, there remains little clarity as to who holds the ultimate responsibility for student outcomes. There is no consensus on the balance of state and local control.

The final report of the 1996 California Constitutional Revision Commission states a concern that continues today:

Responsibility for the state's education system is further complicated by the lack of constitutional reference to the authority of the Governor for elementary and secondary education. Despite that, the historical prominence of the Governor in education policy and budget decisions leads the public to presume a certain level of gubernatorial responsibility. The dispersion of responsibility within the education system means that no one has the authority to implement reforms, and citizens don't know whom to hold accountable for educational quality and results.

Figure 2: Who is in Charge? (1996)



Source: *The Final Report and Recommendations to the Governor and the Legislature*, California Constitution Revision Commission report, 1996.

The 2018 LAO report's review of recent studies on K-12 governance concluded that there is broad agreement that the current governance structure is flawed – there are no clear lines of responsibility, the system does not promote coherent policy making, and there are many examples of duplication and overlap. If the SPI were changed from an elected position to an appointment, this isolated change would likely not result in significant changes to educational policy or practice because the various components are so interrelated. Rather, ***the Committee may wish to consider*** the value in looking at only one component of the system, namely the role of the SPI, rather than examining the entire governance structure, and its effectiveness in improving student outcomes.

The state lacks shared goals related to the outcomes of the K-12 public school system, for example: is the goal of public education to increase academic achievement for California's students, to have all students graduate from high school ready for career or college, close achievement gaps among student groups, or to complete a course of study with a discrete set of skills and knowledge? What is the vision for the state level support needed to meet these goals? ***The Committee may wish to consider*** what state leadership structure best supports schools in meeting our goals.

The Committee may wish to consider that the race for the office of the SPI has at times been very contentious, and spending on the 2018 election of the SPI exceeded that of the race for

Governor. In recent decades the office has been held by former members of the Legislature, as is the case with many other constitutional offices.

The SBE. The SBE was established first by statute in 1852, then by amendment to the California Constitution in 1884. Both the Constitution and statutes set forth the SBE's duties. Constitutional duties of the SBE include the appointment of one deputy and three associate superintendents upon nomination of the SPI and the adoption of textbooks for use in grades one through eight. By statute, the SBE is the governing and policy-making body of the State. The Constitution and statute also assign the SBE a variety of other responsibilities: regulations, standards, adopting textbooks for kindergarten and grades one through eight, granting waivers, assessment, district reorganization, charter schools, ensuring compliance with the federal Every Student Succeeds Act (ESSA), funding allocations and study and planning.

Current law specifies that the SBE consists of 10 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate, and requires that the term of office of SBE members is four years. The membership terms are staggered.

The SPI and the SBE. State law sets forth a few basic principles related to the relationship between the SPI and the SBE. The SBE is responsible for determining "all questions of policy" within its jurisdiction, and the SPI has control of "executive and administrative functions" but also must execute the policies approved by the SBE. According to a 2018 presentation from the LAO, *Overview of State Governance: K-12 Education*, the relationship between the SBE and the SPI is less clear in practice. There have been several disputes over roles and jurisdiction. For example, in 1997, the voters approved Proposition 227, which required English learners to be taught in English and restricted bilingual programs. The SPI advised districts that they could ask the SBE to waive these requirements, but the SBE concluded that it lacked this authority and refused to issue the waivers.

The CDE administers education programs. The CDE is the primary state entity responsible for administering federal and state education programs. According to the 2014 LAO report, *Review of the California Department of Education*, "generally the CDE does not create education policy or programs. Many of the CDE's activities stem from federal requirements, such as overseeing the compliance of LEAs with the conditions placed on federal education grants. The state also requires the CDE to perform certain administrative tasks, such as overseeing LEAs' compliance with state education programs and collecting and compiling statewide data. Given the size of the state, number of LEAs, and diversity among LEAs, the state typically relies on COEs—not CDE—to provide direct assistance and specific advice to LEAs on how they can improve their educational programs."

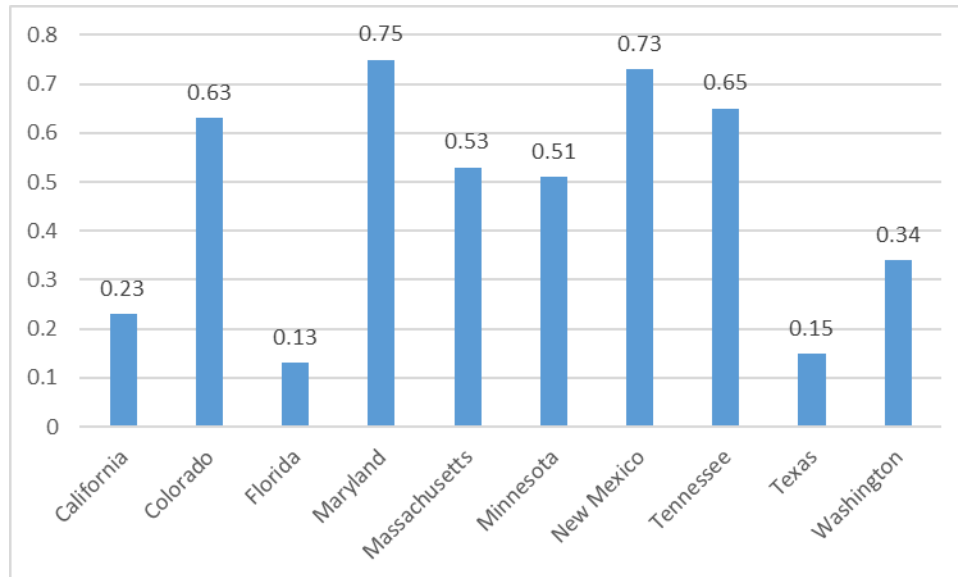
The 2026 LAO report further summarized the CDE's major state administrative activities as follows:

- *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 COEs.* Review and approve COE budgets and Local Control and Accountability Plans;
- *Support the SBE.* Prepare information for board hearings and develop draft regulations for the board to review and adopt; and
- *Manage Internal Administration.* Attend to departmental issues such as staffing, budget preparation, information technology, government affairs, and legal services.

CDE funding levels compared to other states. According to a 2018 technical report from Getting Down to Facts II, *State Structures for Instructional Support in California*, “As the agency charged with administering federal and state policy, the CDE has at least formal responsibility to help put California’s ambitious grade-level standards into instructional practice deeply and equitably.” Figure 1, below, depicts state department of education’s staffing levels per 1,000 public school students in the state in 2017. According to the technical report, the nine other comparison states were selected to reflect variation in state size, region, and partisan affiliation. California’s relatively low rate of state-level staffing relative to student enrollment is commensurate with other big states, like Texas and Florida. Compared nationally and over time, however, California has significantly fewer state education department employees, relative to the size of its student population.

Figure 1: Department of Education Staff per Students, 2017



Source: Getting Down to Facts II, State Structures for Instructional Support in California, 2018.

Proposed changes to staffing and positions. Both the California Constitution and the EC specify some of the staff positions for the CDE and the SBE. This bill proposes to make several changes to existing law related to those positions to accommodate the shift in leadership and the establishment of the Office of the SPI. Commencing January 1, 2026, this bill proposes the following staff structure:

- The CDE positions, under the leadership of the SBE and Education Commissioner, include:
 - 6 deputies appointed by the Governor (under current law in the EC, these positions are assigned to the SBE). Requires any deputies appointed before December 31, 2026, transfer to the CDE/Education Commissioner after January 1, 2027; and
 - Authorizes 16 deputies to be appointed by the Governor.
- The Office of the SPI positions include:
 - The SPI;
 - 1 deputy SPI;
 - 3 associate SPIs;
 - 1 additional deputy SPI; and
 - Authorizes the transfer of up to five CDE employees (as of December 31, 2026) to provide clerical and expert assistance.

The Committee may wish to consider that current practice is for the SPI to serve on the SBE as the secretary, and as a nonvoting *ex officio* member, an official serving by virtue of their office, and is not a member of 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.

The California Collaborative for Educational Excellence (CCEE). The CCEE was established legislatively in 2013 to advise and assist school districts, COEs, and charter schools in achieving the goals and objectives in their Local Control and Accountability Plans (LCAPs). The CCEE was created as part of the LCFF legislation that redesigned California’s school funding and accountability systems. Subsequent legislation has added to the CCEE’s responsibilities, related to supporting struggling school districts, COEs, and charter schools.

Education governance in other states. Only eight other states share California’s state-level education governance structure, according to the 2020 Education Commission of the States (ECS) resource, *Education Governance Dashboard, K-12 Governance Models*, as shown in Table 1. The CDE is also somewhat unique among California state agencies in that it is led by an elected constitutional officer, rather than a Governor’s appointee.

Table 1: Education Governance Dashboard

K-12 Governance Model	States
Model I: Appointed Board, Appointed Chief: Voters elect the governor, who then appoints both the members of the state board of education and the chief state school officer.	Delaware, Iowa, Maine, New Hampshire, New Jersey, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia
Model II: Governor Appoints Board, Board Appoints Chief: Voters elect the governor, who then appoints either all or most of the members of the state board of education. The state board, in turn, appoints the chief state school officer.	Alaska, Arkansas, Connecticut, Florida, Hawaii, Illinois, Kentucky, Maryland, Massachusetts, Missouri, Rhode Island, West Virginia
Model III: Appointed Board, Elected Chief: Voters elect both the governor and the chief state school officer. The governor then appoints the state board of education.	Arizona, California, Georgia, Idaho, Montana, North Carolina, North Dakota, Oklahoma, Wyoming
Model IV: Elected Board, Board Appoints Chief: Voters elect both the governor and the state board of education. The state board then appoints the chief state school officer.	Alabama, Colorado, Kansas, Michigan, Nebraska, Utah
Other: These states function using various components of the other models.	Indiana, Louisiana, Minnesota, Mississippi, Nevada, New Mexico, New York, Ohio, Oregon, South Carolina, Texas, Washington, Washington, D.C.,

	Wisconsin
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Source: ECS

Court of Appeal states the ultimate governing and policy-making body for the CDE. In 1993, the SBE filed a petition for writ of mandate (an order from a court to a lower court or government official to orderly perform a duty or correct an abuse of discretion) in the Supreme Court against SPI Bill Honig, alleging SPI's refusal to implement SBE policies. The Supreme Court transferred the petition to the Court of Appeal, which issued an alternative writ. The Court of Appeal, Nicholson, J., held that: 1) issues of whether writ should be issued requiring SPI to implement certain policies were "moot and unripe"; 2) state constitutional language did not preclude Legislature from designating SBE as governing body of CDE; and 3) a writ would be issued requiring SPI to implement policies regarding nominations for positions, SBE's budget, and review performance evaluations and to process the SBE's legal services contract. In short, the Court of Appeal stated that the ultimate governing and policy-making body for the CDE and its officers and employees is the SBE.

This proposal could lead to less Legislative access to CDE staff expertise. Members and staff of the Legislature regularly rely on the expertise of CDE content area professionals for information, data requests, and technical assistance. For example, staff at the CDE may receive a request from the Legislature to contemplate how a bill may best be implemented, what the fiscal impact may be, or to anticipate potential consequences of a proposed policy change. The information provided by CDE staff leads to more informed and better policies for the TK-12 public school system and its students. Because the SPI, an independently elected state constitutional officer, manages the day-to-day operations of the CDE rather than an appointee of the Governor, members and staff of the Legislature have direct and often timely responses from the CDE related to their inquiries. In contrast, when members and staff of the Legislature seek information from agencies led by Governor appointees, the response time is typically slow, and the content of responses tends to be very formal and less collaborative.

Like nearly all state agencies, the CDE sends budget change proposals (BCPs) to the DOF requesting changes to its budget. The SBE prepares the Governor's major initiatives often totaling billions of dollars but does not prepare BCPs for these proposals. As a result, the Legislature receives no background via BCPs from the SBE proposed annually in the Governor's budget. ***The Committee may wish to consider*** that if the change in governance is implemented as proposed, and the CDE and SBE are aligned, the Legislature should receive BCPs from the SBE related to the costs associated with implementing their proposals. This is critical to ensure appropriate legislative oversight.

Arguments in support. Children Now writes, "California has made historic investments in public education, from expanding Transitional Kindergarten and community schools to improving literacy, increasing learning time, and ensuring students have access to nutritious meals every day. To fully realize the promise of these investments, the state must ensure that policies can be implemented effectively, quickly, and consistently. The current governance structure complicates delivering on this vision. Today, responsibility for state education outcomes is split among multiple leaders with overlapping authority. This fragmentation can slow decision-making, blur accountability, and weaken follow through, especially during moments that demand urgency and coordination. When accountability is unclear, students and families bear the cost.

The Governor’s proposal addresses this challenge by aligning the Department of Education under a single executive authority while preserving the State Board of Education’s role in setting standards and statewide policy. This structure brings policy and implementation into closer alignment, creating a clearer line of responsibility for results and a stronger foundation for supporting local educational agencies.”

Arguments in opposition. The California Federation of Teachers writes, “By transferring the responsibility and oversight of the CDE to an appointed position, this proposal effectively strips power away from the people of California. California voters deserve the ability, and have grown accustomed to electing leaders who are directly accountable to them and who have a proven history of advocating for public education. Today, voters believe they are electing a leader of our public education system who has the ability to drive the vision of the SBE as the administrator-in-chief. The proposed change would diminish the voice of the electorate in shaping the future of education in our state. While this proposal is intended to unify the system, an elected SPI with no authority over the CDE would lead to a more fragmented system where voters may not fully understand who is accountable for the success of public education in California.”

Recommended Committee Amendments. *The Chair and the author jointly recommend that the bill be amended* as follows:

- *Add Legislative appointees to the State Board of Education (SBE):* Commencing January 15, 2027, replace four SBE appointments with legislative appointees to ensure balance of power and address concerns about erosion of legislative oversight. Phase in legislative appointees by staggering with gubernatorial appointments. Retain the size of the SBE membership.
- *Add Legislative confirmation of Governor appointed Education Commissioner:* 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. Committee amendments also strongly encourage the Governor to appoint an Education Commissioner with demonstrated experience running a large public or private organization and has experience in public education leadership or its equivalent.
- *Codify transition plan and implementation timeline:* Establish a transition date of July 1, 2027, and require a public transition plan established by the Education Commissioner from January 1-June 30, 2027, to prevent confusion and operational disruption, addressing the LAO’s concerns about “limping governance.” The transition plan includes:
 - Fiscal plan ensuring same levels of current overall spending, identify redundancies, ensure Office of SPI includes adequate staffing and resources;
 - Logistics plan to merge SBE and CDE, and establish an Office of the SPI;

- Identification of all early education and TK through grade 12 public education support entities and programs operating outside of the CDE, including COE contracts, CCEE, and regional leads;
- Identification of actions and activities necessary for a second phase of education governance consulting and streamlining, following the SPI governance shift, including the evaluation of all early education and TK through grade 12, inclusive, programs located outside of the CDE that may be more effective under the jurisdiction of the department or the Office of the SPI, such as the Office of Civil Rights and early childhood education programs.
- A detailed description of the stakeholder engagement utilized by the Education Commissioner to create the transition plan.
- Require the Education Commissioner to provide a supplementary report on the status of the implementation of the plan every three years thereafter.
- *Specify the SPI's role as an independent evaluator and cross-sector coordinator for public education, preschool through higher education:* Clarify the SPI's duties as follows: tracking statewide student outcomes preschool through higher education; conducting independent evaluations of state investments in public education; overseeing P-20 alignment, including TK implementation; and representing the interests of the public.
- *Ensure the Office of the SPI includes adequate staffing:* State the Legislature's intent to supply the Office of the SPI with the appropriate number of staff necessary to fulfill the SPI's duties.
- *Add a fiscal trigger for independent evaluation:* Require an automatic independent evaluation for any new education initiatives exceeding an ongoing annual appropriation exceeding \$500 million, or a one-time appropriation exceeding \$1 billion, and other education initiatives at the discretion of the SPI, ensuring data-driven decision-making and risk management. Authorize the SPI to select, and thereafter contract with, one or more research organizations with relevant experience to conduct the independent evaluations.
- *Specify responsiveness to audits:* Require the new CDE structure to respond to education program State audit findings with a corrective action plan, ensuring accountability and follow-through.
- *Add additional conflict of interest safeguards.* Specify that the SPI and Education Commissioner may not hold positions of outside employment while in office. Require the CDE Foundation to be dissolved one year after implementation of governance reforms.
- *Require the CDE to respond to Legislative requests in a timely manner:* Require the CDE to respond to Legislative requests for information, data, and technical assistance within

10 days, as is currently required of the CDE Data Science Office, to ensure Legislative access to the CDE that is somewhat equivalent to access today.

- *Require the SBE and CDE to submit BCPs to the Legislature for proposed budget changes related to the Governor's Budget:* The Legislature currently receives no BCPs for billions of dollars in proposed spending. In a time of tremendous changes to the K-12 governance structure, this will ensure Legislative oversight.
- *Make most governance changes effective July 1, 2027, with the following exceptions:*
 - SBE appointment changes effective January 15, 2027;
 - Authorize the Education Commissioner to be established and appointed after January 1, 2027, but their only duties until June 30, 2027, are to create the transition plan. Require the remainder of their duties and assume the current role and duties of SPI begin July 1, 2027;
 - Require the Education Commissioner to create the transition plan between January 1-June 30, 2027; and
 - Prohibit the SPI and Education Commissioner from holding positions of outside employment effective January 1, 2027.
- *Add Assemblymember Patel as a joint author.*

Related legislation. ACA 9 (McCarty) of the 2023-24 Session would have required a SPI to be appointed by the Governor, subject to confirmation by the Assembly, the Senate, and the Senate Committee on Rules, and to serve at the pleasure of the Governor. This bill was held in the Assembly Education Committee.

SB 204 (Liu) of the 2011-12 Session would have changed the state-level governance structure for K-12 education by reducing the responsibilities and powers of the SBE to an advisory role to the Governor, and specified the role of the SPI was to ensure delivery of high-quality education to the pupils of the state from preschool through grade 12, as specified. This bill was subsequently amended into a different jurisdiction.

SB 839 (Alpert) of the 1999-00 Session would have clarified the responsibilities of the SPI, the SBE, and the Secretaries for Child Development and Education. The bill was held in the Assembly Education Committee.

SB 1186 (Liu) of the 2009-10 Session was substantially the same as SB 204 of the 2011-12 Session. The bill would have made various changes to the system of K-12 education governance including establish the Secretary of Education as a cabinet-level officer in statute for the purposes of advising the Governor on matters of education policy, revise the role of the SBE to that of an advisory body, and specify that the SPI is responsible for ensuring the delivery of high-quality education for pupils from preschool through grade 12, and specify that the SPI does not work under the direction of the SBE. The bill was held in the Senate Appropriations Committee.

SB 856 (Dills) and SB 1856 (Dills) of the 1993-94 Session, would have removed the expanded powers of the SBE under the SBE v. Honig court decision. Both measures were vetoed by the Governor who stated:

The relationship between the SPI and the SBE is both complicated and complementary. The existing statutory and constitutional provisions create a system analogous to the corporate model with a board of directors and an executive director. Ideally, a strong SBE and a strong SPI serve each other well.

The SBE reflects California's ethnic and cultural diversity – an individual cannot. The SBE conducts its business in full public view, with prior notice, and with public input. A SPI, as an individual, does not have to meet the standards of open government that a board does.

Finally, this bill would restrict all governors' ability to shape education policy...To deny the chief executive of the state the ability to articulate policy objectives in matters of education would be shortsighted and unreasonable.

Proposition 140 (1990) prohibits an SPI from serving more than two terms.

REGISTERED SUPPORT / OPPOSITION:

Support

21st Century Alliance
Association of California School Administrators
Blu Educational Foundation
California Association of School Business Officials
California County Superintendents
California Family Engagement Network
California School-age Consortium
Californians Together
Center for Black Educator Development
Children Now
Children's Defense Fund-California
Community Schools Learning Exchange
EdVoice
Elevate California
Elevo
Ensemble Learning
Evidence Advocacy Center
Families in Schools
Innovate Public Schools
Kiddom INC.
National Council on Teacher Quality
Our Voice: Communities for Quality Education
Para Los Ninos
Partnership for Children & Youth
Possibilities Unbound
Prismatic Research & Strategy
SF Parents Coalition

Teach Plus California
The Education Trust - West
The Liberatory Classroom
Watts of Power Foundation

Opposition

California School Employees Association
California Federation of Teachers

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