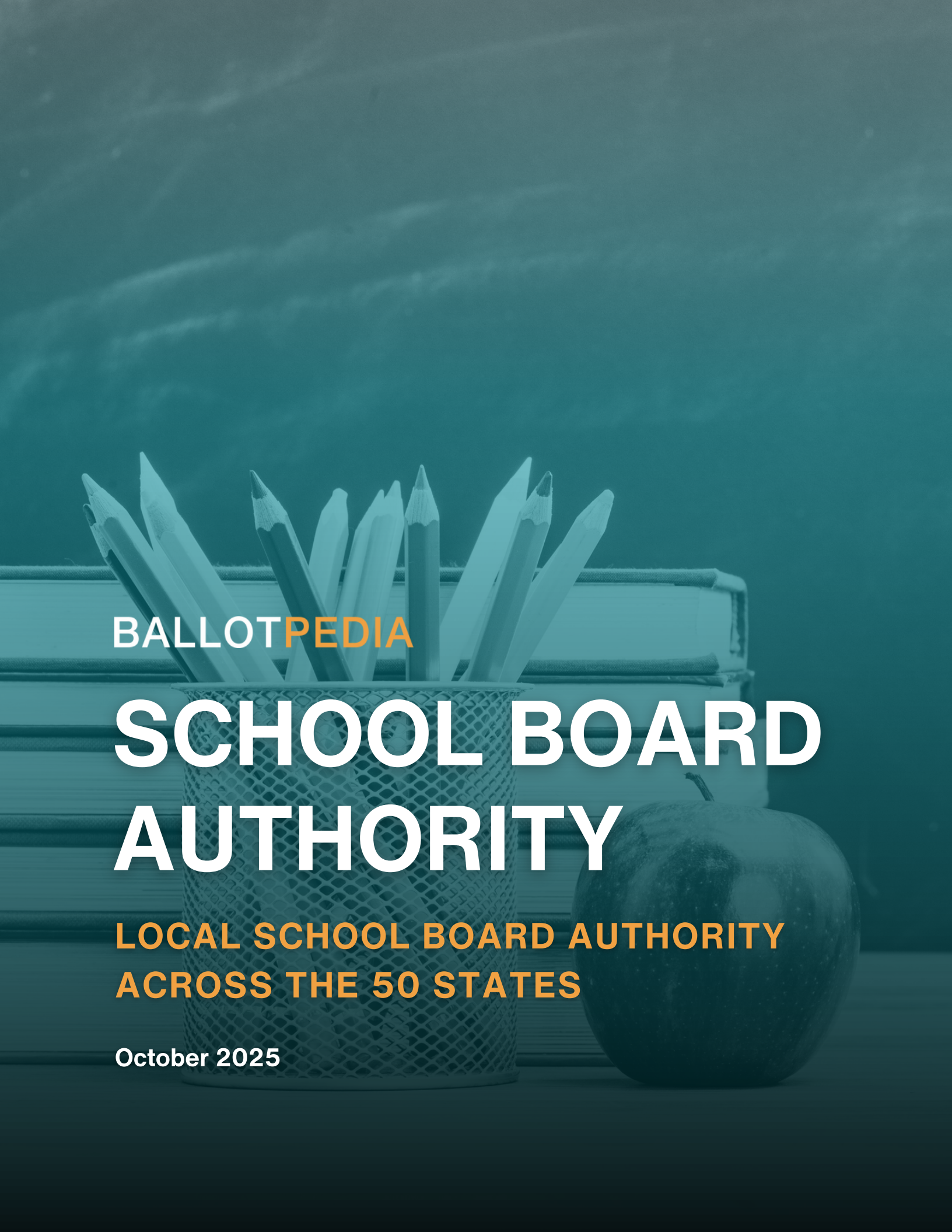




BALLOT**PEDIA**

SCHOOL BOARD AUTHORITY

**LOCAL SCHOOL BOARD AUTHORITY
ACROSS THE 50 STATES**

October 2025

School board authority: Ballotpedia’s 50-state research

Summary

State laws governing school board authority vary significantly. In some states, the law gives school boards general authority over policy in their school districts, while others list specific powers and duties. Some states do both. For example, Arizona grants local school boards 46 specific duties and 36 additional optional powers. In contrast, Pennsylvania gives local school boards general authority over district policy.

Ballotpedia combed through state constitutions, statutes, and regulations to compile a 50-page series—one for each state—describing the authority each state grants its school boards and the constraints these boards face.

This document examines the findings from Ballotpedia’s school board authority research project.

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Ballotpedia’s policy content and assets are a gateway to learning about policy and an unparalleled resource for in-depth, historical, clear, comprehensive, factual and neutral information on key policy areas.

School board authority: What constrains school board authority?

Introduction

The K-12 public school system comprises more than 13,000 districts and 80,000 school board members. State constitutions and statutes establish school boards and broadly define their authority. Court rulings, union agreements, and other sources further limit school board policy-making authority.

Though school board powers and responsibilities vary from state to state, and sometimes district to district, school board members generally establish district policy, manage and approve the district budget, hire and evaluate the superintendent, advocate for students, meet with the community, establish the vision for the district, and provide metrics for accountability.

A list of common constraints on school board policy-making authority includes:

- State laws commonly restrict or mandate school board policies on certain topics. These include Parents' Bills of Rights, versions of which are law in least 26 states. These laws limit the policies school boards are allowed to pass. Most state statutes include curricular topic requirements, including for math and reading. Requirements can vary by state, though. In Idaho, state law requires districts to offer computer science classes to high school students. Districts in Oklahoma are required to offer mental health instruction to students.
- State rules, guidance, and funding incentives can constrain, mandate, or influence school board policies. These include regulations from state education commissions and superintendents, executive orders from governors, or grant conditions.
- Federal and state court rulings can dictate whether school district policies are compatible with state or federal law. Rulings such as *Mahmoud v. Taylor* (2025) require districts to allow parents to opt their children out of certain instruction.
- The federal government, largely through Congress or the U.S. Department of Education, can put forward regulations or guidance that influence district policy or make funding contingent on certain policies. President Donald Trump (R) has issued at least 13 executive orders related to education since taking office in January. Some of those orders reversed ones that President Joe Biden (D) signed while he was in office.

- Collective bargaining agreements between school districts and teacher unions can create contractual constraints on the policies school boards can pass. They can require certain teacher salaries or mandate certain aspects of the school calendar.
- State school board associations can influence school board policy or, in some cases, enter into contracts with school boards that can limit school board policy.

School board authority: How does school board authority over charter schools differ by state?

Charter schools are public schools operated independently of the public school system, either by nonprofit or for-profit organizations.

These schools are exempt from many of the requirements imposed by state and local boards of education regarding hiring and curriculum. Charter schools typically receive a percentage of the per-pupil funds from the state and local school districts for operational costs based on enrollment.

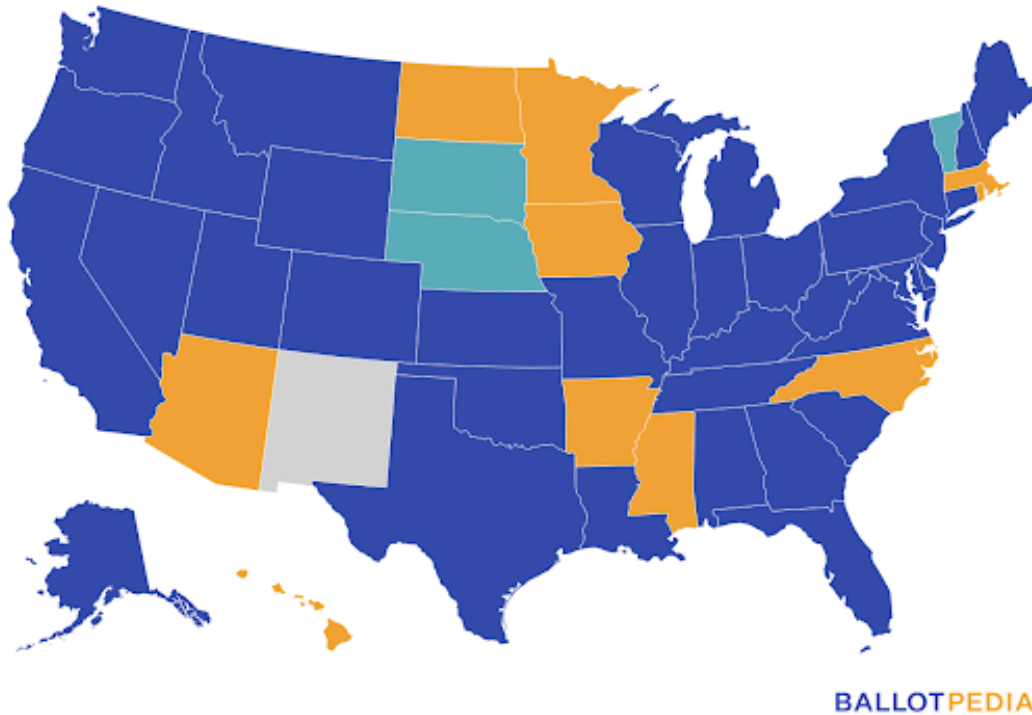
Each state has different laws governing the establishment of charter schools. They must be authorized by a public entity, which can include state or local boards of education, state charter authorizing entities, state superintendents of education, or any combination of the above.

Ballotpedia's survey of the charter school laws in the U.S. found that:

- 10 states do not authorize school boards to make decisions on whether to approve new charter schools in their districts.
- 36 states grant school boards at least some authority to approve new charter schools in their districts, deny approval to new charter schools, or both.
- 3 states do not have laws governing charter school authorization.
- 1 state allows school districts to apply to the state board of education to be a charter school district.

School boards' authority over charter school applications

■ School boards do not have authority over charters ■ School boards have at least some authority over charters ■ Ballotpedia could not identify laws regarding charter applications ■ Other



Of the 36 states where school boards have some authority in the charter school authorization process, involvement varies. Some school boards have the sole approval authority over an application to establish a charter school, while others make an initial decision, and state entities confirm or reverse it. Other states allow local boards to confirm or reverse a state decision.

School board authority: Why does school board authority over the timing of their elections matter?

Some states give school boards authority to choose election dates, the frequency of the elections, the length of terms, whether or not school board elections are staggered (meaning what portion of school board members are elected in a given election), and other aspects of their own elections. Some boards with authority over election timing can decide between on-cycle elections—held on the Tuesday following the first Monday in November of even-numbered years—and off-cycle elections, which occur on any other date. Election timing is typically the largest single variable that determines voter turnout, though the impact of timing on turnout varies by state and jurisdiction. The most significant difference in turnout is between on-cycle and off-cycle elections, with on-cycle elections having higher voter turnout.

Off-cycle elections influence voter turnout. Factors that further influence turnout during off-cycle elections include:

- Whether school board elections happen in tandem with statewide primaries, statewide general elections, or statewide runoffs; or
- Whether the ballot includes state elections or just local ones.

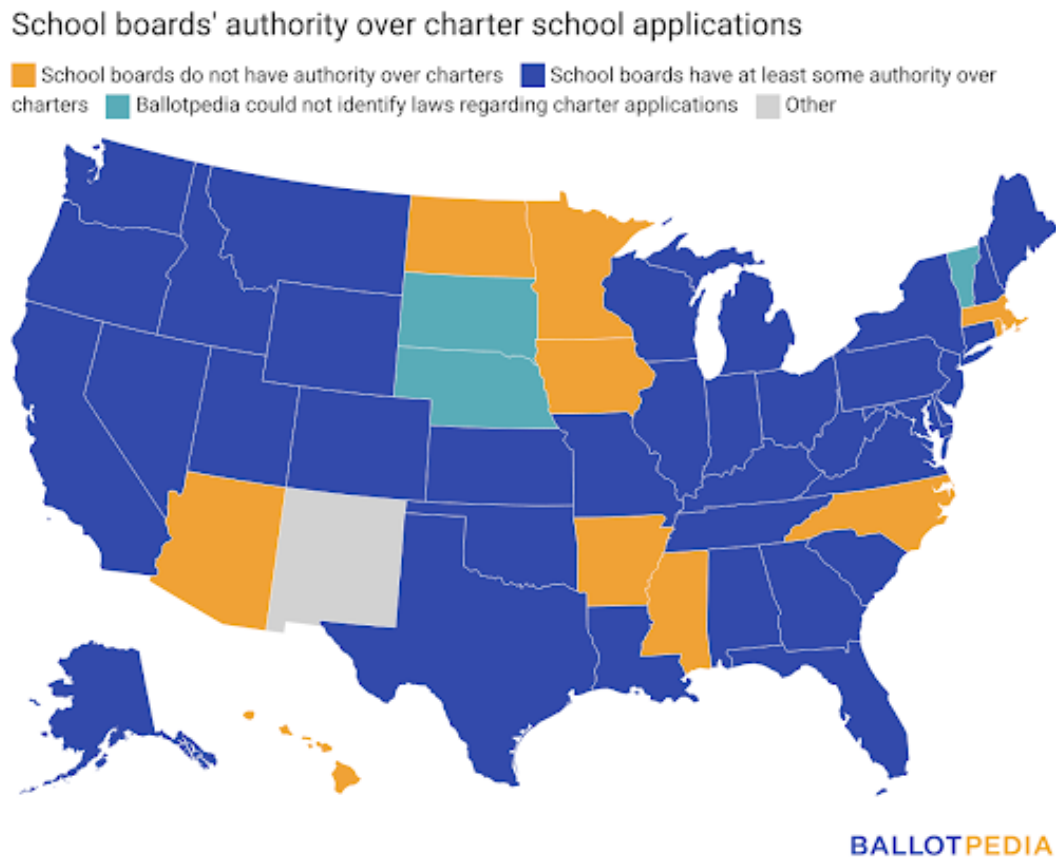
In most of the country, school boards don't have authority over election timing:

- 42 states mandate school board election timing through state law.
- 5 states allow school boards to choose from a set list of dates.
- 2 states permit boards to select an election date within a given range.
- Hawaii does not have an elected school board.

State laws determining when school board elections are held more often than not mandate off-cycle elections. For example:

- Pennsylvania holds school board elections in odd-numbered years, even though they occur on the Tuesday following the first Monday in November.
- South Dakota allows school boards to choose their election times from a day between the second Tuesday in April and the third Tuesday in June each year. School districts can but are not required to consolidate their elections with municipal elections.
- Arkansas allows school boards to choose between a fall and spring election schedule. Fall elections coincide with general elections, while spring elections coincide with primary elections.

The map below shows each state's rules regarding school board authority over election timing.



 Continued reading:

- Rules governing school board election dates and timing.

School board authority: How do statewide curriculum prohibitions affect school board authority?

What curriculum constraints do school boards face?

In most states, school boards play a central role in shaping district curriculum decisions within the boundaries established by state law. State officials typically establish minimum standards and then allow school boards, along with stakeholders like school officials and teachers, to select and devise curriculum that meet these requirements.

Every state places constraints—such as requirements or prohibitions—around what schools may teach. For example, a state might require instruction on good citizenship or sex education, or it may prohibit the teaching of certain concepts, such as critical race theory (CRT) or the three-cueing method of reading instruction.

Four common curricular constraints are:

- **Prohibiting certain curricular topics**
 - CRT is the most prohibited topic in K-12 public education in the United States— only four states have not banned or attempted to ban the topic. CRT prohibitions vary, with some restricting it outright and others regulating the way it is taught.
- **Allowing parents and students to opt out of certain lessons or instruction**
 - Many states allow parents to opt their students out of sex education or instruction regarding sexuality or gender.
- **Allowing parents to review curricula**
 - Many states require school boards to allow parents to review curricula, either by publishing it or by allowing them to request review.
- **Prohibiting school boards from excluding topics on certain grounds**
 - In Washington, as in other states, curriculum cannot be prohibited on the grounds that it relates to or includes the study of protected classes of individuals or groups.

School board authority: How do statewide K-12 cellphone bans affect school board authority?

Who decides school cellphone policies?

Historically, school boards or superintendents set policies around handheld technologies, such as cellphones and tablets. However, in 2023, Florida Gov. Ron DeSantis (R) became the first governor to sign a law specifically restricting student cellphone use during class time, preempting local authority over the matter. More governors and lawmakers soon followed suit with their own school cellphone restrictions.

Proponents of bans, like social psychologist Jonathan Haidt, argued cellphones were negatively affecting student learning and contributing to increases of anxiety, depression, and bullying among teens. Opponents argued against what they consider the one-size-fits-all nature of these state laws and said it was important that parents are able to contact their children during emergencies.

Here's a breakdown of statewide K-12 cellphone policies as of July 2025:

- Twenty-six states have cellphone bans or limits for classrooms.
- Three states have laws requiring school district boards to adopt a policy on cellphones, but without specific requirements for those policies.
- Four other states have policies encouraging school districts to establish restrictions on cellphone use in the classroom.

Though most cellphone bans or limits have passed with bipartisan support, the majority have come from states with Republican trifectas. Here's a breakdown at the time of enactment:

- Sixteen states have Republican trifectas
- Three have Democratic trifectas
- Seven have divided governments

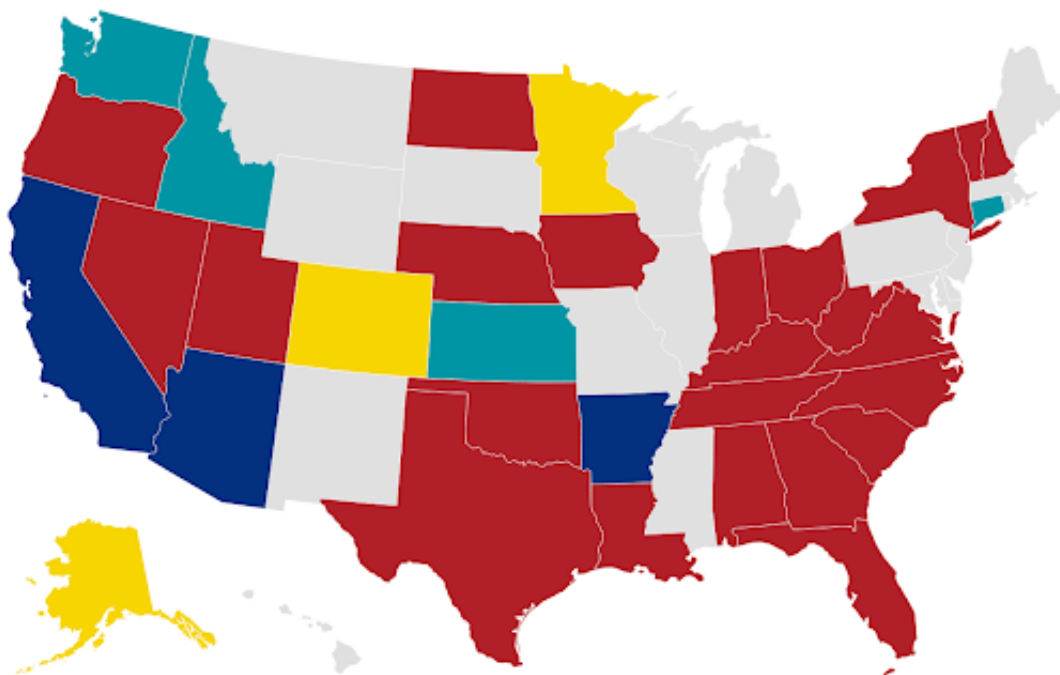
All state-level laws restricting cellphone use in schools provide exceptions for students with disabilities. Additionally, the laws in many states give districts some flexibility in how they enforce the restrictions. For example:

- School boards in Texas can either prohibit students from bringing cellphones to school or store students' phones at school during the day.
- School boards in Indiana must establish policies that generally prohibit cellphone use during the school day but allow teachers to authorize phone use for instruction, during an emergency, or when managing student health care.

Statewide policies on cellphone usage in K-12 public school classrooms

Since 2023, several states have passed laws or implemented policies/executive orders¹ banning or limiting student cellphone usage in classrooms or encouraging districts to move in that direction.

■ Law/executive order prohibits cellphones in classrooms and/or schools ■ Law limits cellphones in classrooms ■ State policy encourages districts to limit cellphones in classrooms ■ Law requires districts to adopt a policy on cellphones but does not specify requirements ■ No statewide policy



¹Virginia Gov. Glenn Youngkin (R) issued an executive order banning cellphones in classrooms.

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Continued reading:

- State policies on cellphone use in k-12 public schools

School board authority: How do statewide laws regarding book bans, removals, and restrictions differ by state?

Who decides what goes in school libraries?

State laws generally give school boards oversight over instructional material, including the regulation and curation of school library books. Board members often delegate those decisions to principals, libraries, or committees of librarians, teachers, and others.

In recent years, lawmakers in some states have limited school boards' authority over library books.

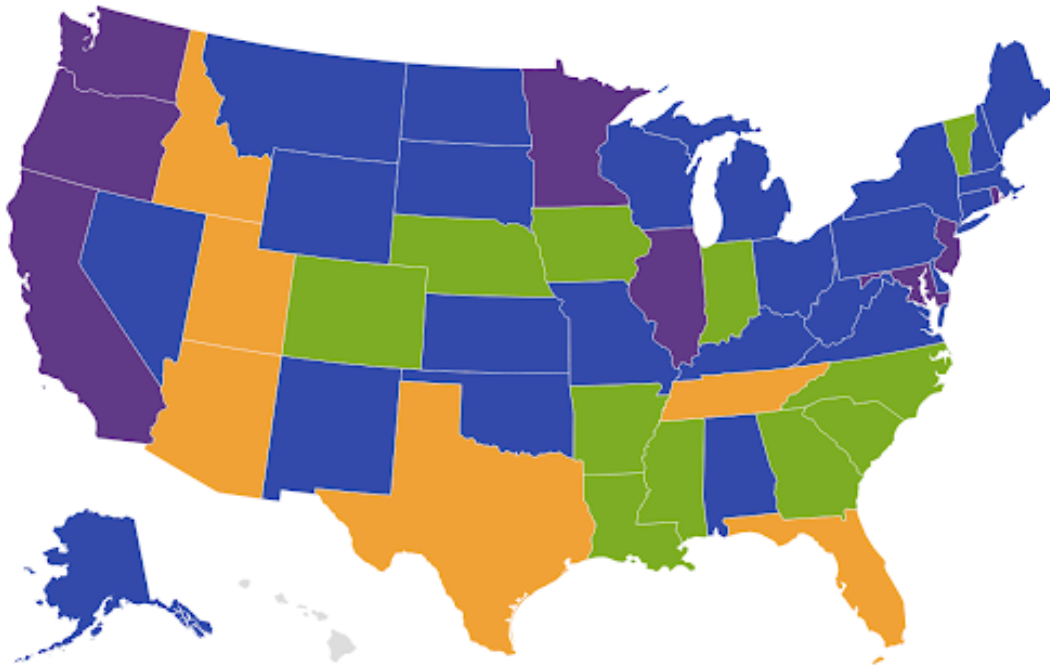
States that include specific requirements for school boards on the selection and removal of school library books typically fall into one of the following frameworks. Some states have adopted multiple types of these policies.

- **Twenty-four** states do not require local boards to develop specific policies on school library book selection
- **Ten** states require school boards to develop a policy for the removal of books, including creating a way for the public to challenge school library books.
- **Eight** states prohibit school boards from removing books on the grounds that they represent specific ideologies or perspectives.
- **Six** states prohibit books if they contain specific material, including sexual content or anything deemed harmful to minors.
- **Five** states require school boards to establish local boards to review challenges to library books.
- **Two** states require school boards to allow parents to view a catalogue of books.

Laws governing school library curation policies

Twenty-four states have no statewide laws regulating the curation of K-12 public school library material. Twenty-six states, however, have passed laws that restrict local school board authority over school libraries.

- No statewide law/policy
- Law restricts books containing certain types of content, such as sexual material
- Law restricts removal of books based solely on viewpoint or ideological content
- Law requires districts to develop review and/or challenge policies



¹ Minnesota, New Jersey, Rhode Island, Tennessee and Texas fall into multiple categories on the map. All five states have passed laws that require school boards to review material and/or develop policies that allow community members to challenge the inclusion of books in libraries.

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Here are some examples:

- **Iowa:** Requires that schools provide a list to parents, requires that each school district create and publish a policy for handling requests to remove materials from school libraries, and requires that the identities of parents who request materials be removed be kept confidential.
- **Texas:** Authorizes school boards to establish a school library book advisory council to advise the board on the acquisition, removal, or restriction of school library materials. State law prohibits books containing what the law defines as sexually explicit, indecent, harmful, or profane material in school libraries.
- **Oregon:** Prohibits the removal of library materials on the basis that they include a perspective, study, or story of any individual or group against whom discrimination is prohibited under Oregon law.
- **Nebraska:** Requires school districts to establish a process for notifying parents about books students check out from the school library.

School board authority: How we conducted this research

An interview with Annelise Reinwald, Policy Team Lead at Ballotpedia

The transcript of our conversation below has been lightly edited.

Hi Annelise! Thanks so much for taking the time to chat with me. Let's begin with the big picture.

What inspired this research project?

America has a pretty decentralized K-12 public education system, and it's not always obvious what school boards in different states can and cannot do—the whole thing is a patchwork of laws and regulations. In general, school boards have a lot of autonomy to govern their districts, but they still face a variety of constraints.

What are those constraints? That's the question we wanted to help answer. It's a different way of looking at and understanding school boards—not what they are permitted to do but what are the limitations they have to work around.

Tell me how you decided on the different topics you wanted to research, and how your team went about collecting the information. What challenges did you face?

While we know that authority over school districts is fairly local, we also know that school boards are accountable to their constituents, state laws and regulations, and their employees (in some cases). We wanted to zero in on what each of those constraints looked like in each state.

We read state constitutions, statutes, and regulations, noted whether collective bargaining with teachers and school staff was legal in each state, and noted whether states had education-specific Parents' Bills of Rights. We chose to highlight in-the-news topics that people may not have realized were related to school board authority. It was a challenge to ensure that our research was comprehensive. States organize their laws differently, and navigating that information was time-consuming and repetitive.

Amazingly, we were able to draw policy comparisons across the 50 states at the end of our research. That analysis is not only fascinating but also helps contextualize education policy trends.

Now that you've spent months immersed in the minutiae of laws, codes, and statutes regulating school board authority, what is something surprising that you learned about school boards?

This wasn't new knowledge for me, but I am continually surprised at how many hats school board members wear. From establishing a district budget to hiring district personnel and overseeing curricula, the list is really long! That school board members from different backgrounds come together to provide a vision for their districts while navigating the constraints of state and federal law is an impressive feat!

Thank you for joining us on this Learning Journey on local school board authority

Check out the following Ballotpedia pages to dive deeper into the topics of today's discussion:

- [Local school board authority across the 50 states](#)
- [K-12 curriculum authority, requirements, and statutes in the states](#)
- [State policies on cellphone use in K-12 public schools](#)
- [Rules governing school board election dates and timing](#)
- [Charter schools](#)
- [School choice](#)
- [Parents' Bill of Rights in education](#)

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