Chief State School Officer Qualifications

Question: What are the qualifications for the chief state school officer in your state?

Posted by Sara Shelton on Monday, January 23, 2012

Qualifications of Chief State School Officers (as of 2007)

ECS StateNote

http://www.ecs.org/clearinghouse/73/24/7324.pdf

Arkansas

6-11-102. Commissioner of Education.

Statute text

(a)(1) Subject to confirmation by the Governor, the State Board of Education is empowered to employ a person to act as the Commissioner of Education and who shall be the administrative head of the Department of Education.

(2) The commissioner shall serve at the pleasure of the Governor.

(b) The commissioner shall:

(1) Devote all of his or her time to the duties of his or her office;
(2) Act as an agent of the state board; and
(3) Perform other duties as are designated by the state board and by statute.

(c)(1) The person selected as the commissioner must:

(A) Be a person of good moral character, recognized as a leader in the field of education, and qualified technically and by experience to direct the work of the department;
(B) Hold a master's degree from an accredited institution;
(C) Have had ten (10) years' experience as a teacher, five (5) of which must be of an administrative or supervisory nature; and
(D) Hold a valid state teacher's certificate.

(2) No person who is related within the fourth degree of consanguinity or affinity to any member of the state board shall be eligible to serve as commissioner.

(d) It is the specific intention of this act to define and declare the commissioner to be the employee of the state board.

(e)(1) The commissioner, or a disbursing agent designated by him or her and approved by the state board, shall give bond to the State of Arkansas as provided by law for other disbursing agents conditioned for the faithful performance of his or her duties and the faithful accounting for all the school money of the state, of any county, or of any school district that may come into his or her hands.

(2) The bond shall be in a solvent surety company having a right to do business in the State of Arkansas and shall be approved by the state board.

(3) The premium on the bond shall be paid by the state board as one of the expenses of the state board.

(f) The state shall furnish the commissioner with suitable offices.

History


Annotations
A.C.R.C. Notes. The operation of subsection (e) of this section was suspended by adoption of a self-insured fidelity bond program for public officers, officials, and employees, effective July 20, 1987, pursuant to § 21-2-701 et seq. Subsection (e) of this section may again become effective upon cessation of coverage under that program. See § 21-2-703.

Acts 2005, No. 1846, § 3, provided:

"SALARY OF THE DIRECTOR OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Director of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Director be required to devote all of his or her working time exclusively to the performance of his or her duties as Director of the Department of Education. Therefore, the Director of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Director, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Director, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Director from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2009, No. 1420, § 26, provided:

"SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2010, No. 126, § 26, provided: "SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2011, No. 1074, § 25, provided:

"SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education
shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Publisher's Notes. Acts 1931, No. 169, § 28 transferred the duties of the State Superintendent of Public Instruction to the Commissioner of Education. Acts 1971, No. 38 changed the title of the Commissioner of Education to the Director of Education. Acts 1981, No. 64 divided the Department of Education into two divisions to be directed by a Director of General Education and a Director of Vocational and Technical Education.

Amendments. The 2005 amendment substituted "Commissioner of Education and who shall be the administrative head" for "Director" in (a)(1); and substituted "commissioner" for "director" throughout.

Meaning of "this act". Acts 1931, No. 169, codified as §§ 6-10-101 - 6-10-104, 6-10-107, 6-11-101 - 6-11-105, 6-11-106 [repealed], 6-11-107, 6-11-110, 6-11-111, 6-11-117, 6-12-109 [repealed], 6-12-206 [repealed], 6-13-101 - 6-13-104, 6-13-619, 6-13-620, 6-14-104 [repealed], 6-14-118, 6-16-103 - 6-16-105, 6-16-107, 6-17-101, 6-17-104, 6-17-105 [repealed], 6-17-401, 6-17-405 [repealed], 6-18-217, 6-18-219, 6-18-501, 6-18-507, 6-18-701, 6-19-102, 6-20-202 - 204, 6-20-208 [repealed], 6-20-215 - 6-20-217, 6-20-220 [repealed], 6-20-221, 6-20-222, 6-20-403, 6-20-408 [repealed], 6-20-1201, 6-20-1204 - 6-20-1215, 6-21-101, 6-21-602 [repealed], 6-21-604 - 6-21-606, 6-51-211 - 6-51-215, 26-80-101, 26-80-102, 26-80-104.

California

In California, the only qualifications for State Superintendent of Public Instruction (SSPI) are that every candidate must be a registered voter and qualified to vote for that office at the time nomination papers are issued to the person and cannot have served two terms as State Superintendent of Public Instruction since November 6, 1990.

Here is the section from the California State Constitution:
CALIFORNIA CONSTITUTION
ARTICLE 9  EDUCATION
SEC. 2.  A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election.

The Superintendent of Public Instruction shall enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election. No Superintendent of Public Instruction may serve more than 2 terms.

Colorado

22-2-110. Commissioner of education - oath - qualifications - tenure. (1) The commissioner of education shall be the chief state school officer and executive officer of the department of education. He or she shall possess the professional qualifications described in subsection (4) of this section and such additional professional qualifications as may be deemed appropriate for the office by the state board.

(2) The commissioner shall be appointed by the state board, serve at the pleasure of the board, and receive such compensation as may be determined by the board.
(3) Before entering upon his or her duties, the commissioner shall subscribe to an oath of office, which oath shall be filed with the secretary of state.

(4) The person appointed to the office of commissioner of education by the state board pursuant to subsection (2) of this section shall, at a minimum, satisfy the following professional qualifications:
   a) The person shall have demonstrated personal and professional leadership success, preferably in the administration of public education; and
   b) The person shall possess an earned advanced degree, preferably in education or educational administration awarded from a regionally or nationally accredited college or university.

(5) The state board shall annually review and evaluate the job performance of the commissioner, as provided in section 22-2-106 (1) (b.5), and report the results of its evaluation to the public and the education committees of the house of representatives and senate, or any successor committees.

Delaware
Title 14 § 102. Secretary; Deputy, Associate and Assistant Secretaries; Acting Secretary; appointment.

The administrator and head of the Department shall be the Secretary of Education, who shall be a graduate of an accredited college and shall have not less than 5 years' experience in teaching and administration, with experience in each such category. The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. The Secretary shall be paid a salary as determined by the General Assembly in the annual Appropriations Act. The Secretary of Education shall become a bona fide resident of the State within 6 months after the Secretary's appointment; provided, however, that upon good cause shown, the Governor may grant an additional extension of 6 months.

Georgia
Qualifications
1. Must have been a citizen of the United States for 10 years.
2. Must have been a legal resident of the state for four years immediately preceding election or appointment.
3. Must have attained the age of 25 years by the date of assuming office.
Ga. Const. Art. 5, § 3, ¶ 2
Annotation:
The word “election” as it appears in these provisions means the day votes are cast, not the day when they are finally tabulated and certified by the Secretary of State. Poythress v. Moses, 250 Ga. 452, 298 S.E. 2d 480 (1983).

Hawaii
Hawaii state law does not appear to provide for required qualifications of the state superintendent. The state board of education (BOE) appoints the superintendent. BOE policies also do not appear to list any required qualifications.
http://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0302A/HRS_0302A-1101.htm

§302A-1101 Department of education; board of education; superintendent of education. (a) There shall be a principal executive department to be known as the department of education, which shall be headed by a policy-making board to be known as the board of education. The board shall have power in accordance with law to formulate statewide educational policy, adopt student performance standards and assessment models, monitor school success, and appoint the superintendent of education as the chief executive officer of the public school system.
(b) The board shall appoint, and may remove, the superintendent by a majority vote of its members. The superintendent:
(1) May be appointed without regard to the state residency provisions of section 78-1(b);
(2) May be appointed for a term of up to four years; and
(3) May be terminated only for cause.
(c) The board shall invite the senior military commander in Hawaii to appoint a nonvoting military representative to the board, who shall serve for a two-year term without compensation. As the liaison to the board, the military representative shall advise the board regarding state education policies and departmental actions affecting students who are enrolled in public schools as family members of military personnel. The military representative shall carry out these duties as part of the representative’s official military duties and shall be guided by applicable state and federal statutes, regulations, and policies and may be removed only for cause by a majority vote of the members of the board.
(d) The board shall appoint the charter school review panel, which shall serve as the charter authorizer for charter schools, with the power and duty to issue charters, oversee and monitor charter schools, hold charter schools accountable for their performance, and revoke charters. [L 1996, c 89, pt of §2; am L 2000, c 257, §1; am L 2006, c 298, §10; am L 2007, c 115, §5; am L 2011, c 5, §14]
http://www.hawaiiboe.net/policies/1300series/Pages/1310-1.aspx

SELECTION OF THE SUPERINTENDENT OF EDUCATION POLICY
The superintendent shall be appointed by a majority of the members of the board.
Approved: 8/70
See: S.3, Art. IX, State Consti.; S.296-2, HRS

**Iowa**
256.8 Director of department of education.
The governor shall appoint a director of the department of education subject to confirmation by the senate. The director shall possess a background in education and administrative experience and shall serve at the pleasure of the governor.

**Kentucky**
In Kentucky, the statutes reference the manner in which the Commissioner of Education is selected and minimal duties but the Kentucky Board of Education actually sets the search criteria at the time they hire a search firm.

Kentucky Revised Statutes (KRS 156.148 and KRS 156.029) are found below:
KRS 156.148 Commissioner of education -- Selection -- Duties.
(1) Effective January 1, 1991, the commissioner of education shall be the chief state school officer. He shall possess the professional qualifications determined by the Kentucky Board of Education as appropriate for the office.
(2) The commissioner shall be appointed by the Kentucky Board of Education, serve at the pleasure of the board, and receive compensation as set by the board, the provisions of KRS 64.640 notwithstanding.
(3) The commissioner of education shall be the executive and administrative officer of the Kentucky Board of Education in its administration of all educational matters and functions placed under its management and control. He shall carry out all duties assigned to him by law; shall execute under the direction of the state board the educational policies, orders, directives, and administrative functions of the board; and shall direct the work of all persons employed in the Department of Education.
(4) The commissioner of education shall be reimbursed for all actual and necessary traveling expenses incurred by him in the performance of his duties.

Effective: July 15, 1996

KRS 156.029 Kentucky Board of Education -- Membership -- Functions.
(1) There is hereby established a Kentucky Board of Education, which shall consist of eleven (11) members appointed by the Governor and confirmed by the Senate and the House of Representatives of the General Assembly, with the president of the Council on Postsecondary Education serving as an ex officio nonvoting member. Seven (7) members shall represent each of the Supreme Court districts as established by KRS 21A.010, and four (4) members shall represent the state at large. Each of the appointed members shall serve for a four (4) year term, except the initial appointments shall be as follows: the seven (7) members representing Supreme Court districts shall serve a term which shall expire on April 14, 1994; and the four (4) at-large members shall serve a term which shall expire on April 14, 1992. Subsequent appointments shall be submitted to the Senate and to the House of Representatives for confirmation in accordance with KRS 11.160. Each appointment by the Governor shall be agreed upon by both chambers in order for the person to be confirmed. Each confirmed appointee shall take office on April 15.
(2) Appointments shall be made without reference to occupation, political affiliation, or similar consideration. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator. Pursuant to KRS 63.080, a member shall not be removed except for cause.
(3) A vacancy in the membership of the board shall be filled by the Governor for the unexpired term with the consent of the Senate and the House of Representatives. In the event that the General Assembly is not in session at the time of the appointment, the consent of the Senate and the House of Representatives shall be obtained during the time the General Assembly next convenes.
(4) At the first regular meeting of the board in each fiscal year, a chairperson shall be elected from its voting membership.
(5) The members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.
(6) The commissioner of education shall serve as the executive secretary to the board.
(7) The primary function of the board shall be to develop and adopt policies and administrative regulations, with the advice of the Local Superintendents Advisory Council, by which the Department of Education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the educational programs, services, and activities within the Department of Education which are within the jurisdiction of the board.

Effective: May 30, 1997

**Louisiana**
The response is in two parts.

The first part -- Revised Statutes 17:21. Superintendent of education for public elementary and secondary education; general functions; appointment qualifications; vacancies; compensation
(2)(a) The superintendent, at a minimum, shall possess at the time of appointment, such qualifications as are adopted by rule by the board for the position of superintendent of a city, parish, or other local public school board. Except by a favorable vote of at least two-thirds of the authorized board membership, the board shall have no authority to waive for the position of state superintendent any qualification established by the board for the position of superintendent of a city, parish, or other local public school board.

(b) The State Board of Elementary and Secondary Education, by rule, may establish additional qualifications applicable to the state superintendent.

The second part -- §747. Parish or City School Superintendent
A. Eligibility requirements:
1. valid Type A or Level 3 Louisiana teaching certificate;
2. five years of successful school experience (state, parish, or city) as superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal in a State-approved system, or experience certified as equivalent to any of these by the Board of Elementary and Secondary Education. Assistant principal experience is limited to a maximum of two years of experience in that position;
3. master's degree from regionally accredited institution of higher education;
4. 48 semester hours of graduate credit:
   a. 30 semester hours in educational administration and supervision of instruction, as follows:
      i. 18 semester hours, to include three semester hours in each of the following areas:
         (a). Foundations of (Introductory) Educational Administration; or Theory of Educational Administration;
         (b). School Law;
         (c). Principles of Instructional Supervision (Elementary or Secondary);
         (d). School Community Relations;
         (e). Principalship (Secondary or Elementary School);
         (f). School Finance;
      ii. 12 semester hours of electives in educational administration and instructional supervision from the following areas:
         (a). School Facilities;
         (b). School Personnel Administration;
         (c). Group Dynamics;
         (d). Office and Business Management;
         (e). Clinical Supervision or Internship or Practicum in Educational Administration or Instructional Supervision;
         (f). Program Development and Evaluation (in professional education or areas outside professional education).
4. professional education, 12 semester hours to include three semester hours in each of the following:
   a. Educational Research;
   b. History or Philosophy of Education;
   c. Elementary School Curriculum;
   d. Secondary School Curriculum;
5. electives from cognate fields outside of professional education, six semester hours, related to educational administration and supervision in business, political science, psychology, sociology, or speech.
B. Assistant superintendents who supervise any part of the instructional program are required to meet the same standards as superintendents.

C. Assistant superintendents for non-instructional areas (finance, management, facilities planning, and ancillary programs) shall be certified as a school superintendent or meet the following requirements:
1. a minimum of five years of demonstrated successful administrative experience at a managerial level in education and/or related fields, either in the public or private sector;
2. a master’s degree from a regionally accredited institution of higher education in educational administration, business administration, public administration, or a related area of study including but not limited to accounting, finance, banking, insurance and law;
3. responsibilities assumed by this category of administrators must be related to non-instructional programs, and experience obtained while at that level may not be used for meeting the certification requirements for superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006).

The position of state superintendent was an elected office for many years, but has been appointed now for many years. Local superintendent provisions are included because, as you will see, they are cited in regard to the state superintendent.

Const Art. VIII, Sec. 2
§2. State Superintendent of Education
Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 20, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Statutes
R.S. 17:21 provides – the cited statute re: local superintendents is R.S. 17:54 which appears below

SUBPART B. SUPERINTENDENT OF EDUCATION
§21. Superintendent of education for public elementary and secondary education; general functions; appointment qualifications; vacancies; compensation
(2)(a) The superintendent, at a minimum, shall possess at the time of appointment, such qualifications as are adopted by rule by the board for the position of superintendent of a city, parish, or other local public school board. Except by a favorable vote of at least two-thirds of the authorized board membership, the board shall have no authority to waive for the position of state superintendent any qualification established by the board for the position of superintendent of a city, parish, or other local public school board.
(b) The State Board of Elementary and Secondary Education, by rule, may establish additional qualifications applicable to the state superintendent.
C. The superintendent shall be appointed by a two-thirds vote of the total membership of the State Board of Elementary and Secondary Education. The board shall enter into a contract with the appointed
superintendent. The length of the contract shall be determined by the board but may not extend past the end of the term of office of the board members making the appointment, except that the contract may provide that the superintendent may serve until the succeeding board has made an appointment. Any vacancy in the office of the appointed superintendent which occurs prior to the expiration of the term of his contract shall be filled for the remainder of the unexpired term by the method of appointment as provided in this Subsection.

D. The salary of the superintendent shall be set by the State Board of Elementary and Secondary Education subject to the approval of the Joint Legislative Committee on the Budget.

E. If the office of state superintendent of education is made appointive pursuant to Article IV, Section 20 of the Constitution of Louisiana, the appointment, notwithstanding any other provision of law to the contrary, shall be subject to confirmation by the Senate.

§54. Officers of boards, election; superintendents, qualifications, appointment and removal
A. A city or parish school board shall elect from among its members a president and a vice president and fix the terms of office not to exceed four years.

B.(1)(a) Notwithstanding the provisions of R.S. 42:3, each city, parish, and other local public school board shall elect a superintendent of schools, having such qualifications as may be fixed by the State Board of Elementary and Secondary Education, for a period not to exceed four years, which period, however, may extend no longer than two years after the expiration of the term of office of the membership of the board electing the superintendent. The election of a superintendent of schools by a city, parish, or other local public school board shall require the favorable vote of a majority of the entire membership of the school board. A superintendent of schools shall not be required to be a qualified elector or a resident of the political subdivision comprising the school system in which he is to serve as superintendent. He shall be required to devote his entire time to the office of superintendent of schools.

(b)(i) The superintendent of schools shall be employed by a city, parish, or other local public school board pursuant to a written contract. Such contract shall contain but need not be limited to specific performance objectives. Not less than ninety days prior to the termination of such a contract, the school board shall notify the superintendent of termination of employment under such contract, or in lieu thereof the board and the superintendent may negotiate and enter into a contract for subsequent employment.

(ii) The superintendent may choose not to enter into a subsequent contract and may either terminate his employment or, if he has acquired permanent status as a teacher, resume employment as a teacher.

(bb) The school board, in accordance with the provisions of this Subparagraph, may choose not to offer a subsequent contract to the superintendent.

(iii) The superintendent shall be retained during the term of a contract; however, if the superintendent is found incompetent, unworthy, or inefficient or is found to have failed to fulfill the terms and performance objectives of his contract or to comply with school board policy, then the superintendent may be removed from office as provided by Subsection C of this Section. Before the superintendent can be removed during the contract period, he shall have the right to written charges and a fair hearing before the board after reasonable written notice.

(iv) Subject to the approval of a majority of its entire membership, the board shall negotiate and offer the superintendent a new contract at the expiration of each existing contract unless a majority of the membership of the board votes at least ninety days prior to the termination of the existing contract against offering a new contract.


(2) Prior to filling a vacancy in the position of permanent superintendent of schools, each city and parish school board shall advertise the vacancy and solicit applications for the position. At a minimum,
The school board shall publish a notice of the vacancy together with a request for the submission of applications to fill the position in accordance with all of the following:

(a) On two separate days at least one week apart in the official journal of the school board.

(b) Once in a daily newspaper published in the metropolitan area in the state having a population in excess of one hundred thousand persons that is nearest to the school board offices, if such newspaper is not the official journal of the school board.

(3) All publication requirements provided in this Subsection shall be completed at least thirty days prior to action by the school board to fill the position.

C. A city, parish, or other local public school system superintendent may be removed from office for cause prior to the expiration of his contract by the concurring vote of at least two-thirds of the membership of the entire school board at any regular meeting or at any special meeting after due notice.

Rules
State Superintendent
La Admn Code Title 28 Section §309. State Superintendent

A. Appointment
1. The state superintendent shall be appointed by a two-thirds vote of the total membership of the board, subject to confirmation by the senate.
2. The board shall enter into a contract with the state superintendent that delineates the terms and conditions of employment. The length of the contract shall be determined by the board but may not extend past the end of the term of office of the board members making the appointment, except that the contract may provide that the state superintendent may serve until the succeeding board has made an appointment.
3. Any vacancy in the office of the state superintendent which occurs prior to the expiration of the term of his/her contract shall be filled for the remainder of the unexpired term by the method of appointment provided herein.
4. The board shall delegate to the state superintendent such of its powers and duties as it deems appropriate to aid the state superintendent in the efficient administration of his/her responsibility for the implementation of the policies of the board.

B. Qualifications. The state superintendent shall possess the following qualifications.
1. General:
   a. advanced degree in public administration, education, or related area;
   b. background in the formulation and implementation of public policy;
   c. strong academic background; and
   d. qualifications as are adopted by rule by the board for the position of superintendent of a city, parish, or other local public school board, except that any such qualification may be waived by a favorable vote of at least two-thirds of the authorized board membership.
2. Experience:
   a. proven record of success in administration;
   b. demonstrated ability to achieve positive results;
   c. credibility in his/her current profession; and
   d. proven record of team building.
3. Professional skills:
   a. proven decision-making skills;
   b. proven leadership skills;
   c. ability to work effectively with the legislature and executive branches of the government, education, business, and civic organizations; and
d. outstanding interpersonal and communication skills.
C. Compensation. The annual salary of the state superintendent shall be set by the board subject to the approval of the Joint Legislative Committee on the Budget.

D. General Authority
1. The state superintendent shall execute and implement those educational policies and programs which are under the supervision and control of the board and shall serve as the administrative head of the department.
2. The state superintendent shall have such other powers, functions, duties, and responsibilities as may be provided by law, regulation, and policy.
3. The state superintendent shall administer the Recovery School District, an intermediate education unit within the department, pursuant to R.S. 17:1990. As the administrative head of the department, the state superintendent is the appointing authority for the Recovery School District, except as provided herein.
4. The state superintendent shall administer the Special School District, an educational service agency within the department, pursuant to R.S. 17:1951. As the administrative head of the department, the state superintendent is the appointing authority for the Special School District, except as provided herein.
5. The state superintendent shall supervise and oversee the administration of the BESE Special Schools. The state superintendent shall be the appointing authority for the BESE Special Schools, except as provided herein. The state superintendent shall have budgetary responsibilities over the BESE Special Schools.
6. The state superintendent may delegate, subject to the approval of the board, the appointing authority conferred upon him/her herein as to the BESE Special Schools and by law as to the Special School District to directors of the BESE Special Schools and the Special School District State Director, respectively. The state superintendent may delegate operational authority conferred upon him/her herein as to the BESE Special Schools and administrative authority conferred upon him/her by law as to the Special School District to the Special School District State Director, subject to any restrictions provided by law.
7. The state superintendent may delegate, subject to the approval of the board, the appointing authority conferred upon him/her by law as to the Recovery School District to the Recovery School District superintendent. The state superintendent may delegate administrative authority conferred upon him/her by law as to the Recovery School District to the Recovery School District superintendent, subject to any restrictions provided by law, rule, or policy.

E. Duties
1. The state superintendent shall establish such divisions within the department as are necessary or appropriate to carry out the functions vested by or under authority of the constitution and laws.
2. The state superintendent shall have budgetary responsibility for all funds appropriated or allocated by the state for the day-to-day operations and for the functions of the department, which are not inconsistent with the functions of the board.
3. The state superintendent, as the administrative head of the department, shall oversee the administration and distribution of all federal funds received for the benefit of those phases of education under the jurisdiction of the board, in accordance with policies adopted by the board.
4. The state superintendent may review the responsibilities of the department and prepare a plan to restructure and reorganize the department subject to the approval of the board and in accordance with Chapter 15 of Title 36 of the Louisiana Revised Statutes.
5. The state superintendent shall provide staff services within the department that are needed by the board to carry out its constitutional and statutory mandates.
6. The state superintendent shall exercise his/her responsibilities for personnel appointments in the following manner.
   a. The state superintendent, with the consent of the board, may establish or abolish positions that direct the divisions of the department.
   b. The state superintendent shall make appointments to senior departmental positions. Senior departmental positions are unclassified positions that compose the superintendent's cabinet and any other senior unclassified position so designated by the state superintendent. Unless otherwise provided herein or in other administrative manuals approved by the board, employees holding such positions shall serve at the pleasure of the state superintendent, in accordance with the law.
   c. The state superintendent shall appoint the Recovery School District superintendent with prior approval of the board. The board president shall be notified of any acting appointments taking effect and the board shall be notified of the acting appointment at its next regularly scheduled meeting. Upon appointment approval by the board, the employment of the Recovery School District superintendent will continue unless he/she is removed by the board upon recommendation of the state superintendent or upon voluntary separation from employment.
   d. The appointment and termination of the position of director of a BESE Special School and the Special School District State Director shall be governed by the Personnel and Administrative Manual of the Special School District and Board of Elementary and Secondary Education (BESE) Special Schools.
   e. The state superintendent shall employ/appoint and fix the salaries and duties of employees of the department, including the Special School District and the Recovery School District, subject to applicable Civil Service laws, rules, and regulations, and other applicable laws, rules, regulations, and policies.
   f. The state superintendent shall employ/appoint and fix the salaries and duties of employees of the BESE Special Schools, subject to applicable Civil Service laws, rules, and regulations, and other applicable laws, rules, regulations, and policies.
   g. The selection of appointees to all unclassified positions shall be based on professional, technical, and/or clerical qualifications appropriate to each position.
   h. No person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status, or any other non-merit factor, be discriminated against in any employment practice.
   i. A monthly report on all new appointments and terminations shall be provided to members of the board.
   j. In addition to the above, the state superintendent shall exercise his/her responsibilities for personnel matters in accordance with the constitution and laws of the state.

7. The state superintendent's responsibilities with respect to local education agencies shall include, but not be limited to:
   a. Pursuant to the rules, regulations, and policies adopted by the board, the state superintendent shall offer assistance to local public school officials and the elementary and secondary schools of the state in their efforts to adopt procedures by which:
      i. courses of study prescribed by the board will be followed:
      ii. teachers will meet the standards prescribed by the board; and
      iii. schools will meet the standards for approval, which are prescribed by law or by the board.
   b. The state superintendent shall assist the local education agencies and teachers in securing the best possible results from their efforts.
   c. The state superintendent shall prescribe the manner and substance of classifications for program cost accounting to be used by local education agencies in the preparation and adoption of annual budgets.
The state superintendent shall receive the annual budget of each local education agency and may require the local education agency to operate the schools within the receipts normally expected and set up in the school system budget. This shall include the right to advise school boards participating in the state equalization fund in all matters relating to the preparation and adoption of their budgets and the right to require change when it is clearly evident that the budget fails to comply with the intent and purpose of the state equalization fund.

e. The state superintendent shall receive the annual financial report submitted by local education agencies, as required by law, regulation, or policy.

f. The state superintendent shall identify local school systems as being "academically in crisis" and notify appropriate officials, as provided by law.

8. The state superintendent shall make recommendations to the board for the approval of Type 5 charter schools, subject to the policies and processes approved by the board.

9. The state superintendent shall periodically inform the board of areas in which policy development is needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:21(C), R.S. 17:23(B), R.S. 17:6(B), R.S. 17:21(B), R.S. 17:21(D), R.S. 17:21(A), R.S. 17:1990, R.S. 17:1951, R.S. 17:24(A), R.S. 17:24(B), R.S. 17:24(C), R.S. 17:24(D), R.S. 17:22(2)(f), R.S. 36:645, R.S. 17:22(6), R.S. 17:88(B), R.S. 17:88(D), R.S. 17:92, R.S. 17:10.6(A)(2) and R.S. 17:3983.


La Administrative Code Title 28, Section -- Local Superintendent

§505. Certification of Personnel

A. To be eligible legally for teaching, administrative, supervisory, or other professional services in the public schools of Louisiana, personnel shall hold a valid Louisiana certificate appropriate to the services rendered or shall receive annual approval in accordance with provisions allowed by BESE.


B. In the event that an LEA in Louisiana, through its locally authorized governing board, chooses to select a superintendent who does not hold a valid State-issued teaching certificate, such LEA may appoint the candidate, provided that:

1. the appointment is to a district with a K-12 population in excess of 45,000 students;
2. the district appoints a chief academic officer whose primary and substantial job description shall govern the academics of the district including curriculum and instruction;
3. the chief academic officer possesses a valid state-issued teaching certificate;
4. the chief academic officer also meets all criteria required of a superintendent set forth in existing BESE policy;
5. the chief academic officer is appointed no later than 120 days after the appointment of the superintendent candidate;

Maryland

The statutory requirements relating to the State Superintendent of Schools can be found in Title 2, Subtitle 3 of the Education Article. You may specifically be interested to note section 2-302, which can be found here: http://mlis.state.md.us/asp/statutes_respond.asp?article=ged&section=2-302&Extension=HTML

Michigan

Not much is required in the line of qualifications for our superintendent of public instruction. This is from our constitution:
Minnesota
127A.05 COMMISSIONER OF EDUCATION.
Subdivision 1. Appointment and duties. The department shall be under the administrative control of the commissioner of education which office is established. The governor shall appoint the commissioner under the provisions of section 15.06.

The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. Notwithstanding any other law to the contrary, the commissioner may appoint two deputy commissioners who shall serve in the unclassified service. The commissioner shall also appoint other employees as may be necessary for the organization of the department. The commissioner shall perform such duties as the law and rules may provide and be held responsible for the efficient administration and discipline of the department. The commissioner is charged with the execution of powers and duties to promote public education in the state and to safeguard the finances pertaining thereto.

Missouri
Missouri's chief education officer for K-12 is the "Commissioner of Education." This office is created in Article IX of the Missouri Constitution:
Section 2(b). The board shall select and appoint a commissioner of education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. The board shall prescribe his duties and fix his compensation, and upon his recommendation shall appoint the professional staff and fix their compensation. The board shall succeed the state board of education heretofore established, with all its powers and duties, and shall have such other powers and duties as may be prescribed by law.

Additionally, Revised Statute of Missouri 161.112 contains similar language:
161.112. The state board of education shall appoint a commissioner of education as its chief administrative officer. The commissioner shall be a citizen and resident of the state upon assumption of his or her duties, and shall possess an educational attainment and breadth of experience in the administration of public education. The board shall prescribe the duties of the commissioner and fix the commissioner's compensation, and may remove the commissioner at its discretion. 161.112
http://www.moga.mo.gov/statutes/c100-199/1610000112.htm
Article IX, Section 2(b) http://www.moga.mo.gov/const/a09002b.htm

Nebraska
Below is a link to the Nebraska statute that sets forth the qualifications for the Commissioner of Education. The second track of qualifications was added in 2009 to widen the pool of eligible candidates.

Nevada
Here's a link to the statutory qualifications section for Nevada's Superintendent of Public Instruction:
http://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-385.html#NRS385Sec160
The 2011 Legislature amended it slightly in NRS 385.160, but made wholesale changes in the appointment and duties of the person; those may be found elsewhere in the statutes. Here’s the text for the qualifications section:

NRS 385.160 Qualifications. To be eligible to the Office of Superintendent of Public Instruction, a person shall:
1. Have attained the age of 21 years at the time of his or her appointment;
2. Hold a master’s degree in the field of education or school administration; and
3. Possess the knowledge and ability to carry out the duties required by this title and all other statutes and regulations governing K-12 public education.

This Friday, January 27, 2012, our State Board of Education will narrow the current 12 person applicant field to 6 for interviews in February, then submit 3 names to the Governor for selection of our new Superintendent.

North Carolina
The Superintendent is a statewide elected position. (NC Constitution, Article III, Section 7) There are no specific qualifications for the positions, other than the general constitutional provisions for elective office that the individual must be a qualified voter of the state of NC, be 21 years old, and cannot have been guilty of certain felonies against the State or federal government, corruption in office, or been impeached, and has not been restored to the rights of citizenship. (NC Constitution, Article VI).

North Dakota
The qualified electors of this state shall elect a superintendent of public instruction at the appropriate general election. The superintendent must be at least twenty-five years of age on the day of the election and have the qualifications of an elector for that office at all times during the superintendent's term of office

Ohio
3301.08 Appointment of superintendent of public instruction.
The state board of education shall appoint the superintendent of public instruction, who shall serve at the pleasure of the board. The board shall fix the compensation for the position of superintendent of public instruction. The superintendent of public instruction, while holding such office, shall not hold any other office or position of employment, or be an officer or employee of any public or private school, or a public or private college, university, or other institution of higher education. The superintendent may, in the conduct of the superintendent’s official duties, travel within or without the state, and the superintendent’s necessary and actual expenses therefor when properly verified shall be paid by the state. No one who is interested financially in any book publishing or book selling company, firm, or corporation, shall be eligible to appointment as superintendent of public instruction. If a superintendent becomes interested financially in any book publishing or book selling company, firm, or corporation, said superintendent shall forthwith be removed from office by the state board. The interest of a person as author of a book shall not be improper, provided such book is not one offered for use by pupils in the public schools of Ohio.
Effective Date: 03-30-1999
Ohio Constitution Article VI, Section 4 requires the office of Superintendent of Public Instruction who must be appointed by the State Board of Education. But neither the Constitution or statute speaks to professional qualifications. Statutory law does provide some qualifications but not professional qualifications. Ohio Revised Code section 3301.08 states.

Tennessee
The chief state school officer is the Commissioner of the Department of Education. The only qualifications are cited in TCA 4-3-802(b). Here's the relevant statutes:

Tennessee Code Annotated 4-3-802. Commissioner Qualifications Appointment.  
(a) The chief executive officer of the department of education shall be the commissioner of education.  
(b) The commissioner shall be a person of literary and scientific attainments and of skill and experience in school administration. The commissioner shall also be qualified to teach in the school of the highest standing over which the commissioner has authority.  
(c) The commissioner shall be appointed by the governor.  
http://www.tn.gov/education/AboutCommissioner.shtml

Vermont
16 V.S.A. § 211(a) states in part: "Subject to the approval of the governor, the state board shall employ a competent executive officer who shall have had special training and experience in educational work."

Washington
The Superintendent of Public Instruction is a Constitutionally-established elected statewide official. As such, the only qualifications are to be a US Citizen and be a qualified voter (18 years or older and have lived in the state for the 30 days preceding the election.)

West Virginia
§18-3-1. Appointment; qualifications; compensation; traveling expenses; office and residence; evaluation. 
  There shall be appointed by the state board a State Superintendent of Schools who shall serve at the will and pleasure of the state board. He or she or she or she shall be a person of good moral character, of recognized ability as a school administrator, holding at least a master's degree in educational administration, and shall have had not less than five years of experience in public school work. He or she or she or she shall receive an annual salary set by the state board, to be paid monthly: Provided, That the annual salary may not exceed $146,100: Provided, however, That after June 30, 2006, the annual salary may not exceed $175,000. The state superintendent also shall receive necessary traveling expenses incident to the performance of his or her duties to be paid out of the General School Fund upon warrants of the State Auditor. The state superintendent shall have his or her office at the state Capitol. The state board shall report to the Legislative Oversight Commission on Education Accountability upon request concerning its progress during any hiring process for a state superintendent. 
  The state board annually shall evaluate the performance of the state superintendent and publicly announce the results of the evaluation.

Wisconsin
http://www.dpi.state.wi.us/sprntdnt/biography.html