



WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE May 20, 2026

TO Members, Joint Education Interim Committee

FROM Tania Hytrek, Operations Administrator
Ashley Phillips, Legislative Editor

SUBJECT History of State Education Agencies' Statutory Duties and Powers

INTRODUCTION

As part of the Joint Education Interim Committee's (Committee) Priority #4, State Administrative Review, the Legislative Service Office was requested to provide a review of the roles of state education agencies in administering K-12 public education in Wyoming. The Committee undertook a similar effort in 2014, resulting in a report on education governance by Cross & Joftus.¹ Further, the Management Audit Committee conducted a program evaluation of education governance in 2005.²

This memorandum provides a high-level overview of the constitutional and statutory framework governing state educational administration in Wyoming, including the historical development of the State Superintendent of Public Instruction (State Superintendent), the State Board of Education (SBE), the Wyoming Department of Education (WDE), the Professional Teaching Standards Board (PTSB), and the Wyoming Charter School Authorizing Board (WCSAB). The memorandum also summarizes how the Legislature has historically allocated administrative, policymaking, and oversight responsibilities among these entities. Excluded from this memorandum is an overview of the state agencies administering the laws pertaining to K-12 public education school buildings and facilities, currently administered by the State Construction Department and School Facilities Commission.

CONSTITUTIONAL PROVISIONS

There are a handful of provisions in the Wyoming Constitution that address the administration of public education in the State:

- Article 4, Section 12 of the Wyoming Constitution addresses state officers in general, stating: "[t]he powers and duties of the secretary of state, . . . state auditor, treasurer, and superintendent of public instruction shall be as prescribed by law."
- Article 7, Section 14 of the Wyoming Constitution provides: "[t]he general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law."

¹ Nancy Doorey, *Report to the Wyoming Legislature on Education Governance: Laying the Foundation for a Strong Future* (Cross & Joftus Nov. 25, 2014). <https://wyoleg.gov/InterimCommittee/2014/04Rpt1210Appendix3.pdf>

² Management Audit Committee, *State-Level Education Governance* (Wyoming Legislative Service Office December 2005). <https://wyoleg.gov/progeval/REPORTS/2005/WDE/TotalDocument.pdf>

- Article 7, Section 11 prohibits the Legislature or the State Superintendent from prescribing textbooks, stating: "[n]either the legislature nor the superintendent of public instruction shall have power to prescribe text books to be used in the public schools."

These are the only provisions of the Wyoming Constitution that specifically address the authority of the State Superintendent. The State Superintendent is entrusted with the general oversight of the schools, but that power is exercised within the Legislature's overarching authority to enact "laws for the establishment and maintenance of systems of public schools."³ The Wyoming Constitution provides that the Legislature has the discretionary power to enact education-related laws, including the creation of a state agency to carry out certain educational functions, if necessary.⁴

HISTORY OF LEGISLATIVE ENACTMENTS

Substantial developments in the administration of K-12 education in Wyoming have occurred in three separate instances. The SBE and the WDE were both established in 1919; the PTSB was created in 1993; and, most recently, the WCSAB was established in 2023. There have also been changes to public education outside those years, notably in 2013, when the position of director of the WDE was created, and many of the State Superintendent's duties were transferred to the new director.⁵ These changes were subsequently undone in 2015 in response to a 2014 Wyoming Supreme Court ruling.⁶

State Superintendent, State Board of Education, and Wyoming Department of Education

The duties of the State Superintendent date back to at least 1876, thirteen years before Wyoming's Constitutional Convention. Under the territorial laws, the State Superintendent's duties included general supervision of schools in the territory, filing paperwork submitted by the school districts, keeping a record of the State Superintendent's business, printing necessary forms, reporting to the Legislature, and issuing certificates to teachers.⁷ The duties of this position remained virtually the same by legislative prescription for the next forty-three years. It wasn't until 1919 that the substance of the State Superintendent's duties changed with the creation of the SBE by the Wyoming Legislature. Since its inception, the SBE's duties have been more focused on policy creation, leaving the State Superintendent with more ministerial-type functions. In the enacting legislation creating the SBE, the SBE was charged with prescribing "policies of educational administration throughout the State"⁸ and standards for the general course of study, the selection of material for course reading, and the prescription of standards for the certification of teachers.⁹

In the same year, 1919, the Legislature created the WDE to support the State Superintendent's administrative functions,¹⁰ and the State Superintendent serves as the "administrative head and chief executive officer" of the WDE.¹¹ Under the direction of the State Superintendent, the WDE administers

³ Wyo. Const. Art. 21, § 28.

⁴ Wyo. Const. Art. 7, § 1.

⁵ 2013 Wyo. Sess. Laws, Ch. 1.

⁶ 2015 Wyo. Sess. Laws, Ch. 30 was enacted after the Wyoming Supreme Court ruled that 2013 Wyo. Sess. Laws, Ch. 1, was unconstitutional because it deprived the State Superintendent of the power of "general supervision of the public schools" as provided under Wyo. Const. Art. 7, § 14. See *Powers v. State*, 2014 WY 15, 318 P.3d 300 (Wyo. 2014); *Powers v. State*, No. 180-673 (1st Jud. Dist. Ct. Apr. 18, 2014).

⁷ C.I. 1876, Ch. 103.

⁸ C.S. 1920, § 2331.

⁹ *Id.*

¹⁰ C.S. 1920, § 2328.

¹¹ W.S. 21-1-201.

school finance distributions, statewide accountability systems, federal education programs, statewide educational data systems, and various statutory education programs.¹²

Over the past century, aside from the brief time the WDE was ran by a director from 2014 through 2015, little has changed in the statutory scheme governing the division of duties in the State's educational system. The State Superintendent, and by extension the WDE, is still largely responsible for collecting, maintaining, and disseminating information and carrying out and implementing the policies set out by the SBE.¹³ The SBE is still charged with a multitude of educational policy duties, including setting the standards for graduation, diplomas, assessment, accreditation, and accountability.¹⁴ However, the Legislature has amended the roles of the State Superintendent and the SBE due to the increasing role of the federal government in education and the implementation of associated programs. Federal legislation and court actions have required the State to play an ever-increasing role in the oversight of and provision for educational services statewide. As a result, the Legislature has, over time, shifted certain duties between the State Superintendent and the SBE, but in general, the State Superintendent remains largely responsible for ministerial functions associated with carrying out the policies enacted by the SBE.

Professional Teaching Standards Board

The PTSB was created by the Legislature in 1993. Prior to this legislation, the SBE was charged with certifying teachers.¹⁵ Initially, members of the PTSB were appointed at the sole discretion of the State Superintendent; though this responsibility was split with the Governor in 2013.¹⁶ The PTSB has been a separate and distinct statutory entity since its inception, and its composition has not been amended since that time. Furthermore, the original responsibilities entrusted to the PTSB remain largely the same, with some revisions including the addition of requirements regarding felony status and background checks; certain exemptions to certification; restricting licenses in accordance with court orders; expanding teaching opportunities for business instructors;¹⁷ and reporting requirements.¹⁸

Wyoming Charter School Authorizing Board

Prior to the 2021 General Session, charter schools could only be authorized by a school district board of trustees. The first iteration of charter school statutes¹⁹ was repealed and rewritten in 2001, establishing a more formal structure while leaving the school districts' approval process largely unchanged.²⁰ The charter school statutes underwent substantial changes again in 2021, by allowing the State Loan and Investment Board (SLIB) to authorize three charter schools after WDE review. As part of a pilot program for state-authorized charter schools, additional charter schools could not be approved without further legislative action.²¹

In 2023, the Legislature established the WCSAB as a dedicated entity through which prospective charter schools could apply directly to the WCSAB for a charter rather than through a local school district.²² WCSAB was charged with overseeing the existing charter schools approved by the SLIB and was granted

¹² W.S. 21-2-104; W.S. 21-2-202; W.S. 21-2-304.

¹³ W.S. § 21-2-202.

¹⁴ W.S. § 21-2-304.

¹⁵ 1993 Wyo. Sess. Laws, Ch. 217.

¹⁶ 2013 Wyo. Sess. Laws, Ch. 1, § 2

¹⁷ 1999 Wyo. Sess. Laws, Ch. 188

¹⁸ 2011 Wyo. Sess. Laws, Ch. 185.

¹⁹ 1995 Wyo. Sess. Laws, Ch 203.

²⁰ 2001 Wyo. Sess. Laws, Ch. 207.

²¹ 2021 Wyo. Sess. Laws, Ch. 169.

²² 2023 Wyo. Sess. Laws, Ch. 179.

authority to approve one additional charter school.²³ Since then, WCSAB's approval authority has expanded, and it may now approve and oversee any number of charter schools. WCSAB has an executive director position and is further supported by the State Superintendent and the WDE through a staff liaison who provides administrative support.²⁴

CONCLUSION

Wyoming's current system for administering K-12 public education is the product of more than a century of legislative development and constitutional interpretation. Although the Wyoming Constitution entrusts the State Superintendent with the "general supervision" of public schools, the Legislature has historically exercised broad authority to define, by statute, the structure, powers, and duties of state education entities within those constitutional limits. As a result, the administration of public education in Wyoming has evolved into a system in which policymaking, implementation, professional regulation, and charter school authorization responsibilities are divided among several distinct entities.

Since the creation of the SBE and the WDE in 1919, the statutory framework has generally maintained a distinction between policy-oriented functions and administrative or ministerial responsibilities. Over time, the Legislature has refined that framework in response to changing educational needs, federal requirements, litigation, and emerging governance models, including the creation of the PTSB in 1993 and the WCSAB in 2023. Although the responsibilities and authority of these entities have expanded, the overall structure reflects a consistent legislative approach to distributing educational oversight among specialized agencies with distinct statutory roles.

Please let advise if you have any questions or require further information.

²³ *Id.*

²⁴ *Id.*