

School District Governance Models And Interventions

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Foreword

Local school boards play a central role in governing each of Kentucky’s 171 school districts. This study reviews the role of school boards relative to the Kentucky state board of education and other governance structures in the commonwealth. It also compares Kentucky to other states with regard to their laws governing state and local boards. Finally, the study reviews national efforts to reform or intervene in local district governance, describing outcomes of these efforts and lessons learned.

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Summary

Local school boards play a central role in governing Kentucky's 171 school districts and the over 13,000 school districts that exist across the nation. These boards have wide-ranging powers related to district finances; property; staff salaries; and policies related to staff, student instruction, and student discipline. School board members in Kentucky are locally elected, as they are in the overwhelming majority of school districts across the nation.

Local boards have been praised as hallmarks of democracy, responsible for ensuring that public education is responsive to community values and needs and accountable to local taxpayers. Nationwide, local boards have also come under criticism by parents, policymakers, and other stakeholders unhappy with educational quality, costs, or outcomes.

This study places local board governance in Kentucky in a national context by:

- reviewing Kentucky laws pertaining to local school boards and the state school board and comparing them to those in other states; and
- reviewing state policies and reform efforts related to local district governance, including results of those efforts and lessons learned.

The study aims to provide context to understanding governance of local districts in the commonwealth compared with the nation and does not make recommendations.

Overall, the study finds that Kentucky laws relevant to local school boards and the state school board are similar to those in most states. However, states differ in some areas, such as methods of selecting state school board members. Related to governance reforms, the study finds that Kentucky law permits state intervention in local districts but does not have some policies that affect governance in other states. These include: incentives for very small districts to consolidate; authority of local voters to secede from existing districts and form new districts; mayoral control of local boards; or market driven local governance approaches. The study finds that these policies in other states have achieved intended results in some cases but have not proven effective or have faced challenges in others.

Organization Of The Report

The report is organized as follows:

Chapter 1 provides background to the study methods and goals and information on the size and number of school districts in the United States over time. It also summarizes governance-related concerns and reviews research on effective governance models.

Chapter 2 describes Kentucky laws that govern local school boards and places them in the context of general education governance laws in the Commonwealth. The chapter also compares Kentucky's local and state school board laws with those in other states.

Chapter 3 reviews research related to state policies that result in governance changes, summarizing potential benefits as well as potential pitfalls and implementation challenges.

Major Findings

Kentucky State And Local Board Law Compared With Other States

In Kentucky, as in most states, school board members are elected by local voters and serve 4-year terms. In a minority of states, school board members in some districts are selected through other means, such as mayoral appointments. Kentucky's laws governing the state school board are largely consistent with those in most states, though states vary in their methods of selecting the commissioner of education and in the number of school board members.

State Policies Related To District Size

Consolidation. Very small school districts are generally more costly to operate than other school districts and may not offer the range of instructional options that are available in larger districts. Roughly 15 states have policies that encourage the consolidation of small districts and a few have previously mandated consolidation of very small districts. Research suggests that consolidation typically results in long-term savings in operational costs. However, local communities are often opposed to consolidation because they value the close relationships found in smaller districts and the geographic proximity to students' homes.

Deconsolidation. Roughly half of states have laws permitting local communities to secede from their existing districts and form new ones, although most states have restrictions on the conditions necessary for secession. Since 2000, approximately 40 communities have opted to secede. Supporters often express a desire to improve outcomes through greater local control. Critics contend that district secession increases racial and economic segregation. In some states, lawmakers have proposed legislation to split up large urban districts into smaller ones; those proposals have not been finalized into law, and during discussion legislators have noted a variety of considerations.

State Policies Related To Board Authority

State Intervention. Like most states, Kentucky laws permit the state department of education to take over local school districts and remove governance authority from local boards. Nationwide, state interventions are initiated most often due to financial concerns (75 percent) though academic concerns are common (50 percent). Intervention models vary, ranging from appointment of state management personnel, such as in Kentucky, to active implementation of specific school reform models, such as the intervention currently being undertaken by the Texas Education Agency in Houston. Research suggests that, overall, state takeover can lead to improvements in some aspects of districts' fiscal health but, on average, does not lead to improvements in student achievement.

Mayoral Control. Currently, 11 large city districts in nine states are under mayoral control, including New York City, Boston, and Washington, DC. In these cities, most or all board members are appointed by the mayor. Mayoral control became popular in the 1990s as a way of addressing concerns about student achievement and inefficiencies in large city school districts. Effects of this model have been mixed and mayoral control has been phased out in a number of cities including, most recently, Chicago.

Charter Schools and Portfolio Models. Local board governance of charter schools differs from traditional public schools. Charter schools are not under direct control by local boards and have more discretion than traditional public schools to pursue strategies that would not be permitted under some existing laws and regulations. In Kentucky and some other states, local boards have the authority to authorize and revoke charters. Some advocates of market-driven educational approaches have proposed a local board governance model in which boards step back from direct governance and act as “portfolio” managers overseeing a variety of school options that include both traditional public schools and charter schools. Outcomes associated with the portfolio model generally are difficult to study as it varies among districts and is linked with other policies such as charter schools, mayoral control, or state intervention. OEA is not aware of any comprehensive research on the effects of the portfolio model.

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Chapter 1

Introduction And Overview

Introduction

Local school districts are governed most immediately by local school boards with wide-ranging powers.

Local school districts exist in a complex web of state, federal, and local policies but are governed most immediately by local school boards. These boards have wide-ranging powers that address issues such as budgets; local tax rates; local policies related to curriculum, instruction, and property; staff salary schedules; and contracts/evaluations of the district superintendent who is responsible for the day-to-day management of school districts.

Local boards have been praised as democratic bodies responsive to community needs, and criticized by those unhappy with educational quality, costs, or outcomes.

Local boards have been praised as hallmarks of democracy, responsible for ensuring that public education is responsive to community values and needs and accountable to local taxpayers. Local boards have also come under criticism by parents, policymakers, and other stakeholders unhappy with educational quality, costs, or outcomes.

Laws affecting school district governance vary across states.

Laws affecting school district governance vary across states, with each state legislature enacting different laws regarding the creation and composition of local school boards; the jurisdictions of school districts; and the power of states to remove governance authority from local boards under certain conditions.

This report reviews state laws related to local and state board governance and attempts to address governance concerns.

This report reviews state laws related to governance of local and state boards and describes attempts by state and local policymakers to address governance-related concerns.

Kentucky's state and local board laws are similar to most other states. States have taken a variety of approaches to address governance concerns.

Overall, the study finds that most of Kentucky's laws related to state and local boards are similar to those in the majority of states. The report also finds that states' have attempted a variety of strategies to address governance concerns. These governance reforms include:

- consolidation of very small districts;
- deconsolidation of larger districts;
- mayoral control; and
- state takeovers of local districts.

Reforms have achieved intended results in some cases. No particular strategy has proven effective overall, however, or has come without challenges.

Description Of Study

The Education Assessment and Accountability Review Subcommittee directed the Office of Education Accountability (OEA) to conduct research on school district governance models and interventions.

The Education Assessment and Accountability Review Subcommittee directed the Office of Education Accountability (OEA) to conduct research on school district governance models and interventions by

- reviewing school district governance models used across the US, taking into account factors such as range of district configurations, district size, district setting (for instance, urban or rural), school choice opportunities, and population characteristics; and
- reviewing state intervention models considering reasons for intervention, models implemented, and results.

The report also reviews policy initiatives that have attempted to address perceived shortcomings of local school board governance.

Data Used For This Study

Staff analysis of state statutes, data from the National Center for Education Statistics, research reports, news articles, and government websites informed this report.

Findings reported in this study are based primarily on staff analysis of state statutes, data from the National Center for Education Statistics, research reports, news articles, and information from government websites.

Major Findings

Almost half of school districts in the United States enroll 1,000 or fewer students. Large districts of 25,000 or more represent more than one-third of the country's students. Compared with the nation, Kentucky has a smaller percentage of very small or very large districts.

Number Of Districts. As of 2022, there were 13,318 local school districts in the United States. Almost half were small districts enrolling 1,000 or fewer students; these districts enrolled only approximately 6 percent of public-school students. Although large districts of 25,000 or more were only 2 percent of all districts, they enrolled more than one-third of the nation's students. Compared with the nation, Kentucky has a smaller percentage of districts that are either very small or very large.

Kentucky state laws related to local school boards are similar to those in most other states.

Laws Governing Local Boards. Kentucky state laws related to local school boards are similar to those in most other states in that they require school board members to be elected and serve 4-year terms. Local board laws can vary by district size, with some states allowing for more board members in larger districts. Laws related to selection of board members vary by district type in eight states; of these, some require mayors in larger districts to appoint some or all board members.

Kentucky state laws related to state school boards are similar to those in most other states.

Laws Governing State Boards. Kentucky state laws related to selection of state board members, state board terms, and selection

Perceived challenges of education governance include fiscal inefficiencies of very small districts; low student achievement in large districts; and general concerns about complexity, lack of accountability, and failure to represent community interests.

Governance reforms have focused on district size, centralization, or school choice.

Consolidation is incentivized in roughly 15 states and recently mandated in a few. Research indicates financial benefits of very small district consolidation, as well as tradeoffs.

District succession is permitted in roughly half of states, with varying restrictions. Advocates cite local control while opponents cite racial and economic segregation.

Citing a variety of concerns, policymakers in some states have attempted to deconsolidate large districts. These efforts have not been finalized into law and have identified issues for consideration.

State takeovers are permitted in most states, including Kentucky. Research suggests that takeover may have financial benefits but, on average, does not improve student achievement.

of state board chairs are similar to those in most states. States vary more in methods of selecting the commissioner of education and in the number of board members.

Governance Concerns. Policymakers and other stakeholders have criticized education governance in the United States as ineffective and inefficient due to a number of perceived challenges, such as

- fiscal inefficiencies of very small districts;
- low student achievement in large districts; and
- general concerns about complexity, lack of accountability, and failure to represent community interests.

Governance reforms have included those focused on district size, increased centralization through state intervention or mayoral control, or introduction of school choice and market forces.

Consolidation of Small Districts. Roughly 15 states have policies that incentivize small districts to consolidate, and a few have recently mandated consolidation. Kentucky permits but does not incentivize or mandate school district consolidation. Research on school district consolidation indicates long-standing financial benefits related to consolidation of very small districts, though capital costs may increase in the short term. Research has also identified tradeoffs of consolidation including loss of close personal and community connections that can benefit students, parents, and educators in small districts.

District Deconsolidation. Since 2000, approximately 40 communities have seceded from their districts to form separate districts. Roughly half of states have legal provisions that allow for district secession, though restrictions associated with secession vary widely. Advocates of district secession most often cite a desire for local control, whereas opponents argue that district secession will increase racial and economic segregation.

Policymakers in some states have attempted to mandate deconsolidation of large districts. These efforts, which have not been finalized into law, cite a variety of concerns associated with achievement, management, efficiency, and responsiveness to local communities. Deconsolidation efforts have identified issues for consideration associated with logistical challenges, equity concerns, and community opposition. To OEA's knowledge, no legislation mandating such deconsolidation has passed.

State Takeover. Like Kentucky, most states have laws permitting stake takeover of local school districts. Districts are most

commonly taken over based on fiscal (75 percent) or academic (50 percent) concerns, though some takeovers (37 percent) are due to other issues, such as mismanagement or noncompliance. Research suggests that, on average, student achievement gains in districts that have been taken over are not greater than gains in nontakeover districts. Takeover is, however, associated with improvements in some measures of district fiscal health.

School District Jurisdictions And Size

School District Jurisdictions

School district jurisdictions vary among states, depending on state laws, local voter input, and sometimes judicial intervention.

School district jurisdictions vary considerably among states. They are determined through a combination of state laws, local voter input, and, in some cases, judicial intervention.^{a 1}

In Kentucky, school districts are defined by counties and historically existing independent districts.

Kentucky law stipulates that school districts be defined by counties, with the exception of independent districts, which are historically existing public school districts that have elected to remain separate from the county districts. Jurisdiction areas in other states vary, from the state of Hawaii, which is its own district; to Florida, which requires school districts to be based exclusively on its 67 counties; to New Jersey, which has roughly 600 districts because it allows towns, cities, townships and villages to form their own districts.²

In addition to geographic jurisdictions, some school districts are configured for special populations, such as those serving native American students and governed by tribal authorities.³ Tennessee's Achievement School District is a statewide district comprised of schools identified for Comprehensive Support and Improvement by federal law.⁴

Step Decreases In The Number Of School Districts Over Time

The number of school districts in the United States has dropped steeply over time.

In the last one hundred years, the number of school districts in the United States has dropped steeply. In 1940, there were 117,108 public school districts. This number dropped by more than half by 1960, when there were 40,520 districts, and by more than half again by 1971, with 17,995 districts. Decreases after 1971 were more gradual.⁵ By 2022, there were 13,318 public school districts.

^a For example, Louisville public schools merged with Jefferson County Public Schools in 1975, in order to implement a plan to meet desegregation orders of the 6th Circuit Court of Appeals.

Between 1980 and 2022, the number of school districts with 300 or fewer students decreased and the number of large districts with 25,000 or more students increased.

Table 1.1 shows the number of public school districts and number of students in the United States by district size for select years from 1980 to 2022.^b Decreases in the number of school districts during those years were explained primarily by steep drops in the number of school districts with fewer than 300 students. During that same period, the number of larger districts—those enrolling 25,000 or more—increased.

In 2022, small districts with 1,000 or fewer students accounted for 47 percent of districts and 6 percent of public school students. Large districts with 25,000 or more students accounted for 2 percent of districts but one-third of public school students.

As of 2022, almost half of school districts (47 percent) were still relatively small, enrolling fewer than 1,000 students. Together, however, these small districts enrolled only 6 percent of public school students. In 2022, large districts enrolling 25,000 or more were still only 2 percent of all districts but enrolled more than one-third (34.3 percent) of public school students.

**Table 1.1
Number Of US Public School Districts And Students
1980 To 2022**

Year	Total	Enrollment						
		25,000 Or More	10,000 To 24,999	5,000 To 9,999	2,500 To 4,999	1,000 To 2,499	300 To 999	1 To 299
Districts								
1980	15,944	181	478	1,106	2,039	3,475	4,139	4,223
1990	15,367	179	479	913	1,937	3,547	4,084	3,910
2000	14,928	238	579	1,036	2,068	3,457	3,895	3,298
2010	13,625	284	598	1,044	1,985	3,242	3,641	2,707
2020	13,349	288	614	1,027	1,866	3,234	3,672	2,532
2022	13,318	266	610	996	1,854	3,185	3,732	2,558
Students								
1980	41,882,000	11,415,000	7,004,000	7,713,000	7,076,000	5,698,000	2,455,000	521,000
1990	40,069,756	11,209,889	7,107,362	6,347,103	6,731,334	5,763,282	2,400,057	510,729
2000	46,318,635	14,886,636	8,656,672	7,120,704	7,244,407	5,620,962	2,337,407	451,847
2010	48,021,335	16,788,789	9,053,144	7,265,111	7,034,640	5,266,945	2,216,450	396,256
2020	47,973,533	17,132,593	9,279,509	7,143,222	6,593,351	5,210,502	2,232,505	381,851
2022	46,395,290	15,917,377	9,291,454	6,909,401	6,511,272	5,110,369	2,269,820	385,597

Note: District numbers do not sum to totals shown because size was not reported in 303 districts in 1980, 318 districts in 1990, 357 districts in 2000, 124 districts in 2010, 116 districts in 2020, and 117 districts in 2022.

Source: National Center for Education Statistics, Common Core of Data.

Compared with the nation, Kentucky has fewer districts with less than 1,000 students and fewer district with over 25,000 students. In 2022, Kentucky's largest school district ranked 30th largest in the nation.

School District Size In Kentucky Versus Nation. Compared with the nation, Kentucky has a smaller percentage of school districts that enroll fewer than 1,000 students (21 percent) and a smaller percentage of districts enrolling over 25,000 students (roughly 1 percent). In 2022, Kentucky's largest school district, Jefferson County Public Schools (JCPS), ranked 30th largest in the nation.^{c 6}

^b This report refers to school years by the calendar year in which the school year ends. For example, school year 1979-1980 is referred to as 1980.

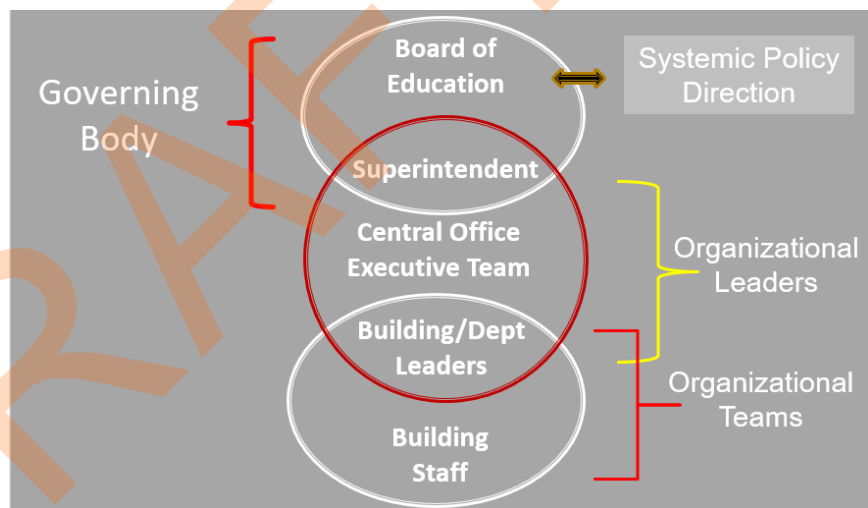
^c Based on fall 2021 enrollment.

District Governance

School board governance creates a framework for how district decisions are made. Governance decisions can involve many layers within a district.

School board governance creates a framework for how district decisions are made. This includes defining expectations and creating roles and responsibilities so it's clear who is accountable for what and to whom. While this may sound simple, decisions can involve many layers in the district from the board of education to the building leaders. It includes many organizational leaders and organizational teams. Figure A shows the many layers within a local school district that are involved in governance.

Figure 1.A
District Governance Relationships



Source: Staff summary of district staff involved in governance.

District governance is systemically directed by the local board of education. Local boards are the primary focus of policies and research related to local governance.

While the superintendent and district administrative teams make key operational decisions on a day-to-day basis, school district governance is systemically directed by the local board of education. Research and policy related to district governance are focused primarily on local boards of education. Local boards are the primary focus of the policies and research reviewed in this report.

Relationship Between Board Governance And Effectiveness

Local board governance concerns are longstanding, but research does not indicate clearly effective models of local board governance.

Concerns about local board governance are longstanding, but education research has not yielded clear lessons about particular models of governance that are effective. As noted by editors of a 2018 Brookings Institution review of education governance in the United States, there exists no “ideal governance arrangement that, if adopted, will automatically propel American schools and students to higher levels of performance. As in any complex area, panaceas do not exist.”⁷

Local board governance reforms are complicated by various and sometimes competing goals in education.

A recent comprehensive review for the governor and legislature in New York reached the same conclusion. Complicating research related to local board governance are the variety of goals that are valued in education, including student outcomes, equitable distribution of resources, and community representation or engagement.⁸ A reform that shows some success at improving student achievement, for example, may be unpopular with local communities who feel that other community values are compromised.

Research indicates that effective school boards share certain characteristics, mostly related to unification of stakeholders and programming elements through the educational structure.

Best Practices. While research on governance models has been inconclusive, a growing body of research has identified operational practices of higher-performing boards. Summarizing results of these studies, a National School Boards Association publication identified eight characteristics of effective school boards:

- Common vision and clear goals related to student achievement and instruction
- Shared beliefs and values about the potential for high achievement of students and educational systems
- Focus on accountability for outcomes more than operations
- Collaborative relationships and strong communication with staff and community stakeholders
- Use of data to drive improvement
- Alignment of resources to meet district goals
- Team orientation, collaboration and trust among board members and superintendent
- Team development and training, often together with superintendents, to build knowledge and commitment to improvement efforts.⁹

Similarly, research indicates that best practices rather than particular governance structures distinguish effective districts.

Similarly, best practices identified by the Council of Great City School Officers in effective large, urban districts did not include particular governance structures but rather stable, effective district

leadership practices. These included consistent academic and instructional expectations; support and accountability for personnel; support for struggling students and schools; and scaled systems. As relevant to local school boards, the report also noted that the higher-performing districts benefited from community investment and engagement, including support from local foundations, businesses, and higher education institutions. See Appendix A for additional detail.

Governance Concerns

For over a century, policymakers and other education stakeholders have identified concerns about district governance. These concerns include fiscal inefficiency of small districts, concerns about student achievement in large districts, and general concerns that school boards add a layer of governance that is not necessarily responsive to community concerns.

Very Small Districts

Researchers concur that very small districts are more costly and less efficient to operate.

Inefficiencies Associated With Small District Size. Researchers concur that, due to inefficiencies beyond administrators' control, very small districts are more costly and less efficient to operate. In very small districts, fixed costs such as building operation and administrator salaries must be spread over a smaller number of students, leading to higher per-pupil expenditures than in larger districts. Researchers generally agree that diseconomies of scale exist in districts enrolling 1,000 or fewer students.¹⁰

Economies of scale increase with district size but benefits diminish as size increases. There is no agreed upon ideal district size for maximum efficiency.

Efficiency Benefits Level Off As District Size Increases. Researchers also agree that economies of scale increase with district size but that benefits diminish as district size increases. Researchers do not agree, however, on the ideal district size that constitutes maximum efficiency. Factors such as district density or the number of schools in the district can also affect calculations. Some have noted that school district costs increase as enrollment exceeds a certain size. In many large districts, these findings may reflect, in part, costs associated with urban locations. For example, wages may be higher in urban locations than in rural ones.^d OEA is not aware of a body of research that takes these costs into account and demonstrates diseconomies based on large district size alone.

^d See, for example, Michael Griffith. "In Education Funding, Size Does Matter." Education Commission of the States, Aug. 2017.

Research on the relationship between school district size and student achievement is inconclusive because many factors contribute to outcomes.

Effectiveness. Research on the relationship between school district size and student achievement is inconclusive. It is difficult to isolate the effects of school size versus district size. Although students in small districts may not have the array of curricular options or staff services available to students in larger districts, they may benefit from smaller class sizes and support of educators with close ties to the community.^{e 11}

Large Urban Districts

Public criticisms of large urban districts focus on low academic achievement, noting governance challenges and questioning effectiveness of local school boards.

In the last few decades of the 20th century, policymakers and other educational stakeholders began to focus on concerns about large urban districts. Often citing sustained low achievement, critics noted governance challenges and raised questions about accountability, effectiveness, and representativeness of local school boards. Many of the governance reforms described in Chapter 3—mayoral control, district deconsolidation, state takeovers, and market-driven “portfolio” management approaches—have been implemented in response to these concerns.

Appendix B shows that most urban school districts have lower student achievement than the states in which they are located.

Academic Achievement In Large Urban Districts. As shown in Appendix B, the overwhelming majority of urban school districts participating as separate jurisdictions in the National Assessment of Educational Progress have student achievement that is substantially lower than the average achievement of the states where they are located.

The degree to which low student achievement in large urban districts reflects district practices versus student demographic trends is difficult to determine. Students in large districts, on average, are disproportionately from student demographic groups with relatively low academic achievement.

Evaluating Academic Effectiveness Of Large Districts. The degree to which low student achievement in large urban districts reflects district practices versus student demographic trends is difficult to determine. Students in large districts, on average, are disproportionately from student demographic groups with relatively low academic achievement.

For example, Table 1.2 shows data compiled by the Council of the Great City Schools (CGCS) for the large city districts that

^e Research reviewed in Chapter 3 provides additional information. In addition, OEA’s 2023 report, *Effectiveness And Efficiency Of Kentucky School Districts*, noted that student academic achievement in Kentucky’s small districts vary greatly. Among Kentucky’s small districts are those with the highest and the lowest impact on student achievement, taking student demographics into account. The report noted, however, that small district size may have a detrimental effect on student achievement in those small districts whose revenue is insufficient to mitigate the inefficiencies of scale. This is especially true for small districts in competitive labor markets that may be unable to compete with surrounding districts in teacher salaries.

participated in the National Assessment of Educational Progress (NAEP) Trial Urban District Assessment (TUDA) in 2019. Compared to all other schools, large-city TUDA districts had higher percentages of black students, Hispanic students, students who receive free or reduced-price lunch (FRPL), and English language learner students. On average, student achievement in these demographic groups is lower than the national average and lower than average student achievement in every state. In addition, TUDA districts had lower percentages of students whose parents graduated from college; academic achievement of students with college-educated parents exceeds national averages.

Table 1.2
Demographics Of Students In Large-City Schools And All Other Schools
NAEP 4th- And 8th-Grade Mathematics Sample
2019

Student Demographic Characteristics In Percentages	4 th Grade		8 th Grade	
	Large-City School	All Others	Large City School	All Others
Black	24%	13%	24%	12%
Hispanic	44	23	45	22
White	19	53	19	55
Free or reduced-price lunch	68	47	66	43
English language learners	20	10	13	6
Special education	14	14	13	13
Parent did not finish high school	n/a	n/a	10	6
Parent graduated high school	n/a	n/a	16	13
Parent graduated college	n/a	n/a	43	57

Source: Michael Casserly et al. "Mirrors Or Windows: How Well Do Large City Public Schools Overcome The Effects Of Poverty And Other Barriers?" Council Of The Great City Schools. June, 2021.

A study by the Council of Great City Schools found that large city schools, on average, performed better on NAEP than would be expected given their student composition but that performance varied substantially among particular districts.

The CGCS conducted a study to isolate the apparent impact of large-city school districts on student achievement by determining whether districts were performing at, above, or below anticipated levels after adjusting for demographic characteristics. The study also sought to determine how student performance in large urban districts compared with that in other districts.^f The study found that large-city schools, on average, performed better on NAEP than would be expected given their student composition but that performance varied substantially among particular districts. See

^f Researchers used student-level 4th- and 8th-grade NAEP scores, race and ethnicity, special education status, English language learner status, parental education, home literacy materials, school-level free or reduced-price lunch eligibility rates, and school-level census poverty percentage to compare predicted NAEP scores with actual NAEP scores and determine how students in particular large-city school districts were performing compared with those in other large-city school districts. The report also sought to understand how students in large-city school districts were performing compared with similar students in all other public and private schools.

Appendix C for additional detail on the performance of participating districts.¹²

General Concerns About Local School Boards

Some critics contend that local school boards add complexity to school governance without representing community concerns.

Some critics contend that local school boards add complexity to school governance in the United States without accomplishing their stated purpose of representing community concerns. Voter turnout is low in many local board elections, and board seats are often uncontested.^{g 13} Boards may fail to demographically represent the communities they serve. Some contend that large districts are particularly vulnerable to the influence of special interest groups, like teachers' unions, on election outcomes, and that the interests of these groups do not always reflect the wishes of the community.^{h 14}

Proposed solutions include centralized approaches with increased state or federal oversight power or market-driven approaches.

Some critics have called for a wholesale rethinking of school governance in the US, citing the many layers of governance coming from federal, state, and local policies and the need to revisit governance structures generally.¹⁵ Proposed solutions include centralized approaches that increase the power of states or the federal government to set coherent policies and have direct oversight over local schools. Others favor market-driven approaches that minimize government regulation and focus on performance metrics and parent choice.

¹ Allison Ross. "JCPS Desegregation Time Line." *Louisville Courier Journal*. Sept. 3, 2015.

² Matthew di Carlo and Alana Edmond. "School District Fragmentation, Segregation, And Funding Equity In New Jersey." Albert Shanker Institute. Feb. 22, 2024; Kelly Heyboer. "Should Some N.J. School Districts Merge? The State Is Offering Money To Find Out." *NJ.com*. Jan. 23, 2022.

³ US. Department of the Interior. Bureau of Indian Education. "Tribally Controlled Schools." Web.

⁴ Gary Henry et al. "Evaluating The Impact Of Tennessee's Achievement School District: 1st Annual Report To The Walton Family Foundation." We.

^g Data cited by the National School Boards Association indicate fewer than two candidates, on average for every school board seat. Voter turnout for school board elections can be as low as 5 percent.

^h For example, Kogan et al. demonstrated lack of alignment between the racial and other demographic characteristics of those who vote in school board elections and those of the student bodies in many districts, especially those serving primarily non-white students. The American Enterprise Institute noted the tendency of large school districts to favor policy preferences of teachers unions. Wong and Shen noted that "many urban districts are exceedingly ungovernable, with fragmented centers of power tending to look after the interests of their own specific constituencies."

⁵ “Table 2.14.10 Number Of Public School Districts And Public And Private Elementary And Secondary Schools: Selected Years, 1869-70 Through 2018-19.” National Center For Education Statistics. N.d. Web.

⁶ “Table 215.30 Enrollment, Poverty, And Federal Funds For The 120 Largest School Districts By Enrollment Size In 2021: School Year 2019-20 And Fiscal Year 2022.” National Center For Education Statistics. N.d. Web.

⁷ Patrick McGuinn and Paul Manna. “Education Governance In America: Who Leads When Everyone Is In Charge?” Brookings Institution, 2016, p. 3.

⁸ New York. Department of Education. “Mayoral Control Of New York City Schools,” 2024, pp. 7-8, 55-56.

⁹ Center For Public Education. “Eight Characteristics Of Effective School Boards.” National School Boards Association, 2019. Web.

¹⁰ Lori Taylor et al. “Geographic Education Cost Variations And School District Transportation Costs.” Texas Education Agency, 2021. Web.

¹¹ Kentucky. Legislative Research Commission. *Effectiveness And Efficiency Of Kentucky School Districts*, Research Report 485. 2023.

¹² Ibid.

¹³ Jinghong Cai. “The Public’s Voice: Uncontested Candidates And Low Voter Turnout Are Concerns In Board Elections.” National School Boards Association. April 1, 2020. Web.

¹⁴ Vladimir Kogan et al. “Who Governs Our Public Schools?” Brookings Institution, Feb. 2021; Howard Husock. “The Case For Breaking Up Big Urban School Systems.” *American Enterprise Institute*. April 2021. Web; Kenneth Wong and Francis Shen. “Mayoral Governance And Student Achievement: How Mayor-Led Districts Are Improving School And Student Performance.” Center for American Progress. March 2013. Web.

¹⁵ See, for example, Patrick McGuinn and Paul Manna. “Education Governance In America: Who Leads When Everyone Is In Charge?” Brookings Institution, 2016; Michael T. Hartney. “Rethinking School Governance 40 Years After *A Nation At Risk*: From One Best System To Student-Centered Systems.” *The74*. Aug. 12, 2024. Web.

Chapter 2

Governance Models, Kentucky And Nation

Introduction

The governance structure of public schools varies among states, with each state legislature enacting different laws regarding the creation and composition of state and local boards.

The governance structure of public schools varies among states, with each state legislature enacting different laws regarding the creation and composition of state and local boards. These laws determine whether the boards are elected, selected, or appointed; for appointed boards, the laws specify the appointing authority and approval process, which may involve the legislature, governor, or another entity.

State and local governing boards provide oversight at their respective levels rather than day-to-day management.

Educational governing boards provide oversight rather than day-to-day management. State boards typically oversee statewide operations, while local boards are responsible for district-level operations as carried out by the superintendent.

This chapter summarizes and describes education government functions at the state and local level, and compares Kentucky to other states.

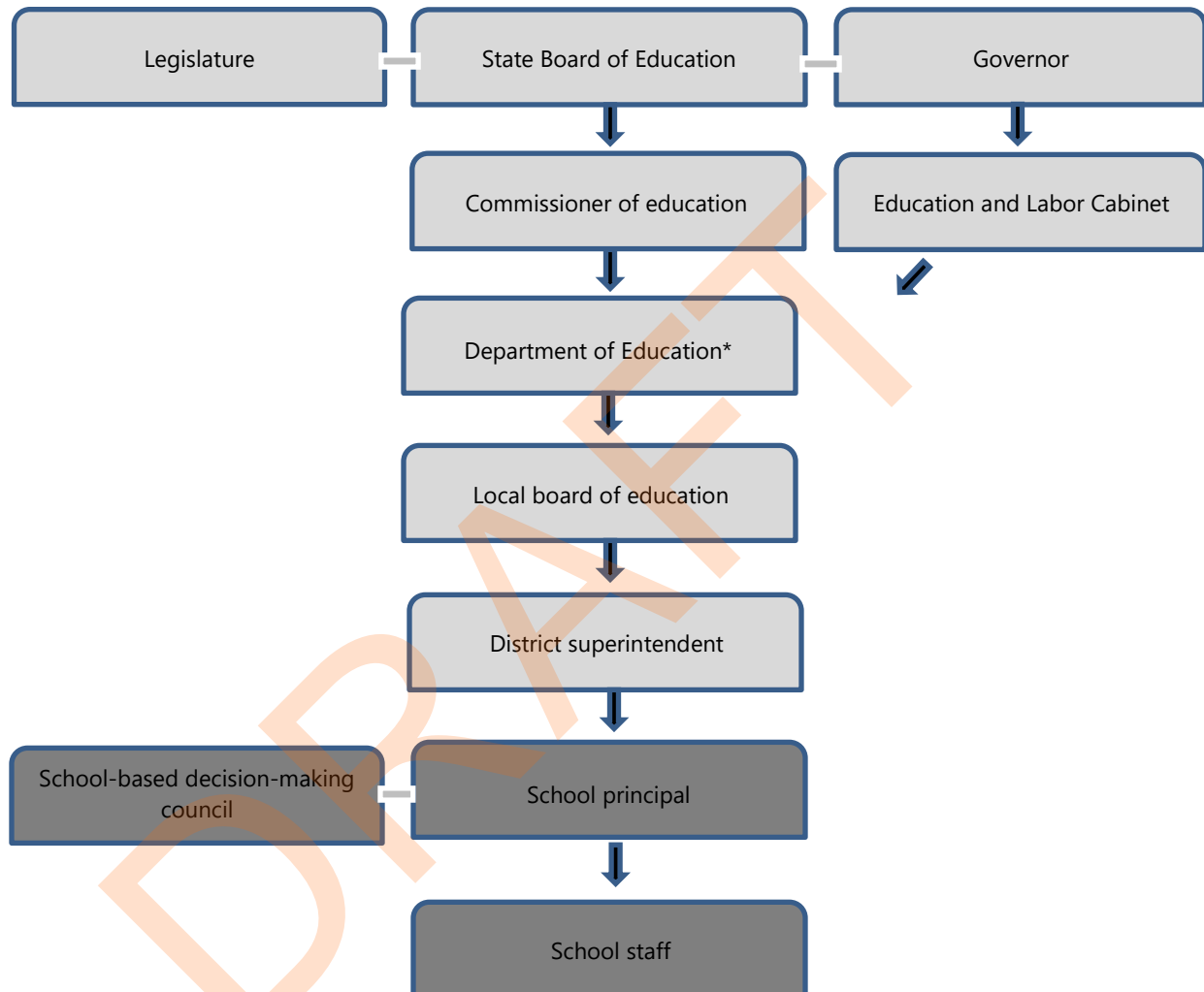
This chapter summarizes education governance in Kentucky from the state to the local levels, describing the specific governance functions at each level. It also compares laws governing Kentucky's state and local boards with those in other states. The chapter notes similarities between Kentucky laws and those found in most states, and it highlights exceptions to the most common models.

Governance Structure Of Kentucky's State And Local Boards Of Education

The organizational structure of education governance in Kentucky includes the legislative and executive branches, elected citizens, superintendents, principals, teachers, and parents.

Figure 2.A illustrates the organizational structure of education governance in Kentucky. This structure includes the legislative and executive branches of government; elected citizens serving on state and local boards; superintendents; principals; and, at the school level, teachers and parents serving on school-based decision-making (SBDM) councils. Not included in this figure is the federal government, though federal laws shape many aspects of educational practice, especially those related to students with disabilities and to state assessment and accountability systems.

Figure 2.A
Kentucky's Educational Governance Model



* The Department of Education is part of the executive branch under the Education and Labor Cabinet. However, the day-to-day operations are under the commissioner of education.

Source: Staff analysis of Kentucky statutes and government websites.

Legislature

The legislative branch approves biennial budget appropriations and enacts state statutes that impact funding, licensing, curriculum, assessment, and governance structures.

The legislative branch plays a pivotal role in education in the commonwealth through enacting state statutes and approving biennial budget appropriations. Statutes enacted by the General Assembly include those governing allocation of state base and programmatic funding; educator licensing; broad requirements for curriculum and assessment; and powers and duties of the many individuals responsible for education governance, from the state board to the Kentucky Department of Education (KDE), local boards, local superintendents, principals, and school-based decision-making councils.

Additionally, the Senate confirms appointments to key education leadership positions, including the commissioner of education and members of the state board of education.

Governor

The executive branch, led by the governor, signs or vetoes education-related legislation, proposes the executive budget, and appoints members to the state board of education, subject to senate confirmation.

The executive branch, led by the governor of Kentucky, holds responsibilities such as signing or vetoing education-related legislation and proposing the executive budget, which includes the education budget. Furthermore, in accordance with KRS 156.029, the governor appoints members to the state board of education, subject to senate confirmation.

The Secretary of the Education and Labor Cabinet is a nonvoting ex officio state board member.

Education And Labor Cabinet. As outlined in KRS 156.029, the secretary of the Education and Labor Cabinet serves as an ex officio nonvoting member of the state board of education. The secretary focuses on promoting education from early childhood through postsecondary and adult education, as well as providing training opportunities for Kentuckians. The Department of Education falls under the organizational chart of the governor's Education and Labor Cabinet, but day-to-day operations are overseen by the commissioner of education, not the secretary of education.

State Board Of Education

The state board of education in Kentucky consists of seven representatives from Supreme Court districts and four at-large members,

As previously mentioned, the governor appoints the 11 voting members of the Kentucky Board of Education, subject to confirmation by the Senate. These members consist of seven representatives from Supreme Court districts and four at-large members. Additionally, there are nonvoting members including the president of the Council on Postsecondary Education, the secretary of the Education and Labor Cabinet, an active schoolteacher, and a high school student. Annually, the voting members elect a chair and vice chair. As described in KRS 156.029 (2), voting members may not be practicing professional educators. In addition, appointed supreme court district and at-large members must equally represent the two sexes, if possible; be at least proportional to the state's two major political parties, and reflect minority racial composition of the Commonwealth.

The state board of education adopts policies and regulations; governs educational programs, services, and activities; establishes standards; and manages and controls common schools and related programs.

According to KRS 156.029, the primary function of the board is to develop and adopt policies and regulations, with advice from the Local Superintendents Advisory Council (LSAC) and to govern the planning, coordination, administration, supervision, operation, and evaluation of educational programs, services, and

activities within the jurisdiction of the Department of Education. Furthermore, KRS 156.160 mandates that, with advice from LSAC, the Kentucky Board of Education shall establish standards for student, program, service, and operational performance in school districts, aligning with statutorily expected outcomes. Lastly, KRS 156.070 grants the board the management and control over common schools and related programs, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs.

Commissioner Of Education

The commissioner of education oversees board policy implementation and directs the Kentucky Department of Education. The commissioner is appointed by the Kentucky Board of Education and confirmed by the Senate for 4-year terms.

The commissioner of education, appointed or reappointed by the Kentucky Board of Education and confirmed by the Senate, serves a term not to exceed 4 years. The commissioner oversees the implementation of board policies and directs the Kentucky Department of Education in managing the state's public school districts, the Kentucky School for the Deaf, the Kentucky School for the Blind, and state-operated area technology centers.

Department Of Education

The Kentucky Department of Education is overseen by the Commissioner of Education. It administers state assessments, provides technical assistance, and supports the Kentucky Board of Education.

Operating within the Education and Labor Cabinet, the Kentucky Department of Education, overseen by the commissioner of education, consists of approximately 1,250 employees working at KDE, at the Kentucky School for the Blind and Kentucky School for the Deaf, and at area technology centers. KDE's major activities include administering state assessments, providing technical assistance to schools and districts, supporting the Kentucky Board of Education in promulgation of regulations, overseeing education technology, and ensuring compliance with state and federal laws.

Local Boards Of Education

In Kentucky, local board members are elected and serve 4-year terms.

Members. As outlined in KRS 160.160, each school district comprises five board members, with the exception of Jefferson County Public Schools (JCPS), which has seven.^a As specified in

^a Each school district shall be under the management and control of a board of education consisting of five (5) members, except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner prescribed by KRS 160.210(5), to be known as the "Board of Education of, Kentucky."

KRS 160.210, board members are elected from voting precincts in county districts and are elected at large in independent districts.

Local board members serve terms of 4 years and are elected at regular November elections.^b

Local boards of education have general control and management of public schools.

Local Board Duties. Local board members are elected officials who should represent the community's voice in education.

As described in KRS 160.290, a local board of education has general control and management of public schools in its district and may establish schools and provide for courses and other services as it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the administrative regulations of the Kentucky Board of Education.

Each board shall

- have control and management of all school funds and all public school property;
- exercise generally all powers prescribed by law in the administration of its public school system;
- appoint the superintendent of schools;
- fix the compensation of employees; and
- make rules, regulations, and bylaws for its meetings and proceedings; for the management of the schools and school property of the district; for the transaction of its business; for the qualification and duties of employees; and for the conduct of pupils.

KRS 160.180 sets out the local board of education member qualifications.

Local Board Member Qualification. To serve on a local board of education, individuals must meet qualifications set forth in KRS 160.180, including age, residency, educational attainment, and restrictions on holding certain public offices or engaging in certain business relationships.

District Superintendent

District superintendents carry out board policies and manage the day-to-day operations of a school district.

The district superintendent is responsible for carrying out board policies and for managing the day-to-day operations of a school district. Superintendent duties include supervising district schools and monitoring their conditions and progress; preparing budgets and required reports; administering personnel actions including

^b As explained in KRS 160.200, independent districts have the option of holding May elections.

hiring, dismissal, transfer, suspension, and promotion of district employees; and reporting the actions to the local board.

Superintendents must hold a school superintendent certificate issued by the Education Professional Standards Board and can serve a term of up to 4 years.

Prior to hiring a superintendent, the local board of education shall consider the recommendations of a screening committee comprising teachers, board members, principals, parents, and classified employees, with provisions for minority representation if applicable. However, the board does not have to hire the screening committee's choice.

School Principal

Principals are the primary administrators and instructional leaders of their schools.

Principals serve as the primary administrators and instructional leaders of their schools. Principals must hold a school principal certificate, must meet experience and education requirements, and are hired by the superintendent after consultation with the school council.

School-Based Decision-Making Council

School-based decision-making councils set school policies, make some personnel decisions, and purchase instructional materials, information technology, and equipment.

School-based decision-making councils consist of parents, teachers, and the principal, with membership adjustments for minority representation. As described in KRS 160.345, SBDMs are responsible for setting school policies, consistent with district board policies and student achievement goals set by the state and district. SBDMs also have the authority to determine the number of personnel employed in each job classification, within available funds. SBDMs may also use funds appropriated by the board to purchase instructional materials, information technology, and equipment. ^c

^c As of the 2023-2024 school year, 1,059 schools were served by SBDMs, with some exemption, as outlined in statute, based on achievement goals or district structure. Three exemptions allow some schools to not implement the SBDM model:

- Being identified as a comprehensive support and improvement school (KRS 160.346),
- Being a one-school district (KRS 160.345(5)),
- Having a Kentucky Board of Education exemption based on making achievement goals (KRS 160.345(5))

In the 2023-2024 school year, 11 schools were exempt for being in a one-school districts; 65 were exempted based on achievement goals; and 8 districts have an alternative SBDM model.

Charter School Governance

Charter schools are publicly funded, tuition-free schools that are governed by contracts with charter school authorizers and by governing boards.

A charter school is a publicly funded school that is tuition free. Charter schools function within the public education system and are subject to some of the same requirements as traditional public schools.^d By design, charter schools are also granted significant autonomy and are exempt from many of the state laws and regulations that govern traditional public schools.

Charter schools are not directly governed by local boards in the same way as traditional public schools. Instead, they are governed by contracts with charter school authorizers (which can be local school districts) and by governing boards.

Authorizers

Authorizers approve contracts that allow charter schools to open and have the power to close charter schools that do not meet the terms of the contract.

Authorizers approve the contracts that allow charter schools to open and also have the power to shut down charter schools that fail to meet the terms of the contract.

Authorization models for charter schools vary by state. There are six primary types of authorizers:

- Higher education institutions
- Independent chartering boards
- School districts (local school boards)
- Noneducational government entities
- Nonprofit organizations
- State education agencies¹

Kentucky law lays out the governance framework for charter schools. Kentucky currently has no operating charter schools. As noted in KRS 160.1590 (15), Kentucky authorizers can be the local board in the district where the school will be located; a collaborative of local boards formed to set up a regional charter school; the mayor of a consolidated local government; or the chief executive officer of an urban-county government.^e

Governing Boards

Charter school boards govern day-to-day operations.

On a day-to-day basis, charter schools are governed by school leaders and principals but overseen by a board. In some states, this function can also be performed by a management organization.

^d For example, charter schools must adhere to federal education laws, including requirements for students with disabilities, who are entitled to an individualized education program and appropriate special education services.

^e Lexington and Louisville are consolidated local governments.

These organizations include nonprofits and, in some states, private companies. Some management organizations govern a network of schools, but some states restrict this practice, requiring each school to be governed by its own board.

Kentucky law lays out the governance framework for charter schools. Kentucky currently has no operating charter schools. In Kentucky, charter boards are specified in the authorizing contract. As noted in KRS 160.1592 (7)(8), and (9), charter school boards must include at least two parents of students attending a charter school directed by the board and shall, collectively, possess expertise in leadership, curriculum and instruction, finance, and law, as necessary to operate the school. The board can hold one or more charter school contracts.

National Comparisons Of State And Local Board Governance

This section reviews laws in all 50 states related to state and local board governance.

The following section summarizes laws related to state and local board governance in all 50 states and the District of Columbia.^f The review includes methods of selecting board members; term limits for board members; and selection of state education commissioners and superintendents.

State-specific laws are provided in Appendix D for state boards education and Appendix E for local boards of education.

State Boards

In most states, including Kentucky, the governor appoints State Board of Education members. Kentucky requires Senate approval.

Selection Of Members. In Kentucky, the governor appoints members of the State Board of Education with senate confirmation. As shown in Table 2.1, most states (32) require the governor to appoint members of the state board of education. In most of these states, consent of one or more legislative bodies is also required. In other states, board members are elected or are determined through a mix of methods such as election and appointments.

^f The District of Columbia is included in all summaries of national comparisons.

Table 2.1
Selection Of Members Of State Boards Of Education
2024

Method Of Selection	Number Of States
Governor appoints*	32
Elected	8
Varied**	7
No state board of education exists	3
Legislators appoint	1

* As shown in Appendix D, 29 states require consent or advice of the legislature in gubernatorial appointments.

** The method of selecting state board members varies in these states. For example, one state requires the Speaker of the House and the Senate to each appoint three members and the Governor appoints three members confirmed by the legislature.

Sources: Review of each state’s statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

In most states, including Kentucky, state board members have the authority to select a board chair.

Selection Of State Board Chair/President. As shown in Table 2.2, most states (36) are like Kentucky in that state board members have the authority to select board chairs. The governor has that authority in ten states. The board is chaired by the governor in Alabama, and by the state superintendent in Michigan and Oklahoma.

Table 2.2
Selection Of State Board Chair/President
2024

Method Of Selection	Number Of States
State board appoints	36
Governor appoints	10
Governor serves	1
State superintendent	2
State has no board chair	2

Sources: Review of each state’s statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

In Kentucky, there are 11 voting members on the State Board of Education. In other states, the number ranges from 7 to 21 voting members.

Number Of Voting Members. As shown in Table 2.3, the number of voting members on state boards varies greatly, from 7 in several states to 21 (Pennsylvania). In Kentucky, the State Board of Education consists of 11 voting members.

Like Kentucky, many states have additional requirement for board member composition. Some states limit the proportion of board members by political party. For example, Alaska has seven voting members, of which no more than four may be from the same political party as the governor. Alabama prohibits board

membership for current or recent professional educators. In contrast, Indiana requires most board members to have current or previous experience in education. Massachusetts requires representation from labor organizations or from business or industry.

Table 2.3
Number Of Voting Members On State Board Of Education
2024

Number Of Voting Members	Number Of States
7-9	26
10-14	15
15-20	7
21	1
State has no board chair	2

Sources: Review of each state's statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

In addition to the voting members shown in Table 2.3, many state boards have additional members who do not possess voting privileges. Many states include students and/or teachers as non-voting members. As noted earlier in this chapter, Kentucky has four nonvoting members.

Selection Of State Superintendent/Commissioner

As shown in Table 2.4, the commissioner is most commonly appointed by the state board or the governor. State board members are elected in 12 states. In Kentucky, the state board appoints the commissioner with senate confirmation. Mississippi also follows this model. In Oregon, the governor assumes the role of commissioner and appoints a deputy superintendent to assist.

As in Kentucky, the commissioner is most commonly appointed by the state board. Other common methods include appointment by the governor or election.

Table 2.4
Selection Of State Superintendent/Commissioner
2024

Method Of Selection	Number Of States
State board appoints*	20
Governor appoints**	16
Elected	12
Governor serves	1
Mayor appoints	1
Council on Elementary and Secondary Education appoints with consent of board	1

* Of the 20 states where the state board selects the state superintendent/commissioner, 15 are selected by the state board alone and 5 require the confirmation of either the senate, the governor, or the secretary of education.

**Of the 16 states where the governor appoints the state superintendent/commissioner, 10 must be confirmed by the senate or other legislative body, 3 must be selected from state board recommendations, 1 requires consultation with the state board, and 2 are selected by the governor alone.

Sources: Review of each state’s statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

In half of states, including Kentucky, state board members serve 4 year terms.

Term Limits. Table 2.5 summarizes term limits of state board members. As they do in Kentucky, state board members serve 4-year terms in half of the states. Otherwise, term limits range from 3 years (Hawaii and Rhode Island) to 9 years (Mississippi and West Virginia).

Table 2.5
Term Limits For Members Of State Boards Of Education
2024

Term Limit	Number Of States
3 years	2
4 years	25
5 years	6
6 years	8
7 years	3
8 years	3
9 years	2
No state board of education	2

Sources: Review of each state’s statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

Local Board Of Education

Most states, including Kentucky, require local board of education members to be elected.

Board Selection. Table 2.6 summarizes methods of board selection. Like Kentucky, most states (36) require local board members to be elected.

In eight states, board member selection methods vary by jurisdiction. Depending on the jurisdiction, board members may be elected, appointed by mayors, or appointed by a variety of other bodies. Mayoral appointments are most common in cities or large districts.[§]

Table 2.6
Selection of Local Board of Education Members
2024

Method Of Selection	Number Of States
Elected	36
Elected, appointed, or a combination of elected and appointed; varies by district	8
No local board of education	2
Elected with one member appointed by moderator	1
Elected, but intermediate school board members may be appointed	1
Elected by current school directors	1
Appointed by school or governing body	1
Members are elected by current school directors	
Elected by a majority of the governing authorities of the municipality	1

Sources: Review of each state's statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

The number of local board voting members varies by district in most states.

Number Of Voting Members. As shown in Table 2.7, the number of local board voting members varies by district in most states. Variation is contingent upon factors such as district size, school type, and urban versus metropolitan classification. In Arkansas, for example, local school boards typically comprise five or seven members, but districts with an average daily membership exceeding 20,000 may have nine members. Idaho requires three members for elementary school districts and five for others.

[§] In New Jersey, for example, the mayor appoints board members in city districts and other large districts; otherwise, they are elected. In New York, most districts elect board members; exceptions include Yonkers, where the mayor appoints board members, and New York City, where the mayor appoints most board members, but borough presidents appoint some. In Maryland, most boards are elected, but the mayor appoints board members in Baltimore; in four districts, the board comprises a combination of elected and appointed members. In South Carolina, board members are elected in most districts but are also appointed by county boards or legislative delegations.

Kentucky follows a standard of five members for all districts except JCPS, which has seven. Nine states have a standard number of board members for all districts: five require five members, and four require seven members.

Table 2.7
Number Of Voting Members On Local Board Of Education
2024

Number Of Voting Members	Number Of States
Varies by district	40
5	5
7	4
No local board of education	2

Sources: Review of each state’s statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

Jefferson County Public Schools has a similar number of local board of education voting members as other cities approximately the size of JCPS.

JCPS Local Board Of Education Voting Members Compared To Districts With Similar Membership. Table 2.8 shows the number of voting members in some school districts with memberships of similar size to that of JCPS.^h The number of board members in these districts ranges from five to nine, making JCPS’s seven voting board members roughly average for this group.

Table 2.8
Jefferson County Public Schools Voting Members
Compared To Similar-Size Districts In Other States
2024

Local Board Of Education	Number Of Local Board Members
Albuquerque, New Mexico	7
Austin, Texas	9
Baltimore City, Maryland	9
Denver, Colorado	7
Fort Worth, Texas	9
Jefferson County, Kentucky	7
San Diego Unified, California	5
Shelby County, Tennessee	9

Sources: Review of each state’s statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

^h Districts chosen were similar-sized districts shown in Appendix B that also participated in the National Assessment of Educational Progress Trial Urban District Assessment.

Half of states, including Kentucky, have 4-year term limits on local board of education members.

Term Limits On Local Boards Of Education. As shown in Table 2.9, Kentucky’s local board term limits of 4 years are shared by half of the states. Term limits in other states range from 3 years (Alaska, Connecticut, and New Hampshire) to 6 years (Alabama). In 17 states, term limits vary by district.ⁱ

Table 2.9
Term Limits On Local Boards Of Education
2024

Term Limit	Number Of States
3 years	4
4 years	25
5 years	2
6 years	1
Varies	17
No local board of education	2

Sources: Review of each state’s statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

ⁱ National Association of Charter School Authorizers. “Authorizer Types Across The Country.” Web.

ⁱ In New York, for example, school board members serve terms of 3, 4, or 5 years, while in New Jersey, members of five-member boards serve for 5 years, those of seven- or nine-member boards serve for 3 years, and members appointed by mayors or other chief executive officers serve for 5 years.

Chapter 3

State Policies And Governance Changes

This chapter reviews state efforts to address governance concerns about local districts.

This chapter reviews state efforts to address governance concerns about local districts. State policies that result in governance changes include those that consolidate small districts or deconsolidate larger districts, those that remove authority from local boards through state intervention or mayoral control, and one that introduces market principles into district governance.

It shows that, in some instances, reforms achieved desired intentions, but no governance reform has been universally effective or come without challenges.

The chapter describes instances in which each reform achieves some desired intentions on individual metrics or in particular places. It also shows that no governance reform has been universally effective or without challenges, especially challenges from communities that wish to retain local control of schools.

Consolidation Of Small Districts

In recent decades, consolidation efforts have been fueled by concerns about the high costs of educating students in very small districts.

As shown in Chapter 1, the number of school districts in the US declined dramatically over the last century as small districts consolidated with each other. In the first half of the 20th century, consolidation was driven by reformers who cited educational benefits. Small districts, including many that were one-room schoolhouses, joined together into larger districts that offered single-grade classrooms and subject-specific teachers, among other benefits. Consolidation also granted access to professionally trained school and district leaders.¹ In more recent decades, consolidation efforts have also been fueled by policymakers' and taxpayers' concerns about the higher costs of educating students in very small districts.

Research shows that consolidation generally yields financial benefits and some educational benefits.

This section summarizes research on the effects of consolidation in the last few decades. It shows that consolidation yields financial benefits, though some costs may increase in the short term. Consolidation can also have educational benefits such as expanding curricular options, access to higher-quality resources, and access to specialists such as counselors.

Local communities are often opposed to consolidation because they perceive educational and personal benefits of very small districts.

Local communities, however, often oppose consolidation. Consolidated districts may lack some of the educational and community benefits valued by students and parents in small districts, such as small class size, close personal relationships

among staff and students, and geographic proximity to local schools that serve important community functions.

State Policies

As of 2024, 15 states had policies that provide incentives for school district consolidation.

As of 2024, the Education Commission of the States identified 15 states with policies that provide incentives for school district consolidation. These policies include hold harmless provisions for state funding; prioritization of construction projects necessitated by consolidation; and a variety of additional revenue to offset consolidation costs.^{a 2}

Several states have had policies that actively promote or mandate consolidation.

Several states have had policies that actively promote or mandate consolidation. Until 2023, Arkansas's Public Education Reorganization Act mandated closure of school districts with fewer than 350 students.^{b 3} Vermont's Act 46 of 2015 incentivized district consolidation with tax breaks but gave the state board of education the authority to reorganize districts that did not elect to merge if the board deemed necessary. The legislation set a preferred minimum of 900 students for school districts and resulted in the consolidation of at least 150 districts.⁴ Legislation passed by Maine in 2007 aimed to consolidate or merge the state's many small districts. The legislation set a target enrollment of 2,500 students and a minimum enrollment of 1,200 students in reorganized districts. Although the law did not mandate consolidation, it set potential financial penalties for school districts that did not elect to merge.⁵

Proactive consolidation efforts have been met with strong community opposition and some legal challenges.

Proactive consolidation efforts in Maine, Vermont, and Arkansas met with strong community opposition and some legal challenges. As described in the following section, district consolidation generally yields cost savings, but local communities often perceive disadvantages.

Advantages Of Consolidation

Economies of scale are produced when fewer inputs are required to produce more of a given output.

Economies Of Scale. Economies of scale are produced when fewer inputs, such as cost per student, are required to produce more of a given output, such as higher test scores, higher

^a Kentucky permits but does not incentivize or mandate district consolidation. KRS 160.040 outlines terms by which two or more contiguous districts may merge through concurrent actions of their boards, and 160.040 outlines processes by which an independent district may merge with a county district, by request of its own board. Since 2005, five independent school districts have merged with county districts. County districts have not merged in the past.

^b Arkansas' SB 262 of 2023 removed the mandate that districts under 350 students consolidate, but it left the option of consolidation.

graduation rates, and other aspects of a quality education. Policymakers commonly cite economies of scale as a reason to consolidate districts. Economies of scale are especially linked to fixed costs, which can serve more students without increasing costs.⁶ For example, a superintendent and school board may serve two districts instead of one at approximately the same cost.⁷

Economies of scale may allow for expanded instructional options.

Expanded Instructional Options. Economies of scale may also allow for expanded curricular options, special-area teachers, and resources such as science labs. In addition, support staff—such as librarians, guidance counselors, and nurses—may also be shared more efficiently in a larger district.⁸

Teacher benefits and resources may be more likely in a larger, consolidated district.

Teacher Opportunities. Opportunities for professional development, access to mentor teachers, collaboration, and better pay and benefits may be more likely in a larger, consolidated district.⁹

Potential Disadvantages Of Consolidation

In some instances, district consolidation can create conditions that increase expenditures.

Possible Cost Increases That Are Mostly Short Term. District consolidation can create some conditions that lead to increased expenditures. Increased costs would most likely occur when consolidating districts require new school buildings or require students to be transported longer distances. This can lead to longer transportation times for students and higher transportation costs for districts, especially in rural districts. In addition, new school buildings require capital expenditures, which can offset savings related to economies of scale, at least in the short term.¹⁰

Consolidation has been associated with short-term adjustment costs and long-term cost savings.

A study of consolidation of rural New York districts found consolidation was associated with short-term adjustment costs that evolved into cost savings over time. Operating costs increased immediately after consolidation but declined over time, and cost savings began to appear between years four and seven. Capital spending also increased immediately after consolidation but was gradually eliminated.¹¹

In some cases, consolidation may increase staffing costs, such as salaries and benefits.

Potential Increases In Salaries And Benefits. In some cases, consolidation may increase costs of staff and teachers, as salaries and benefits of the district with lower salaries are often raised to meet the levels of the higher-paying district.¹²

Smaller districts may offer quality of life advantages.

Quality Of Life Concerns. Smaller districts may offer quality of life advantages to staff, students, and parents. Administrators and teachers may benefit from the flexibility of smaller districts.¹³ In

addition, smaller schools and districts may offer closer connections between teachers, principals, and superintendents.¹⁴

Students may feel more connected to their school, be more motivated, and benefit personally and academically from closer student-teacher relationships. In addition, although more co-curricular and extracurricular activities may be offered in a larger school or districts, the opportunities for individual students to participate may be more limited due to increased competition with other students and greater geographic distances between home and school for some students.¹⁵

Parents may feel more connected; be more involved in their children's schooling; and feel a greater sense of community in small schools and districts than in the larger schools and districts that result from consolidation.¹⁶ Increases in travel time after district consolidation may make parents less likely to volunteer, attend parent-teacher conferences, and be present in the school environment.¹⁷ In addition, parents and community members may feel less represented and fear losing control over important decisions in consolidated districts.¹⁸

There are several alternatives to consolidation.

Alternatives To Consolidation. Proposed alternatives to consolidation include cooperative purchasing agreements, expanded local educational agency responsibilities, state regulations aimed at assisting smaller districts, developing or attracting quality teachers to districts in need, distance learning, and professional development.¹⁹

District Secession

School district secession occurs when a community elects to separate from the school district in which it is located and create a new district.

School district secession occurs when a community elects to separate from the school district in which it is located and create a new district. Local advocates of secession often cite a desire for greater local control and responsiveness of the school district to community needs.²⁰ Critics claim that district secession drives increasing racial and economic segregation of public schools.

Over half of states have some legal provisions for district secession, but policies vary widely.

State Laws. According to a Brookings Institution report, over half of states (28) have some type of legal provisions for district secession, but policies vary widely. Secession laws in Alabama, Arkansas, and Tennessee are relatively less restrictive in that secession must be approved only by voters in the seceding districts. Most states with secession laws require either that voters in the original district and the seceding district approve

a secession or that the seceding district obtain approval from a statewide entity, or both.²¹

Since 2000, roughly 40 districts seceded and almost as many have tried but failed to succeed.

Number Of Secessions. Since 2000, roughly 40 districts have seceded and almost as many have tried but failed to secede.^{c 22} According to an analysis by the US Government Accounting Office (GAO), the 36 districts that seceded between 2010 and 2019 were located in Alabama, Arkansas, Maine, Massachusetts, New Hampshire Tennessee, and Utah. For example, six suburban districts in suburban Shelby County, Tennessee, seceded from Memphis Shelby County Schools in 2014.²³ These secessions occurred one year after the 2013 consolidation of Memphis public schools with surrounding Shelby County Schools.^{d 24}

Districts that secede, on average, are less racially and economically diverse than districts from which they secede. Secession does not necessarily increase segregation among schools, however.

Demographic Effects. A GAO analysis of data from districts that seceded between 2010 and 2020 showed that, on average, secession creates districts that are less racially and economically diverse than the districts from which they secede. After a year of secession, the seceding districts on average had higher percentages of white and Asian students, lower percentages of Black and Hispanic students, and lower percentages of students eligible for free or reduced-priced lunch.²⁵ A Brookings Institute analysis suggested, however, that the racial composition of schools within newly seceded districts was not necessarily different from those within schools prior to secession. In cases where district boundaries are drawn to include schools that were already demographically different from the district at large, secession may not affect the population of students who attend those schools.²⁶

A secession effort in Alabama was legally challenged successfully on the basis that the effort had a discriminatory intent.

Legal Challenges. In 2018, secession efforts in Gardendale, Alabama, were legally challenged on the basis that the secession effort had a racially discriminatory intent. This challenge was ultimately successful in the 11th Circuit Court.²⁷ Staff analysis presented to North Carolina's Joint Legislative Study Committee on the Division of Local School Administrative Units noted that districts currently under federal desegregation orders would likely be most vulnerable to this type of legal challenge. Even in the absence of a desegregation order, however, secession efforts might be subject to legal challenge if discriminatory intent could be shown.²⁸

^c Reports of the number of districts that have seceded vary among reports. No central source for secession data exists.

^d The merger occurred following a majority vote of Memphis residents under a state law that allowed residents to vote for merger. The merger was intended to address financial concerns.

Efforts To Deconsolidate Large Urban Districts

Community concerns in some states have fueled legislation to deconsolidate large districts into smaller ones.

Community concerns in some states have fueled legislation to deconsolidate large districts into smaller ones. Concerns include parents' desires to have greater voice in policy, a sense that a district is not meeting individual students' needs, high tax rates, and a perception of disconnection by educators and communities due to the size of the district and layers of bureaucracy.²⁹ Examples of legislative efforts include

- ongoing efforts, since 1997, at deconsolidating the Clark County school district in Nevada;
- 2006 legislation passed in Nebraska to deconsolidate Omaha Public Schools; the legislation was later repealed.³⁰
- New Mexico's SB 89 of 2017, which included a provision to deconsolidate districts of over 40,000 students; the bill did not pass.
- North Carolina's HB 704 of the 2017 session, which established the Joint Legislative Study Committee on the Division of Local School Administrative Units; no subsequent legislation has been passed.

Efforts to deconsolidate large districts have not been finalized into law.

Efforts to deconsolidate large districts have not been finalized into law. Challenges have included community resistance, technical challenges, or threats of litigation.³¹ To OEA's knowledge, no legislation mandating such deconsolidation has passed. In place of district deconsolidation, some districts have established processes to decentralize some decision making to communities or educators within the district. For example, in Omaha "learning communities," allowed districts to pool local tax revenues and facilitate student transfers among the districts.^{e 32}

Clark County, Nevada

The experience of Clark County, Nevada, illustrates many of the concerns and challenges associated with deconsolidation.

The experience of Clark County, Nevada, illustrates many of the concerns and challenges associated with deconsolidation. The Clark County School District is the fifth-largest school district in the United States, serving 300,000 students in more than 350 schools. By Nevada law, school district boundaries are coterminous with counties.³³ Clark County's population has increased from under 270,000 in 1969 to over 2.3 million in 2022.³⁴

^e The common tax levy original in place for the learning community was repealed in 2016 in exchange for various types of additional aid for high-need students.

Although there was a legislative attempt to divide the district in 1997, it did not pass. Interest of some Clark County residents in deconsolidation has continued, however, with efforts to introduce legislation as recently as 2022. Arguments in favor of deconsolidation reflect those made in other cities, citing desire for community control and conviction that smaller school districts would better serve communities' interests and students' needs.^{f 35}

In 2015, Assembly Bill 394 was enacted, establishing advisory and technical committees to create a reorganization plan for the district. The report from these committees was completed in June 2016.³⁶

In 2017, AB 394 was repealed and replaced with AB 469, which defines a large school district in Nevada as any with over 100,000 students. Only the Clark County School District meets this criterion. The bill grants principals more authority in hiring teachers and school staff, and provides greater autonomy in managing school funds. Additionally, it designates each school in the district as a local school precinct and requires the superintendent of a large school district to allocate at least 85 percent of unrestricted money to the local school precincts. Implementation of AB 469 has been a source of ongoing dispute and frustration among the legislature, state board, school district, and teachers' unions. Challenges have been associated with implementation of the 85 percent clause and with interpretation of local decision-making for personnel.^{g 37}

^f For example, Mayor-Elect Michelle Romero of one such community stated, "We feel that it's imperative that our school districts for all the kids, not just the kids in Henderson, be smaller so that we have a better opportunity for addressing individual needs of students and seeing those success rates improve greatly over time ... I don't think it's to do with any specific person or any specific lack of interest or trying on anybody's part. I just think the size of the school district makes it prohibitive for anyone to be successful."

^g Disputes include those related to funding and teacher assignment. For example, the district has argued that funds related to district obligations for buildings and other matters should be subtracted from those used to calculate the 85 percent. In addition, the district believes that obligations from collective bargaining agreements give the district authority to forcibly assign staff who have lost positions to individual school buildings. Principals believe those actions violate the intent of the legislation to provide local communities with decision-making power for personnel.

Issues Associated With Deconsolidation

Discussions in other state legislatures have identified issues that arise in deconsolidation efforts.

OEA analysis of legislative testimony, feasibility studies, and related reports identified a number of issues that were raised for consideration in other states.³⁸ These include:

- District boundaries
- Disparities in property values among subdivided districts
- Funds to cover capital costs of deconsolidation
- Taxing authority of new districts
- State funding and local effort
- Division of local assets, including school buildings, administrative and service buildings, land, buses, vehicles, and other property
- Resolution of existing debt payments
- Review of contractual obligations and interlocal agreements
- Possible segregating effects of deconsolidation
- Status of specialty schools within the district

State Takeovers

State takeovers occur when state departments of education remove decision-making functions and authority from local leaders and transfer them to individuals or entities that can include state officials, mayors, a receiver, or a management organization.

State takeovers occur when state departments of education act on their legal authority to remove decision-making functions and authority from local leaders and transfer it to individuals or entities that can include state officials, mayors, a receiver, or a management organization. As of 2021, 34 states, including Kentucky, had the explicit authority to take over management of schools or districts.³⁹

State examples of state takeover include transfer of authority from local boards

- to the state board, which also has authority to remove district superintendents and other administrators (Kentucky);^h

^h In the past decade, Breathitt County (10 years) and Menifee County (8 years) have been under state management. Currently, no Kentucky districts are under state management. KRS 158.780 requires KDE to establish management improvement programs including those that assume “full control of a local school district” after an administrative hearing conducted by the Kentucky Board of Education. If the hearing finds a pattern of lack of efficiency or effectiveness, it can declare a district to be a “state assisted” or “state managed.” KRS 158.785 requires a state assisted district to develop a plan, monitored by KDE, to correct deficiencies identified in a management audit. In state managed districts, “All administrative, operational, financial, personnel, and instructional aspects of the management of the school district formerly exercised by the local board and the superintendent shall be exercised by the chief state school officer or his designee.” The state board can also remove superintendents or other administrative positions. The board releases districts from state management if

- to an independent authority, run by a state-appointed board (Illinois); or
- to a governmental, nonprofit, or private management organization approved by the state board.

In Maryland and Mississippi, the state board can abolish or restructure the local district.⁴⁰

Case studies of takeovers in particular districts are provided in the appendixes of the report.

Case Studies Of New Orleans, Houston, And Tennessee.

Case studies of takeovers of particular districts are provided in appendixes of the report. Appendix F describes the state takeover of New Orleans, following Hurricane Katrina. This state takeover, which turned almost all of the traditional public schools over to management by charter organizations, is also described later in this chapter as an example of a portfolio-managed district. Appendix G describes the takeover of Houston by the state of Texas, which implemented systemic reform in more than 110 schools. The reform included a new staffing model, instructional program, and building hours. Appendix H describes Tennessee's creation of a new school district—the Achievement School District—which took away local board control of many of the state's lowest-performing schools.

Case studies reviewed in this report shows that academic progress can but does not always occur when district governance is changed.

Taken together, the case studies of state takeover in New Orleans, Houston, and Tennessee show that academic progress can occur, but does not always occur, when district governance is changed. The case studies also illustrate many of the challenges associated with state takeover, such as opposition from local community members, protests and resignations by teachers, and legal challenges.

Research On State Takeovers Generally

Much of the data on state takeovers as a whole come from a series of reports written by Schueler and Bleiberg.ⁱ The reports review existing research on state takeovers and publish original analyses of achievement and fiscal data of districts that experienced takeover. The reports include districts that were taken over between 1990 and 2019.⁴¹

Districts are most often taken over due to financial and academic concerns.

Reasons For Takeover. Districts are most often taken over due to financial and academic concerns. Seventy-five percent

deficiencies have been corrected, and it must approve persistence in state management beyond 3 years.

ⁱ In 2024, Beth Schueler was a professor at the University of Virginia and Joshua Bleiberg was a professor at the University of Pittsburgh.

of state takeovers were at least partially due to financial reasons, 50 percent were due to academic reasons, and 37 percent were due to other reasons, such as mismanagement or noncompliance.⁴²

Compared with others, districts that have been taken over are, on average, larger and have higher percentages of students who are FRPL-eligible and larger percentages of students who are Black.

Characteristics Of Districts. On average, takeover districts are larger than nontakeover districts. Compared with nontakeover districts, students in takeover districts are less likely to be white (38 percent compared to 83 percent); more likely to be Black (50 percent compared to 7 percent); slightly more likely to be eligible for free or reduced-price lunch, and about as likely to be exceptional child students.⁴³

Impact Of State Takeovers On Student Achievement

Schueler and Bleiberg compiled a database of 35 districts that experienced a state takeover between 2011 and 2016 for which nationally comparative assessment data were available. Although the researchers controlled for state-level factors, such as state standard changes or economic shocks, the limited number of years prevents studying long-term outcomes, and 5-year outcomes were available for only 10 districts.^{j 44}

On average, state takeovers were not associated with improvements in academic performance.

Takeover Not Associated With Student Achievement Gains. On average, state takeovers were not associated with improvements in academic performance. English language scores were negatively affected in some districts, particularly in years two and three. Math scores declined at first but recovered by year five and six. The academic effects of state takeovers were not associated with percentage of low-income students, district size, or whether the district was taken over due to low academic performance versus other reasons.⁴⁵

Impact Of State Takeovers On District Fiscal Health

Lyon, Bleiberg, and Schueler analyzed fiscal effects of state takeover on 104 districts experiencing first-time takeovers between 1990 and 2019. They looked for differences, before and after takeover, in per-pupil spending and in three measures of fiscal health: cash solvency, budgetary health, and long-term solvency. Differences in these measures over time in takeover districts were

^j Years of data analyzed for each district depended on when the state intervention began. Six-year outcomes were available for 4 districts, 5-year outcomes were available for 10 districts, 4-year outcomes were available for 18 districts, 3-year outcomes were available for 24 districts, 2-year outcomes were available for 28 districts, and 1-year outcomes were available for 35 districts.

compared with differences in districts that were not taken over during the same period.⁴⁶

On average, state takeovers improved some aspects of district financial health.

Indications Of Improved Fiscal Health. Based on statistical analysis of trends in takeover and non takeover districts, state takeover itself was determined to account for improvements in fiscal conditions of takeover districts on the following measures:

- **Increases in per-pupil spending:** On average, expenditures associated with takeover increased by \$500 per student after 3 years and by at least \$2,000 after 7 to 10 years.
- **Increases in budgetary solvency:** On average, takeover status was determined to increase the ratio of revenue to expenditures from 1.1 prior to takeover to 1.19 after takeover, indicating that takeovers do slightly increase districts' ability to produce enough revenue to operate.
- **Increases in long-term solvency:** State takeover status was associated with improvement of approximately 30 percent in takeover districts' ability to meet financial obligations and debts.^k

Takeover status was not, however, associated with improvements in cash solvency, as measured as cash held per capita at the end of a given fiscal year.^l

Takeover districts received additional local and state revenue after takeover relative to nontakeover districts.

Revenue Sources And Spending Patterns. Takeover districts receive additional local and state revenue in the years after takeover, relative to nontakeover districts. The authors hypothesize that the state funds may represent fiscal bailouts by states.

Additional spending in takeover districts was associated largely with legacy costs. Districts increased spending on benefits and spent up to 200 percent more on retiring long-term debt after 2 years of takeover. The authors note, however, that while data

^k Long-term solvency was measured by comprehensive debt service coverage ratio, net operating income (total revenue minus current expenditures) divided by the total debt obligations at the end of the year, including both short-term and long-term debt. Takeover districts improved their debt service coverage ratio and ability to meet financial obligations and debts by approximately 30 percent 10 years after experiencing a state takeover.

^l The study found that average cash held per capita was similar for takeover districts and nontakeover districts at baseline, and that takeover did not impact cash per capita. The authors hypothesize that takeover districts may try to eliminate debts and improve their fiscal health by spending cash on hand and assets. In addition, takeover districts may have needed to meet deadlines to spend grant funds.

suggest improved fiscal health after takeover, they do not necessarily indicate increases in fiscal efficiency.

Increases in per-pupil spending varied by district characteristics.

Variation By District. The per-pupil spending increased by \$1,700 less in districts that were more than 75 percent Black than in districts that were 25 percent Black. No effect was observed based on the percentage of Hispanic students.⁴⁷

Mayoral Control

States have implemented mayoral control of large public school districts to address a variety of concerns about district governance.

States have implemented mayoral control of large public school districts to address a variety of concerns about district governance. These include lack of local board accountability for student achievement and perceived inefficiency in district operations. Advocates of this strategy cite vulnerability of local boards to the influence of special interests and to political turf wars. In addition, they cite low voter participation in school board elections as evidence that boards are not accountable to or representative of the public. In theory, the mayor is a high-profile individual whose policies can easily be identified for accountability and who has authority to direct school district operations.

Interest in this model grew through the 1990s, and mayoral control was eventually implemented and sustained in a number of major cities including Boston, Chicago, Philadelphia, Baltimore, New York, and Washington, D.C.

The effects of mayoral control are difficult to determine. It has been associated with benefits in some cities and also met with resistance.

Effects. Mayoral control gained national attention as a reform strategy, but effects have been difficult to document due to the different models and initiatives implemented in mayorally controlled districts. Benefits that have been associated with the model include heightened opportunities for effective leadership; more strategic allocation of resources; and increased student achievement, especially in some grades.⁴⁸ Mayoral control has also met with resistance from local communities, upset with school closures and other decisions, and by teachers unions in some cities.

Research on the effects of mayoral takeover has been inconclusive.

A comprehensive report prepared by the New York State Education Department for the governor and legislature of New York concluded that decades of research on the effects of mayoral control have been inconclusive: “Reports of improvements in student educational outcomes under mayoral control have not been consistent across grade levels or across cities and have not been sustained over time. Mayoral control has not been found to reduce race- and class-based achievement gaps.”⁴⁹

Some major cities that instituted mayoral control have already reverted to traditional models or are phasing out mayoral control. Currently 11 school districts in nine states are under mayoral control.

Phased Out In Some Cities. Some major cities that instituted mayoral control have reverted to traditional models. These include Los Angeles and Oakland, California; Detroit, Michigan; and Harrisburg, Pennsylvania.⁵⁰ In Illinois, state lawmakers approved a plan to phase out mayoral control in Chicago Public Schools. This effort is to be phased in over 3 years, beginning in 2024. Efforts have also been made to end mayoral control in New York and Boston, but those have not been successful.⁵¹

Currently, 11 school districts in nine states are under mayoral control. The actual model of mayoral control varies substantially. For example, mayors appoint all board members in some cities, but only some members in others.^{m 52}

Portfolio Models Of Governance

The portfolio model reduces the role of school boards in direct management of school. It proposes, instead a board role in managing a system of open enrollment and educational choices.

Some critics of traditional public education governance models have called for rethinking the role of the school board generally to be less involved in direct management of the schools in their districts. They propose, instead, that the board focuses on ensuring that parents and families can choose from a broad array of educational options; ensuring that educational providers are held accountable; and closing schools or ending contracts when schools do not meet expectations. This approach has been called a “portfolio” model because it is modeled on investment portfolio management. The portfolio model “emphasizes market principles, expanded choice, and a sparse central management unit atop diverse, semi-autonomous networks of schools.”⁵³

The portfolio model has been implemented in a number of cities and is growing in popularity but has also come under criticism.

Chicago, New York, and New Orleans are cited as examples of school systems that have used this model; Indianapolis, Austin, and San Antonio are cities that have recently implemented this model.⁵⁴ Additional details about New Orleans, which is perhaps the most widely cited model, are provided below and in Appendix F.

Although the model is growing in popularity, it has also come under criticism from community groups upset with school closures, from teachers unions, and from some charter school advocates who oppose the authority of the district to determine

^m Cities under some form of mayoral control are Baltimore; Boston; Chicago; Cleveland; Hartford, Connecticut; Indianapolis; New Haven, Connecticut; New York; Philadelphia; Washington, D.C.; and Yonkers, New York. (In Indianapolis, the mayor’s office authorizes and monitors charter schools, but the district is otherwise controlled by the elected school board.)

which schools are successful. Implementation of the model is not necessarily straightforward, and some districts may lack capacity to engage parents and providers and make determinations of school performance that are perceived as fair.⁵⁵

The portfolio model is linked with other reform policies, such as charter schools, mayoral control, or state interventions, and outcomes are difficult to study.

Effects Of Portfolio Management Generally. Outcomes associated with the portfolio model are difficult to study, as the model is linked with other policies such as charter schools, mayoral control, or state intervention, and districts implement the model differently. OEA is not aware of a rigorous body of research on the effects of the portfolio model.

New Orleans is often cited as a successful portfolio model. After Hurricane Katrina, state intervention converted the district to a system of charter schools with open enrollment.

New Orleans. The portfolio model in New Orleans was implemented as part of a state intervention. The state took over the district in 2005 following the massive physical and economic devastation from Hurricane Katrina. As described in greater detail in Appendix F, the state implemented far-reaching reforms that turned over management of almost all schools to charter schools, and it implemented a citywide choice system that opened enrollment to schools independent of students' residence. In 2016, the legislature returned control of the schools, including the status of the charter schools operating in the district, to the local elected board. Most of the city's schools continued to be operated as charter schools, but the board opened its first traditional public school in September 2024 after refusing to renew the contract of one of the city's existing charter schools.

Recent research suggests that, taking demographic changes of the district into account, the reforms in New Orleans were associated with increases in student outcomes. The reforms have also come under community criticism.

Evaluation of the New Orleans effort has been complicated by post-Katrina changes in the demographic characteristics of students and by substantial increases in school funding. A 2018 analysis that took demographic changes into consideration, however, concluded that the reforms were associated with increases in a variety of student outcome measures.⁵⁶ Research has also raised concerns about effects of the reform, citing community claims about a narrowed curriculum and uncertain enrollment of students in particular schools from year to year. Critics also note that the post-Katrina reforms were associated with substantial increases in spending. Student achievement in New Orleans remains below state averages.

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Appendix A

Best Practices In Higher-Performing Districts

The Council of the Great City Schools selected six districts with higher than expected student performance for further qualitative research to try to determine how districts were improving student performance.^{a1} Overall, these districts demonstrated the following characteristics:

- Strong and stable leadership focused on instruction. Superintendents in these districts tended to serve for many years, enabling them to administer instructional plans and goals with consistency and stability. In cases where central office leadership turned over, a commitment to a strong instructional strategy allowed progress to continue. These districts also included a focus on empowering and including principals in the instructional plan and providing resources.
- High standards and common instructional guidance and support. These high performing districts were clear about expectations at the grade-level, including quality instruction and student performance, while supporting teachers with flexibility to meet those goals.
- Teacher/leader quality. These districts recognized that teachers and principals were key to improvement. Efforts to find and retain quality teachers, included through pay, mutual consent hiring that fit teachers to schools, evaluating teachers to identify weak and strong teachers, removing ineffective teachers, and placing quality teachers in high need schools. These districts also provided leadership development opportunities to principals.
- Professional development and other capacity building measures. These districts were committed to school-based capacity building through teacher leaders, instructional leadership teams, instructional coaches, and professional learning communities. While many districts have these supports, the districts in this study were intentional about instructional goals, sought buy-in from principals and teachers, and clearly defined expectations.
- Acting at scale. The authors found that these high performing districts believed that systemwide change was necessary for systemwide results and scaled reform efforts and instructional plans to be implemented at all levels of the education system within the district.
- Accountability and collaboration. Each of these districts held education professionals at all levels within the district accountable for student performance, with a focus on teamwork and collaboration to succeed rather than a punitive focus.
- Challenges as opportunities. When challenges arose, these districts were resilient and resourceful, turning challenges into opportunities.
- Support for struggling schools and students. These districts gained an in-depth understanding on how to help struggling students and deliberately focused on supporting them.
- Community investment and engagement. Many of these successful districts had a supportive and engaged community that invested time and resources towards education

^a The districts selected were Boston Public Schools, Chicago Public Schools, the Dallas Independent School District, the District of Columbia Public Schools, Miami-Dade County Public Schools, and the San Diego Unified School District.

students in the district, including local foundations, businesses, and local higher education institutions.

¹ “Mirrors or Windows: How Well Do Large City Public Schools Overcome The Effects Of Poverty And Other Barriers?” Council of Great City Schools. June 2021. Web.

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Appendix B

District Comparison

NAEP Trial Urban District Assessment (TUDA)

Table B.1 shows the mean scale in reading of districts that participated in the NAEP Trial Urban District Assessment (TUDA) in 2022, the mean scale score of students in the rest of the state in which districts are located, and the difference between the two. Table B.2 shows the same data for mathematics. Most TUDA districts score below students in the rest of their states. The degree of difference between each district and the state likely reflects, in part, demographic differences between the demographic makeup of students in the districts compared with the state. Tables B.1 and B.2 do not take demographic differences into account.

As noted in Chapter 1, the Council of Chief State School Officers completed a study using 2019 NAEP data that compares TUDA districts to each other once demographic differences are taken into account. Results of that study for select districts are reported in Appendix C.

Table B.1
Mean Reading NAEP Scale Score By Grade
TUDA District And Rest Of State
2022

District	State	Fourth Grade			Eighth Grade		
		District	Rest of State	Difference	District	Rest of State	Difference
Albuquerque	New Mexico	205.1	201.0	4.1	248.2	247.7	0.5
Atlanta	Georgia	205.5	216.2	-10.7	253.7	260.2	-6.5
Baltimore City	Maryland	184.6	215.2	-30.6	240.8	260.8	-20.0
Boston	Massachusetts	210.5	227.6	-17.1	254.9	269.4	-14.5
Chicago	Illinois	205.2	220.6	-15.4	251.4	264.2	-12.8
Clark County	Nevada	208.3	216.8	-8.5	256.2	263.1	-6.9
Cleveland	Ohio	179.5	219.6	-40.1	235.0	262.6	-27.6
Denver	Colorado	212.2	224.0	-11.8	254.8	264.5	-9.7
Detroit	Michigan	176.5	213.2	-36.7	227.1	259.4	-32.3
District of Columbia (DCPS)	District of Columbia	213.5	196.8	16.7	249.2	250.3	-1.0
Jefferson County	Kentucky	210.3	217.6	-7.3	253.5	259.4	-5.9
Milwaukee	Wisconsin	187.5	220.2	-32.8	239.1	264.2	-25.1
New York City	New York	210.9	214.9	-4.0	255.2	265.0	-9.9
Philadelphia	Pennsylvania	194.9	220.8	-25.9	241.8	260.3	-18.5
Shelby County	Tennessee	197.5	216.0	-18.6	242.2	259.3	-17.1
Charlotte-Mecklenburg	North Carolina	214.9	216.3	-1.3	257.7	256.0	1.7
Guilford County	North Carolina	211.3	216.4	-5.0	251.9	256.4	-4.4
Los Angeles	California	207.1	215.0	-7.9	257.3	258.9	-1.6
San Diego	California	221.5	214.3	7.3	263.6	258.7	4.9
Duval County	Florida	214.6	225.2	-10.6	257.9	259.7	1.8
Hillsborough County	Florida	226.5	224.6	1.9	258.6	259.7	-1.1
Miami-Dade	Florida	224.5	224.8	-0.3	262.1	259.3	2.8
Austin	Texas	220.3	214.1	6.2	254.5	255.2	-0.7
Dallas	Texas	202.6	214.5	-11.9	241.4	255.5	-14.1
Fort Worth	Texas	200.5	214.4	-13.9	242.0	255.4	-13.4
Houston	Texas	202.5	214.7	-12.1	246.7	255.4	-8.7

Note: The "rest of state" column provides the score for the remainder of the parent state after removing students from the district.

Source: Staff calculation using data from the National Assessment of Educational Progress Trial Urban District Assessment.

Table B.2
NAEP Mathematics Mean Scale Score By Grade
TUDA Districts And Rest Of State
2022

District	State	Fourth Grade			Eighth Grade		
		District	Rest of State	Difference	District	Rest of State	Difference
Albuquerque	New Mexico	223.3	220.5	2.8	260.0	258.6	1.4
Atlanta	Georgia	224.5	235.2	-10.8	262.6	271.5	-8.9
Baltimore City	Maryland	201.0	231.4	-30.3	245.3	270.7	-25.4
Boston	Massachusetts	226.8	242.5	-15.7	269.9	284.2	-14.3
Chicago	Illinois	222.2	240.4	-18.1	263.0	278.0	-14.9
Clark County	Nevada	225.3	236.1	-10.8	266.8	273.1	-6.3
Cleveland	Ohio	202.8	238.7	-35.8	244.7	276.7	-32.0
Denver	Colorado	227.0	237.1	-10.1	264.6	276.4	-11.8
Detroit	Michigan	193.8	233.7	-39.9	237.6	273.5	-35.9
District of Columbia (DCPS)	District of Columbia	224.1	220.5	3.6	256.9	262.5	-5.6
Jefferson County	Kentucky	224.0	235.3	-11.3	262.6	270.6	-8.0
Milwaukee	Wisconsin	206.1	243.6	-37.5	246.3	284.1	-37.8
New York City	New York	221.9	229.6	-7.7	268.9	277.0	-8.1
Philadelphia	Pennsylvania	209.0	239.8	-30.8	252.3	275.8	-23.5
Shelby County	Tennessee	216.4	238.8	-22.4	250.8	274.3	-23.5
Charlotte-Mecklenburg	North Carolina	233.5	236.2	-2.7	277.6	273.3	4.3
Guilford County	North Carolina	228.9	236.3	-7.3	270.2	273.9	-3.7
Los Angeles	California	219.9	231.3	-11.4	262.4	270.4	-8.0
San Diego	California	232.0	230.3	1.7	274.4	269.7	4.6
Duval County	Florida	236.8	241.0	-4.2	269.2	271.3	-2.1
Hillsborough County	Florida	240.9	240.8	0.1	269.3	271.4	-2.1
Miami-Dade	Florida	240.6	240.9	-0.3	274.2	270.8	3.4
Austin	Texas	238.6	238.6	0.1	273.0	272.7	0.4
Dallas	Texas	231.5	238.8	-7.3	260.3	273.0	-12.6
Fort Worth	Texas	225.9	238.7	-12.8	259.0	272.9	-13.9
Houston	Texas	225.9	239.1	-13.2	264.7	272.9	-8.2

Note: The "rest of state" column provides the score for the remainder of the parent state after removing students from the district.

Source: Staff calculation using data from the National Assessment of Educational Progress Trial Urban District Assessment.

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Appendix C

Large City Schools

Comparison Of Large City Schools

The Council of the Great City Schools sought to determine if large city schools helped students overcome poverty and other barriers or if they reflect societal inequities by determining if large city schools were performing at, above, or below anticipated levels after adjusting for demographic characteristics. The report used data from the 2019 National Assessment for Educational Progress (NAEP) and the districts that participated as individual jurisdictions in the Trial Urban District Assessment (TUDA).

Table C.1 shows large city-level mean scores, expected mean scores, and the district effect for Jefferson County Public Schools and the seven Large City TUDA districts with enrollment within 25 percent of JCPS's enrollment.^a A positive district effect means that the district performed higher than expected given its student demographics, a negative district effect means the district performed lower than expected, and a district effect of zero means the district performed exactly as expected.

JCPS District Effect. The district effect for Jefferson County was -1.61 for 4th grade math, -0.89 for 4th grade reading, -0.12 for 8th grade math, and 0.75 for 8th grade reading. Recall that a negative district effect indicates that a district performed worse than expected given district demographics, that a district effect of zero indicates that a district performs as expected, and that a positive district effect indicates a district did better than expected given district demographics. JCPS's district effects were determined by the report to be statistically insignificantly different from zero, indicating that the district did about as expected given district demographics.

^a The NCES reported JCPS enrollment at 100,348 in Fall 2019. Districts with between 75,261 students and 125,435 students were within 25 percent of JCPS's enrollment. Data for all TUDA districts are available in the full CGCS report.

Table C.1
Actual NAEP Scores, Expected NAEP Scores, and District Effect
Large City Districts With Enrollments Similar to JCPS
2019

District And State	Actual Mean	Expected Mean	District Effect
4th Grade Math			
Albuquerque (NM)	230.02	230.84	-0.81
Austin ISD (TX)	242.74	232.92	9.82
Baltimore City (MD)	216.47	221.31	-4.84
Denver, No. 1 (CO)	234.74	220.69	14.05
Fort Worth ISD (TX)	233.02	222.60	10.42
Jefferson County (KY)	232.36	233.96	-1.61
San Diego Unified (CA)	240.23	237.58	2.64
Shelby County (TN)	228.49	237.58	2.94
4th Grade Reading			
Albuquerque (NM)	207.62	209.18	-1.56
Austin ISD (TX)	216.56	211.09	5.47
Baltimore City (MD)	192.54	199.78	-7.24
Denver, No. 1 (CO)	216.87	197.89	19.97
Fort Worth ISD (TX)	204.04	199.12	4.91
Jefferson County (KY)	213.70	214.59	-0.89
San Diego Unified (CA)	222.57	215.90	6.66
Shelby County (TN)	205.37	206.08	-0.71
8th Grade Math			
Albuquerque (NM)	264.90	268.59	-3.68
Austin ISD (TX)	282.60	273.80	8.8
Baltimore City (MD)	254.13	256.47	-2.34
Denver, No. 1 (CO)	n/a	n/a	n/a
Fort Worth ISD (TX)	264.85	259.77	5.08
Jefferson County (KY)	273.62	273.74	-0.12
San Diego Unified (CA)	282.78	280.92	1.86
Shelby County (TN)	265.35	261.67	3.68
8th Grade Reading			
Albuquerque (NM)	247.78	253.10	-5.32
Austin ISD (TX)	257.86	256.31	1.55
Baltimore City (MD)	241.90	242.56	-0.65
Denver, No. 1 (CO)	n/a	n/a	n/a
Fort Worth ISD (TX)	242.77	244.65	-1.88
Jefferson County (KY)	257.96	257.21	0.75
San Diego Unified (CA)	265.95	263.37	2.58
Shelby County (TN)	248.81	246.87	1.93

Source: Michael Casserly et al. "Mirrors or Windows: How Well Do Large City Public Schools Overcome The Effects Of Poverty And Other Barriers?" Council of Great City Schools. June 2021. Web.

Table C.2 shows the enrollment, per pupil revenue, and percent in poverty of each district according to the National Center for Education Statistics for Fall 2019. The table also adjusts per pupil revenue by the Comparable Wage Index for Teachers (CWIFT), which compares regional variations in teacher labor markets.

Table C.2
District Enrollment
Large City School Districts With Enrollments Similar To JCPS
Fall Enrollment 2019

District	Fall 2019 enrollment	Per pupil revenue, 2019	CWIFT adjusted per pupil revenue, 2019	Number of schools	Percent in poverty
Baltimore County (MD)	115,038	16,444	20,737	178	10.9
Shelby County (TN)	113,198	11,548	12,092	222	28.3
San Diego Unified (CA)	102,270	19,822	18,371	175	14.3
Jefferson County (KY)	100,348	14,747	16,134	168	17.2
Denver, No. 1 (CO)	92,143	16,597	15,944	203	15.3
Albuquerque (NM)	88,312	12,146	13,275	176	18.1
Fort Worth ISD (TX)	82,891	11,939	12,121	140	18.8
Austin ISD (TX)	80,911	21,131	20,516	124	13.7

Note: The CWIFT adjusted column represents the county in which the district is located.

Note: Percent in poverty represents the percent of 5- to 17-year olds living in poverty as measured by census data. The income threshold used to determine federal poverty levels is much lower than the thresholds used to determine federal free or reduced-priced lunch, which is 130% and 180% of the federal poverty level, respectively.

Source: National Center for Education Statistics. "Table 215.30 Enrollment, Poverty, And Federal Funds For The 120 Largest School Districts, By Enrollment Size In 2021: School Year 2019-20 And Fiscal Year 2022." Digest of Education Statistics. N.d. Web.; National Center for Education Statistics. "School Directory Information." N.d. Web.

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Appendix D

State Board Of Education Governance Models

Table D.1 presents details for each state regarding the selection process for state board of education members, the chair of the board, the number of members, the length of their terms, and how the state superintendent or commissioner of education is chosen.

Table D.1
State Board Governance Models

State	Selection Of Members	Selection Of State Board Chair/President	Number Of Voting Members	Length Of Term (Years)	Selection Of State Superintendent - Commissioner
Alabama	Elected - 8 members and the Governor - Prohibited: any person who is an employee of the board or who is or has been engaged as a professional educator within five years next preceding the date of the election, including teacher, supervisor, or principal of any public or private school; professor or president of any public or private university, college, junior college, or trade school; any state, county, or city superintendent; or in an administrative position in the field of education	Governor serves as president	9 voting members - 8 are elected from districts - Governor serves as ex officio	4	State Board appoints
Alaska	Governor appoints members, after considering recommendations made by recognized educational associations in the state, subject to confirmation of legislature in joint session - Geographic requirements	State Board appoints	7 voting members	5	State Board appoints with Governor approval

- Prohibited: no more than four shall be members of the same political party as the governor					
Arizona	Governor appoints with consent of Senate, except for the superintendent of public schools	State board appoints	11 voting members - Includes superintendent of public instruction, the president of a state university of a state college, four lay members, a president or chancellor of a community college district, a person who is an owner or administrator of a charter school, a superintendent of a high school district, a classroom teacher, and a county school superintendent.	4	Elected
Arkansas	Governor appoints with confirmation of Senate - Geographic requirements - Prohibited: Commissioner of Elementary and Secondary Education, candidates or holder of public office, school teachers, county or city superintendent, employee of a state-supported college or university, or member of any board of trustees of any state institution of higher education	State Board elects	9 voting members	7	School Board appoints with confirmation of the Governor May not be related within the fourth degree of consanguinity or affinity to any member of the state board
California	Governor appoints 10 members and student member with the advice and consent of two-thirds of the Senate Student member selected from three students recommended by the state board	State Board elects	11 voting members - Includes 1 voting student member	4	Elected
Colorado	Elected from each congressional district; if an even number, one is elected at large - Prohibited: a member of the	State Board elects	9 voting members	6	State Board appoints

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	general assembly; an officer, employee, or board member of a school district or charter school in the state; an officer, employee, or board member of the state charter school institute or the institute board; or an employee of the state board of education				
Connecticut	Governor appoints with advice and consent of the General Assembly - student member from a list submitted to the governor by the Student Advisory Council on Education - Required: at least two with experience in manufacturing or a trade offered at the regional vocational-technical schools or an alumni or has served as an educator of a regional vocational-technical school; at least one with experience in agriculture or an alumni or has served as an educator at a regional agricultural science and technology education center	Governor appoints	12 voting members - 2 nonvoting student members	4	State Board recommends; Governor appoints
Delaware	Governor appoints with Senate confirmation. Senate does not confirm 2 non-voting members - Required: at least two must have prior experience on a local board of education - Prohibited: no more than four members may belong to the same political party	Governor appoints	7 voting members - non-voting members: Teacher of the Year member and student member	6	Governor appoints with the advice and consent of the Senate
Florida	Governor appoints with Senate consent	State board elects	7 voting members	4	State Board appoints

Georgia	Governor appoints with the advice and consent of the Senate - Geographic requirements - Prohibited from membership: governor may not be a member; employed in a professional capacity by a public or private educational institution or by the Department of Education; no person who is or has been connected with or employed by a schoolbook publishing concern, and if any person shall be so connected or employed after becoming a member, his place shall immediately become vacant	State board elects	14 voting members - Ex officio non-voting member for teacher of the year	7	Elected
Hawaii	Governor appoints with advice and consent of the Senate - Geographic requirements	Governor appoints, must be an at-large member	9 voting members 2 non-voting members: one non-voting public high school student representative chosen by the state student council and the senior military commander in Hawaii invited to appoint a nonvoting military representative to the board	3	State Board appoints
Idaho	Governor appoints with consent of the Senate, except state superintendent - Geographic requirements	Governor appoints	8 voting members - Includes superintendent as ex officio voting member	5	Elected
Illinois	Governor appoints with advice and consent of the Senate - Geographic district requirements - Prohibited: no more than one member may be employed as a district superintendent, principal, school business official, or teacher; no more than one may be employed by the same school district or school; no member shall benefit from fund provided by the	Governor appoints	9 voting members - Includes a chairperson	4	State Board appoints; Governor may propose

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SBE to an institution of higher learning, public or private, within Illinois; no member shall be school trustees of a public or nonpublic college, university, or technical institution within Illinois

Indiana	<p>Governor appoints 8 and the secretary of education source IC 20-19-2-2.2; 1 member appointed by the Speaker of the House; 1 member appointed by the president pro tempore of the Senate</p> <ul style="list-style-type: none"> - Geographic requirements - Required: at least six must have professional experience in the field of education, including having teaching or leadership experience at a postsecondary educational institution or is currently employed or retired from a position as a teacher, principal, assistant superintendent, or superintendent; at least one shall be a practicing licensed special education teacher or director - Prohibited: not more than five may be from one political party 	State board elects	<p>11 voting members - Includes the secretary of education</p>	4	Governor appoints
Iowa	<p>Governor appoints voting members with Senate confirmation</p> <ul style="list-style-type: none"> - Prohibited: no more than five shall be of the same political party; shall not be engaged in professional education for a major portion of the member's time nor shall the member derive a major portion of income from any business or activity connected with 	State board elects	<p>9 voting members One non-voting student member</p>	6	Governor appoints with Senate confirmation

	education - Required: three members shall have substantial knowledge related to the community college system Student member appointed from a list of names submitted by the board of education				
Kansas	Elected -Geographic requirements	State board elects	10 voting members	4	State Board appoints
Kentucky	Appointed by the Governor with Senate approval - Geographic requirements - Required: shall reflect equal representation of the two sexes, inasmuch as possible; reflect no less than proportional representation of the two leading political parties of the Commonwealth based on the state's voter registration; and reflect the minority racial composition of the commonwealth based on the total minority racial population using the most recent census or estimate data from the US Census Bureau - Prohibited: no voting member at the time of his or her appointment or during the term of his or her service shall be engaged as a professional educator	State board elects	11 voting members Non-voting members: president of the Council on Postsecondary Education, secretary of the Education Labor Cabinet serving as ex officio nonvoting members. Also, the board appoints an active public-school teacher and a public high school student	4	State Board appoints; subject to Senate confirmation
Louisiana	Governor appoints 3 with senate confirmation; 8 elected - Geographic requirements	State board elects	11 voting members	4	State Board appoints by a two-thirds vote of total membership
Maine	Governor appoints, joint standing committee over education reviews and confirmed by the Senate -Geographic requirements	State board elects	9 voting members One junior and one senior in high school that are non-voting members	5	Governor appoints subject to review by the joint standing committee of the

					legislature having jurisdiction over education and to confirmation by the Legislature State Board appoints
Maryland	Governor appoints with the advice and consent of the Senate. - Required: one being a teacher member who receives the highest number of votes by the teachers in the state is also appointed by the Governor with the consent of the Senate. One being a parent member, with the advice and consent of the Senate from a list of three qualified individuals submitted by the Maryland PTA Prohibited: any individual who is subject to the authority of the board (Except teacher and student member), the governor, the state superintendent	State board elects	14 voting members - Includes student member	4	
Massachusetts	Governor appoints 9; in addition, the chairman of the student advisory council and the secretary of education or on board - Required: must include one representative of a labor organization, one representative of business or industry, one representative of parents of school children provided from a list by the Massachusetts PTA - Prohibited: no member shall be employed by or receive regular compensation from the department of education or from any school system in the commonwealth, or	Governor appoints	11 voting members includes the chairman of the student advisory council, the secretary of education	5	State Board submits recommendation for Secretary approval. If Secretary declines, board shall submit another candidate

	serve as a member of any school committee; not more than two shall be employed on a full-time basis by any agency of the commonwealth				
Michigan	Elected; must be nominated by party conventions	Chaired by the state superintendent, who is appointed by the State Board	8 voting members Governor is non-voting ex officio	8	State Board appoints
Minnesota	None	None	None	None	Governor appoints with the advice and consent of the Senate
Mississippi	Governor appoints 5; Lt. Governor appoints 2 and Speaker of the House appoints 2. All members shall be appointed with the advice and consent of the Senate. - Geographic requirements - Required: one member employed on an active and full-time basis as a school administrator; one member employed on an active and full-time basis as a schoolteacher - Prohibited: none shall be an elected official	State Board elects	9 voting members	9	State board appoints with the advice and consent of the senate
Missouri	Appointed by the Governor, by and with the advice and consent of the senate - Geographic requirements - Prohibited: no more than four members of the same political party; shall not be connected, either as an official or as employee, with any public, private, or denominational school, college or university, not be the holder of or a candidate for any public office	State Board elects	8 voting members - one teacher representative, non-voting	8	State Board appoints
Montana	Seven appointed by the Governor and confirmed by the senate	State Board elects	7 voting members - Includes one higher education	7	Elected

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	<ul style="list-style-type: none"> - Geographic requirements - Prohibited: not more than four may be affiliated with the same political party; a person may not be appointed to concurrent memberships on the board of public education and the board of regents 		<p>student member</p> <p>Non-voting members: the governor, superintendent of public instruction, and commissioner of higher education are ex officio and nonvoting members.</p>		
Nebraska	<p>Elected</p> <ul style="list-style-type: none"> - commissioner shall not be a member 	State Board elects	8 voting members	4	State Board appoints
Nevada	<p>4 elected; Governor appoints 3 of which one is nominated by the majority leader of the Senate and another one nominated by the Speaker of the Assembly. Governor appoints 4 non-voting members.</p> <ul style="list-style-type: none"> - Required: of the appointed members: one must be a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association; one must be a parent or legal guardian of a pupil enrolled in a public school; one must be a person active in a private business or industry of the state 	State Board elects	<p>7 voting members</p> <p>4 nonvoting members: a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards; the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents; one who represents the Nevada System of Higher education, nominated by the Board of Regents of the University of Nevada; a pupil enrolled in a public high school in Nevada, nominated by the Nevada Association of Student Councils and in consultation with the Nevada Youth Legislature</p>	4	Governor appoints from a list of three candidates submitted by the State Board
New Hampshire	<p>Governor and council shall appoint</p> <ul style="list-style-type: none"> - Geographic requirements - Prohibited: may not be technical educators or professionally engaged in school work. 	Governor appoints	7 voting members	4	Governor appoints after consultation with the State Board
New Jersey	<p>Governor appoints, by and with the advice and consent of the senate</p> <ul style="list-style-type: none"> - Geographic requirements 	State Board elects	13 voting members	6	Governor appoints with advice and consent of the Senate

	- Required: not less than three of whom shall be women				
New Mexico	No state board instead they have a public education commission, which is elected - Geographic requirements	Commission elects	10 voting members	4	Governor appoints and confirmed by the Senate
New York	Legislators appoints Regents - Geographic requirements	Regents elect	17 voting members	5	Elected by a majority vote of the regents
North Carolina	Governor appoints 11, subject to confirmation by the General Assembly in joint session. Also includes Lieutenant governor and State Treasurer. - Geographic requirements - Prohibited: not more than two public school employees paid from state or local funds; no spouse of any public school employee paid from state or local funds; no spouse of any employee of the department of public instruction	State Board elects	13 voting members - includes the Lieutenant Governor, State Treasurer	8	Elected
North Dakota	Governor appoints from a list of names submitted by a committee, except superintendent - Geographic requirements	State Board elects	7 voting members Includes superintendent of public education	6	Elected
Ohio	Governor appoints 8 with the advice and consent of the Senate and 11 elected members - Geographic requirements - Prohibited: no elected or appointed member shall hold any other office of trust or profit or be an employee or officer of any public or private elementary or secondary school	State Board elects	19 voting members 2 two nonvoting ex officio members (the chair of the committee of the senate that primarily deals with education and the chair of the committee of the house of representatives that primarily deals with education)	4	State Board appoints
Oklahoma	Governor appoints with approval of the Senate, except the superintendent	State Superintendent of Public Instruction serves as the chair	7 voting members - Includes State Superintendent.	3	Elected

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Oregon	Governor appoints 9 with confirmation of the Senate. - Geographic requirements	State Board elects	9 voting members State Treasurer and Secretary of State or their designees are nonvoting ex officio members	4	The Governor serves as the Superintendent of Public Instruction and appoints a Deputy Superintendent
Pennsylvania	Governor appoints 17 with consent of the Senate. Four members are the majority and minority chairs of the House and Senate education committees. - Prohibited: except for the chairman, not more than two members serving on each council (four total) shall be employed either in a school system or in the Department of Education; three members of the Council of Higher Education shall be actively employed by an institution of higher education, at least one administrative and at least one professional faculty; at least two members serving on each council (four total) shall have had previous experience with career and technical education or training	Governor appoints	21 voting members - ex officio members include chairmen and minority chairmen of the House of Representatives and Senate Education Committees or their designees, with voting privileges - ex officio non-voting member: the Chairman of the Professional Standards and Practices Commission or designee	6	Governor appoints subject to the consent of two-thirds or a majority of the Senate source Article IV, Sec. 8. Appointing Power
Rhode Island	Governor appoints with the advice and consent of the senate	Governor appoints	17 voting members 4 non-voting ex officio members: the chair of the Governor's workforce board or designee, the chair of the Rhode Island commerce corporation or designee, the chair of the university of Rhode Island board of trustees or designee, and the Rhode Island teacher of the year	3	The council on elementary and secondary education, with the advice and consent of the board of education.

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South Carolina	Governor appoints 1 and Legislature appoints elects 16 source - Geographic requirements	State Board elects	17 voting members	4	elected
South Dakota	Governor appoints with advice and consent of the senate	State Board elects	7 voting members	4	Governor appoints with consent of the Senate
Tennessee	Speaker of the Senate and Speaker of the House appoints 3 each, each affirmed by their house; Governor appoints 3 confirmed by the senate and the house; Governor appoints high school student source - Prohibited: none shall be an elected official or employee of the federal, state, or a local government; at least one but not more than one shall be employed as a K-12 public school teacher	State Board elects	10 voting members - Includes 9 appointed members, one public high school student Non voting ex officio member: executive director of the Tennessee higher education commission or designee	5	Governor appoints
Texas	Elected - Geographic requirements - Prohibited: not eligible if the person holds an office with the state or any political subdivision of the state; lobbyists may not serve	Governor elects appoints with the consent of the senate	15 voting members	4	Governor appoints with the advice and consent of the senate
Utah	Elected -Geographic requirements - Prohibited: may not serve as an employee of the State Board of education	State Board elects	15 voting members	4	School Board appoints
Vermont	Governor appoints with the advice and consent of the Senate	State Board elects	9 voting members - Includes one voting student member 2 non-voting members, including additional non-voting student member and Secretary of Education	6	Governor appoints from at least three candidates proposed by the State Board.

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Virginia	Governor appoints with confirmation of the general assembly - Required: at least two shall represent business and industry in the private sector in the Commonwealth; geographic requirements - The Governor shall consider appointing one member with expertise or experience in local government leadership or policymaking; one member with expertise or experience in career and technical education, and one member with expertise or experience in early childhood education	State Board elects	9 voting members	4	Governor appoints after consultation with the Board of Education and confirmation by the General Assembly
Washington	5 members elected by the local school board members; one member elected by the members of private school boards; seven members appointed by the governor and confirmed by the senate; The superintendent of public instruction and two students selected in a manner determined by the state board of education. - Geographic requirements	State Board elects	16 voting members	4	Elected
West Virginia	Governor appoints 9 with the advice and consent of the Senate - Prohibited: no more than five members may belong to the same political party; no person is eligible who is a member of any political party executive committee or holds any other public office or public employment under the federal or	State Board elects	9 voting members and 3 non-voting members including the State Superintendent of Schools, Chancellor of the higher education Policy Commission and Chancellor of the West Virginia Council for Community and Technical College	9	State Board appoints

	state government, or who is an appointee or employee of the board				
Wisconsin	None	None	None	None	Elected
Wyoming	Governor appoints 11 with approval of the Senate - Required: appointed members shall include: one certified classroom teacher, one certified school administrator, two representatives of Wyoming private business or industry, and one member of a school district board of trustees - Prohibited: not more than 75% shall be from one political party	State Board elects	12 voting members, including the state superintendent Non-voting ex officio members include: Executive director of the Wyoming community college commission and the president of the University of Wyoming or their designees	6	Elected
District of Columbia	Elected - Geographic requirements - Prohibited: not hold another elective office, other than as an official of a political party; not be an officer or employee of the Board or the District of Columbia government, excluding employees of the District of Columbia Public Schools	State Board elects	9 voting members	4	Mayer appoints with the advice and consent of the Council in accordance with § 1-523,01(a)

Sources: Review of each state's statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

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Appendix E

Local Board of Education Governance Models

Table E.1 provides information for each state about the selection process for local board of education members, including the number of members, the length of their terms, and the qualifications required to serve on the local board.

Table E.1
Local Board Of Education Governance Models

State	Selection Of Members	Number Of Voting Members	Length Of Term (Years)	Qualifications
Alabama	Elected	5	6	Good moral character; obtained a high school diploma or its equivalent, not employed by the county board of education, is not serving on the governing board of a private elementary or secondary educational institution, is not on the State or National Sex Offender Registry, has not been convicted of a felony
Alaska	Elected	Each borough and city school district with an average daily membership of 5,000 or less has a school board of five members, except that the governing body of the borough or city may by ordinance, concurred in by a majority of the district school board, provide for a school board of seven members. Each borough and city school district with an average daily membership exceeding 5,000 has a school board of seven, nine, or eleven members, as established by ordinance.	3	To be eligible to be a member of a school board, a person must have the same qualifications as are necessary to be a municipal voter in the school district.
Arizona	Elected	Three, except the governing body of a high school district shall be a governing board composed of:	4	Be a registered voter and reside within the legal boundaries of the school district and have lived in the district for at least one year immediately preceding the day of election.

		<p>1. In a single district, the governing board members of the common school district.</p> <p>2. In a union high school district, five members.</p>		
Arkansas	Elected	Five or seven members. A board may have nine members if the school district has an average daily membership of 20,000 or more.	Not less than 3 years and no more than 5.	Must be a qualified elector of the school district and can not be employed at the same district.
California	Elected	<p>Five members.</p> <p>A unified school district may have seven members if the proposal for unification has specified a governing board of seven regular members. The governing board of an elementary school district other than a union or joint union elementary school districts shall consist of three members. If average daily attendance during is 300 or more, the members of the governing board shall be increased to 5.</p>	4	18 years or older; a citizen of the state; a resident of the school district; a registered voter; and not disqualified by the constitution or laws of the estate from holding a civil office. In addition, they may not be an employee of a school district.
Colorado	Elected	Minimum of 3 per constitution; however, statute states 5, 6, or 7 members. In each school district coterminous with a city and county, there shall be elected a seven-member board of education with one eligible elector elected from each of five director districts and two eligible electors elected from the district at large.	4 years and can run for 2 terms.	Must be a resident of the school district and a registered voter for at least 12 consecutive months prior to the election. No person who has been convicted of a sexual offense against a child is eligible to serve. Candidates may not campaign as members of a political party.
Connecticut	elected	Each town shall consist of three, six, nine or twelve members.	3	A registered voter and not be employed by the district in which you live.
Delaware	elected	Five members	4	Must be a qualified voter in that district. Must not hold a paid position which is subject to the rules and regulation of such board.
Florida	elected	Not less than 5 members. Can increase more than 5 if the board adopts a	4 but no more than 8 years	Shall be a qualified elector of the district in which they serve, and be a resident of the district

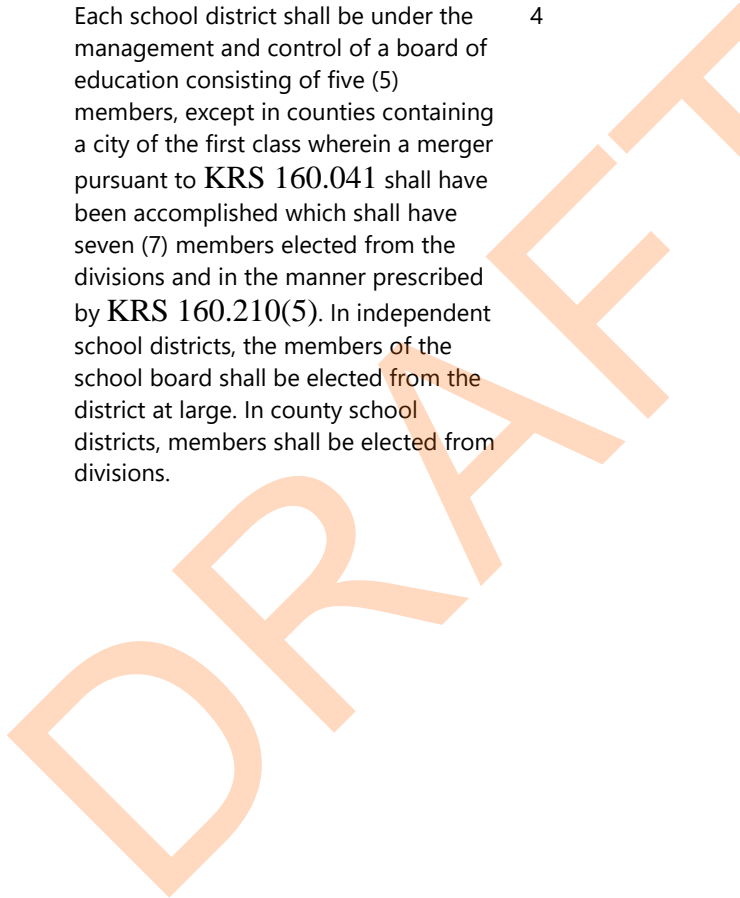
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		resolution that establishes the total number of board members.		school board member residence are for which they are elected.
Georgia	elected	No more than 7 members. The number of members may be reduced to less than seven members by local legislation, but such members shall be elected from separate single-member districts of approximately equal population.	4	Must be a resident of the school district. No person serving on the governing body of a private elementary or secondary educational institution shall be eligible to serve as a member of a local board of education. No person employed by a local board of education shall be eligible to serve as a member of that board of education. No person employed by the Department of Education or serving as a member of the State Board of Education shall be eligible to serve as a member of a local board of education. No person who has an immediate family member sitting on a local board of education or serving as the local school superintendent or as a principal, assistant principal, or system administrative staff in the local school system shall be eligible to serve as a member of such local board of education. As used in this paragraph, the term "immediate family member" means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent whose employment as the local school superintendent or as a principal, assistant principal, or system administrative staff in the local school system began on or after January 1, 2010. No person who is on the National Sex Offender Registry or the state sexual offender registry shall be eligible for election to or service on a local board of education.
Hawaii	N/A	N/A	N/A	N/A
Idaho	Elected	The board of trustees of each elementary school district shall consist of 3 members, and all other school districts shall consist of 5 members.	4	Be a citizen of the United States, at least 18, a resident of the trustee zone from which nominated or appointed, be a resident in Idaho and the county for at least 30 days prior to the election.

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Illinois	Elected	School districts with populations of fewer than 1,000 shall have 3 members. Seven members for more than that.	4	A citizen of the US, of the age of 18 or over, is a resident of the State and of the territory of the district for at least one year immediately preceding the election. Is a registered voter, is not a school trustee or a school treasure and is not a child sex offender.
Indiana	Elected	The local board of school commissioners consists of 7 school commissioners.	4	Be a resident voter of the school city and have been a resident of the school city for at least one year immediately preceding the member's elect. A board member may not serve in an elective or appointive office under the board or under the government of the civil city while serving on the board or knowingly have a pecuniary interest as described in IC 35-44.1-1-4 in a contract or purchase with the school city in which the member is elected.
Iowa	Elected	In a district that include all of a city with a population greater than 15,000 the board has seven members. All other boards have five members, but may increase to 7.	4	Each candidate shall be nominated by petition. If the candidate is running for a seat in the district which is voted for at-large, the petition must be signed by the greater of at least ten eligible electors or a number of eligible electors equal in number to not less than one percent of the registered voters of the school district, which number need not be more than fifty. If the candidate is running for a seat which is voted for only by the voters of a director district, the petition must be signed by the greater of at least ten eligible electors of the director district or a number of eligible electors equal in number to not less than one percent of the registered voters in the director district, which number need not be more than fifty.
Kansas	Elected	7 members, except as is specifically otherwise provided in K.S.A. 72-1210	4	School board members must be registered voters in the school district and cannot be an employee of the board on which they are a member. If board members are elected from certain areas of the district rather than at-large,

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Kentucky	Elected	<p>Each school district shall be under the management and control of a board of education consisting of five (5) members, except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner prescribed by KRS 160.210(5). In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from divisions.</p>	4	<p>they must live in the area of the district from which they are seeking office.</p> <p>No person shall be eligible for membership on a board of education: (a) Unless he has attained the age of twenty-four (24) years; and (b) Unless he has been a citizen of Kentucky for at least three (3) years preceding his election and is a voter of the district for which he is elected; and (c) Unless he has completed at least the twelfth grade or has been issued a High School Equivalency Diploma; and (d) Unless an affidavit signed under penalty of perjury certifying completion of the twelfth grade or the equivalent as determined by passage of the twelfth grade equivalency examination held under regulations adopted by the Kentucky Board of Education has been filed with the nominating petition required by KRS 118.315; and (e) For a candidate who files a nominating petition as required by KRS 118.315 on or after April 4, 2018, unless a transcript evidencing completion of the twelfth grade or results of a twelfth grade equivalency examination has been filed with the nominating petition; or (f) Who holds any elective federal, state, county, or city office; or (g) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery, or any other property, materials, supplies, equipment, or services for which school funds are expended; or (h) Who has been removed from membership on a board of education for cause; or (i) Who has a relative as defined in subsection (1) of this section employed by the school district and is elected after July 13, 1990. However, this shall not apply to a board member holding office on July 13, 1990, whose relative was not initially hired by the district during the tenure of the board member.</p>
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Louisiana	elected	Varies by parish/district	4	Any person who at the time of qualification as a candidate for the school board has attained the age of eighteen, resided in the state for the preceding two years, and has been actually domiciled for the preceding year in the parish, ward, or district from which he seeks election is eligible for membership on the school board. However, at the next regular election for members of the school board following a reapportionment, an elector may qualify as a candidate from any district created in whole or in part from a district existing prior to reapportionment if he was domiciled in the prior district for at least one year immediately preceding his qualification and was a resident of the state for the two years preceding his qualification.
Maine	Elected	Boards of directors for regional school units or school administrative districts may not have fewer than five members. A municipality has a school committee of three. In a district that does not include kindergarten and grades one to 12, the school committee of each member town shall choose from its membership the representation on the community school district's school committee. In a district that does encompass kindergarten and grades 1-12, the member towns shall elect their representatives directly to the district school committee.	In municipalities with annual elections, directors shall serve a 3-year term. In municipalities with biennial elections, directors shall serve a 4-year term. A director shall serve until a successor is elected and qualified.	A United States citizen, a resident of the State of Maine, a qualified voter in the community or ward thereof by and from which they are elected, and at least 18 years of age. No member of the Board or spouse shall be an employee in any public school within the system.
Maryland	Most are elected, Baltimore City Board is appointed by the Mayor and four boards are hybrid comprised	In a county school system with an enrollment of less than 50,000 students, the county board is composed of five members. In a county school system with an enrollment of 50,000 students or more but less than 100,000 students,	5	Each member shall be appointed solely because of character and fitness and without regard to political affiliation. An individual who is subject to the authority of the county board may not be appointed to or serve on the county board. Unless otherwise disqualified under this

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	of both elected and appointed.	the county board is composed of seven members. In a county school system with an enrollment of 100,000 students or more, the county board is composed of nine members. Certain exceptions are made for certain counties.		section, a member of a board is eligible for reappointment. However, an individual may not serve for more than 2 consecutive terms.
Massachusetts	Elected and one member of the school committee to be appointed by the moderator.	Regional school planning committees are composed of three members, including one member appointed by the moderator. Regional school planning boards determine the number, composition, and method of selection of members.	Varies	?
Michigan	Elected, However Intermediate school board members may be elected or appointed	The school board for a community district shall consist of 7 school electors of the community district elected on a districtwide basis. The number of intermediate school board members shall be 7.	4	For an individual's name to appear on the official ballot as a candidate for member of the initial elected school board of a community district, the candidate shall file a nominating petition and the affidavit required by section 558 of the Michigan election law, MCL 168.558, with the school district election coordinator not later than 4 p.m. on the fifteenth Tuesday before the election date. The nominating petition must be signed by a minimum of 40 and maximum of 100 school electors of the community district.
Minnesota	Appointed by the school board or governing board of each member district	School boards in Minnesota are made up of either 6 or 7 members. Some exceptions have been created by special legislation often for consolidated districts.	4	At least 21, an eligible voter, district resident for at least 30 days, and not a convicted sex offender.
Mississippi	Elected by a majority of the governing authorities of the municipality.	5 members	5	No person who is a member of such governing body, or who is an employee of the municipality, or who is a member of the county board of education, or who is a trustee of any public, private or sectarian school or college located in the county, inclusive of the municipal separate school district, or who is a teacher in or a trustee of the school district, shall be eligible for appointment to the board of trustees.

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Missouri	Elected	The school boards of a seven-director district, urban school district or metropolitan school district are composed of seven members.	Most districts serve three-year terms of office, however board members in Independence serve six-year terms.	Each director shall be a voter of the district who has resided within this state for one year next preceding the director's election or appointment and who is at least twenty-four years of age.
Montana	Elected	A first-class elementary district board is composed of seven trustees. A second-class elementary district board is composed of five trustees, although the board may vote to increase membership to seven. A third-class elementary district board is composed of three trustees, although the board may vote to increase membership to five. Each county high school board is composed of seven trustees. Requests for additional trustee positions may be made.	The term of office for each position must be 3 years unless it is otherwise specifically prescribed by this title.	School Board members must be citizens of the United States and qualified voters residing in the school district boundaries. They are elected, however, by nonpartisan popular vote from the total school district population. The state does not limit the numbers of terms a director may serve.
Nebraska	Elected	A Class III school district may, by resolution, provide for a change in the number of members on the school board to a minimum of five members and a maximum of nine members. A Class IV school district has seven members and also may include a nonvoting student member. A Class V school district is composed of nine members.	4	No person shall file for office, be nominated or elected, or serve as a member of a school board in any class of school district unless he or she is a legal voter in such district. No member of a school board shall be engaged in a contract to teach pursuant to sections 79-817 to 79-821 with the school district which he or she serves as a board member.
Nevada	Elected	If more than 75,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of 11 members. If 1,000 or more but not more than 75,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members. Except in	4	Be a qualified elector and reside within the county school district.

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		<p>school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225. If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of five members. If 1,000 or more, but fewer than 1,500 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any year before a general election will be held, adopts a resolution specifying that the board will consist of five members.</p>		
New Hampshire	Elected	<p>A school district which is not a cooperative school district as defined in RSA 195:1 may have a school board of 3, 5, 7, or 9 members. A cooperative school district may adopt a bylaw to specify the number, composition, method of selection, and terms of office of its cooperative school board, provided that the cooperative school board consists of an odd number of members, not to exceed fifteen.</p>	3	<p>A person must be a registered voter in their district. Those who are serving as district moderator, treasurer, auditor, or are salaried employees of the district, are not eligible to run for school board.</p>
New Jersey	Type I districts are appointed by the mayor or other chief executive officer of the municipality constituting the	<p>Type I districts board has 5 or 7 members, except that it consists of 9 members in districts in cities of the first class, and in districts in which it has been so determined by referendum held pursuant to law.</p>	<p>Boards consisting of 5 members serve 5 years, boards consisting of 7 or 9 members serve for 3 years. Boards appointed by the mayor or other chief executive</p>	<p>Be able to read and write. Hold U.S. citizenship and one year's residency in the school district. Be registered to vote in the district before filing the nominating petition. Have no interest in any contract with, or claim against, the board. Not hold office as mayor or member of the municipal governing body or, in the case of county school</p>

	<p>district. Type II districts are elected or in towns having a population of more than 10 thousand, the board are appointed like Type I districts.</p>	<p>Type II district boards is composed of 9 members, or of 3, 5 or 7 members determined by referendum.</p>	<p>officer of the municipality serves for 5 years</p>	<p>districts, the county governing body. Not simultaneously hold two elective offices. Not be disqualified from membership for the conviction of certain crimes. (Within 30 days of election or appointment to the board, a member must undergo a criminal history background investigation through the state Department of Education.)</p>
New Mexico	<p>elected</p>	<p>5 or the local school board of any school district in this state may by resolution provide for the local board of that district to be composed of seven qualified electors of the state who reside within the district. Local school districts having a population of more than two hundred thousand, as shown by the most recent decennial census, the qualified electors of the districts may choose to have a local school board composed of seven members.</p>	<p>4</p>	<p>Must be qualified electors of the state who live within the school district, and, for districted boards, must live within the single-member district from which they are seeking election.</p>
New York	<p>Elected except for Yonkers, which are appointed by the mayor, Central School District which are appointed by the boards of any Union Free or Common school district in the district, and the city of New York, which are appointed by each borough president of the city and 8 members</p>	<p>Electors of a Common School District determine if there will be one or three trustees. Union Free School District boards of education are composed of no less than three, and no more than nine, members. The board may vote to change the number of members. Central School District boards are composed of five, seven, or nine members. Central High School District boards must have a minimum of five members. The board of education of city school districts with less than 125,000 inhabitants is composed of five, seven, or nine members. Upon its own motion, the board may change the number of members. In Albany, there</p>	<p>School board members serve three- four- or five-year terms.</p>	<p>School board candidates must be a U.S. citizen, at least 18 years old, qualified voters in the school district and able to read and write. They must be residents of their districts continuously for one year (as little as 30 days or as long as three years in some city school districts) before the election. They cannot be employed by the board on which they serve or live in the same household with a family member who is also a member of the same school board.</p>

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	<p>appointed by the mayor</p>	<p>are seven members. In Rensselaer, there are five members. The board of education of city school districts with more than 125,000 inhabitants is composed of not less than three and not more than nine members. In Buffalo and Yonkers, there are nine members. In Buffalo. In Yonkers, members are appointed from the city at large by the mayor. In Rochester and Syracuse, there are seven members. The board of education of the city school district of the city of New York is composed of thirteen appointed members.</p>		
<p>North Carolina</p>	<p>Elected. Provided, that where there are multiple local school administrative units located within the county, and unless the county board is responsible for appointing members of the board of education of a city administrative unit located within the county, only those voters who reside within the county school administrative unit boundary lines shall be eligible to vote</p>	<p>5 members</p>	<p>4</p>	<p>No person residing in a local school administrative unit shall be eligible for election to the board of education of that local school administrative unit unless such person resides within the boundary lines of that local school administrative unit. Must be 21 and a qualified voter.</p>

for members of the county board of education. Where the county board is responsible for appointing members of the board of education of a city administrative unit located within the county, the voters residing within that city school administrative unit shall be eligible to vote for members of the county board of education.

North Dakota	Elected	5, 7, or 9 members	3 but can convert to 4 years.	Be a qualified elector and reside in the school district.
Ohio	Elected	5 members for local and exempted village school districts and educational service center. In city school districts with a population of less than fifty thousand persons, the board is composed of not less than three and not more than five members. In city school districts with a population of fifty thousand or more, but less than one hundred fifty thousand persons, the board is composed of not less than two nor more than seven members elected at large and not more than two members elected from subdistricts by the qualified electors of their respective subdistricts. In city school districts with a population of one hundred fifty	4	Be a U.S. citizen, at least 18, a resident of the state and school district for at least 30 days preceding the election, and a registered voter for at least 30 days.

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thousand persons or more, the board is composed of not less than five nor more than seven members.

Oklahoma	Elected	Elementary has 3 members and independent districts can have 5 or seven members.	Boards with 3 members serve 3 years, 5 members serve 5 years and 7 members serve 4 years.	Reside in the district for at least 6 months preceding the first day of the filing period, and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the district for six months preceding the first day of the filing period, and if in a school district that has been divided into election districts, a candidate must have resided in the district for six months preceding the first day of the filing period and have been a registered voter registered within the county election board at an address located within the geographical boundaries of the election district for six months preceding the first day of the filing period.
Oregon	Elected	seven, nine or 11 members	4	Must be a registered voter and you must have lived in the district for one year immediately preceding the election. School district, ESD and community college employees elected to serve on their board must give up employment with the district to sit on the board.
Pennsylvania	In each school district of the first class or of the first class. Five members are appointed by the judges of the courts of common pleas of the county in which such school district is situated. In each school district of the first-class A	In each school district of the first class or of the first class A, the board is composed of fifteen school directors. In each school district of the first class A, the board is composed of an odd number of members not less than seven nor more than fifteen school directors.	6 years in districts first class and first class A and 4 years in first class A school districts.	At least eighteen (18) years of age as of the date of the November municipal election. A candidate must also be a resident of the school district for at least one (1) year prior to the date of the November municipal election (or prior to appointment if appointed). Of good moral character and must have no record of conviction for any felony offense or any misdemeanor offense involving dishonesty or other "moral turpitude." School board elections in Pennsylvania are considered partisan, despite the ability to cross-file. A federal law known as the Hatch Act prohibits all federal employees and employees of state or local governments whose

	<p>members are elected.</p>			<p>positions are funded entirely from federal sources from being candidates in partisan political elections for public office, including school boards. The Hatch Act does not prohibit holding elective office if appointed to fill a vacancy. Active-duty military, including reservists serving on extended active duty (orders for more than 270 days), are prohibited by federal law and Department of Defense regulations from running for or performing the functions of partisan political office. Many governmental and private employers have rules or policies that require employees to notify them or get permission whenever they engage in outside employment, including running for elective office. Under Ethics Act rules, holding school board office can create additional burdens for their employer if the employer engages in business transactions with the school district. School directors cannot be employed by their school district during the term for which elected.</p>
<p>Rhode Island</p>	<p>Elected unless otherwise stated. Providence is currently run by Rhode Island Department of Education. Central falls members are nominated by the Commissioner of Education and appointed by the Council on Elementary and Secondary Education.</p>	<p>The school committee of each town or city is composed of three members. This section shall not apply to the cities of Providence, Central Falls (seven members), Woonsocket (5 members), or the Town of North Smithfield (5 members).</p>	<p>4 years for elected; 3 years if appointed.</p>	<p>Members of the school committee shall be qualified electors and shall hold no other paid public office or employment in the service of the town. Current service as notary public, justice of the peace, membership in the national guard or naval, air or military reserve or employment by any of the educational institutions maintained by the state, shall not disqualify persons for school committee membership. No member of the school committee shall be eligible to accept any other paid local town office during his or her tenure on the school committee or for a period of one year thereafter.</p>

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South Carolina	<p>Board members are elected in 68 of the 73 districts. Four districts have members appointed by a county board or legislative delegation. Only three boards have all members appointed by either a county board or their legislative delegation: Clarendon Two, Dillon Three (Latta) and Dillon Four.</p>	<p>School boards in South Carolina vary greatly. The smallest ones have five members, while the largest ones – Greenville and Horry – have the most with 12 members. Five, seven and nine members reflect the most prevalent patterns for district school boards in South Carolina. Exceptions include Beaufort with 11 board members, Spartanburg Two with 10 members and Darlington with eight members. Of the remaining districts 32 have seven members, 27 have nine members and 5 have five members.</p>	4 years	<p>A candidate must be a registered voter in the area to be represented.</p>
South Dakota	Elected	Five, seven, or nine members	<p>3. A school board may, by resolution, increase the length of terms from three to four years or decrease the length of terms from three to two years for the purpose of holding joint elections pursuant to § 13-7-10.3.</p>	<p>At least 18 years old. A resident of the school district. Eligible voter of the district or representative area.</p>
Tennessee	Elected	<p>The board is composed of no more members than the number of members authorized by general law or private act for boards of education in existence on January 1, 1992, or the number of members actually serving on a board on January 1, 1993. The general assembly may authorize any number of school board members that is no less than three nor more than eleven.</p>	4	<p>A citizen of Tennessee; At least 18 years old; A resident of the school district; A high school graduate or G.E.D; A registered voter in the county Not fall within TCA 8-18-101(1)-(5), which are those unable to run for public office.</p>

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Texas	Elected	The board is composed of the number of members that the district had on September 1, 1995. A board of trustees that has three or five members may by resolution increase the membership to seven.	A trustee of an independent school district serves a term of three or four years.	U.S. Citizen, 18 Years Older, or older, at the start date of the term of service. A resident and registered voter of the school district for six months before the filing date deadline. A resident and registered voter of the state for 12 months before the filing deadline. Has not been convicted of a felony. A candidate who lives in a school district that elects trustees from single-member districts must also reside in the area or district he or she seeks to represent. Trustees are non-partisan positions.
Utah	Elected	The board of education of a school district with a student population of 50,000 or more students but fewer than 100,000 students: except as provided in Subsection (1)(d)(i)(B), comprises seven members; or comprises nine members if the board of education of the school district, by majority vote, increases the board to nine members; and the board of education of a school district with a student population of 100,000 or more students comprises nine members.	4	Be a resident of the local school board district in which the person is seeking election for at least one year immediately preceding the day of the general election at which the board position will be filled. A person who has resided within the local school board district, as the boundaries of the district exist on the date of the general election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2). A member of a local school board shall: be and remain a registered voter in the local school board district from which the member is elected or appointed; and maintain the member's primary residence within the local school board district from which the member is elected or appointed during the member's term of office. (4) A member of a local school board may not, during the member's term in office, also serve as an employee of that board.
Vermont	Elected	The number of directors of a supervisory union is established in a meeting of the school directors of the school districts in the supervisory union. School boards are composed of three	Each town school district shall have a school board consisting of three directors. When the terms are to be for two years, the warning	At least 18. A resident in the school district in which the individual is seeking office. Not a resident of an unorganized town, grant or gore. Must not be employed by the supervisory union they serve or by a school district within the supervisory union. Not a holder of a

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directors. The electorate may elect not more than two additional directors.

for the meeting shall so specify. If two additional directors are elected, they shall have terms of the same length, but if the terms are to be for two years.

simultaneous position as an auditor, first constable, collector of taxes, town treasurer, town agent or town manager. A school board member's spouse may not be the town auditor.

<p>Virginia</p>	<p>Appointed or elected. In school divisions composed of a single county, members are appointed by the school board selection commission. A petition may be filed to transfer appointment authority to the governing body of the county. In counties with a county manager plan of government, voters may petition to transition from an appointed board to an elected board. The school board of a city or town which constitutes a school division is appointed by the governing body of such city or town.</p>	<p>The board of county supervisors shall establish by resolution the number of school board members. The school board of a school division composed of a county having a county manager plan form of government consists of not less than three nor more than seven members who shall be chosen by the board of county supervisors. The exact number of members shall be determined by the board of county supervisors. The school board of a city or town which constitutes a school division consists of three members for each district in such city or town. However, the school board of a school division composed of any city or town having only one district consists of five members. The school board of any school division which is composed of less than one county or city or part or all of more than one county or city consists of no fewer than six nor more than nine members, the exact number to be determined by the governing body of the county or city if the school division is composed of less than one county or city or by agreement of the governing bodies of the counties and cities in the school division if composed</p>	<p>4 years, except the school board of a school division composed of the city or town shall be 3 years.</p>	<p>Any person who is qualified to vote and who resides in the district he or she seeks to represent (if election is by district) or the division (if election is at large) can be a school board candidate. Candidates must file a declaration of candidacy with the general registrar of the county or city in which the candidate resides. Petitions containing the signature of at least 125 qualified voters of the election district (or if the district has 1,000 or fewer registered voters, at least 50 qualified signatures) must be filed with the declaration of candidacy. Any employee of a school board is prohibited from serving on the school board. The employee may run as a candidate provided no local rules prohibit the candidacy, but if elected, he or she must resign the employee position before taking office. An employee of one school division may be elected to a school board of another school division where he or she resides. Some state and local government officials are prohibited from being school board candidates</p>
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		of part or all of more than one county or city.		
Washington	Members are elected by current school directors	Seven	4	<p>Each person appointed or elected to a school board shall, at the time of his appointment or election, be a qualified voter and a bona fide resident of the district from which he is selected if appointment or election is by district or of the school division if appointment or election is at large; and if he shall cease to be a resident of such district or school division, his position on the school board shall be deemed vacant. Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or ward-based residency requirements for members of the school board. Shall be a citizen and resident in the county in which he or she serves on the county board. Also, a person who is a candidate for membership on a county board or who is a member-elect of a county board shall be a citizen and resident in the county in which he or she seeks to serve on the county board; May not be employed by the county board on which he or she serves, including employment as a teacher or service person; May not engage in the following political activities: Become a candidate for or hold any other public office, other than to succeed him or herself as a member of a county board subject to the following: A candidate for a county board, who is not currently serving on a county board, may hold another public office while a candidate if he or she resigns from the other public office prior to taking the oath of office as a county board member. The term "public office" as used in this section does not include service on any other board,</p>
West Virginia	Elected	5	4	



				<p>elected or appointed, profit or nonprofit, under the following conditions: The person does not receive compensation; and The primary scope of the board is not related to public schools. Become a candidate for, or serve as, an elected member of any political party executive committee; Become a candidate for, or serve as, a delegate, alternate or proxy to a national political party convention; Solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office; May engage in any or all of the following political activities: Make campaign contributions to partisan or bipartisan candidates; Attend political fund raisers for partisan or bipartisan candidates; Serve as an unpaid volunteer on a partisan campaign; Politically endorse any candidate in a partisan or bipartisan election; or Attend a county, state or national political party convention.</p>
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Wisconsin	Elected	<p>In common or union high school districts, school boards shall be composed of the following number of members: A common school district operating elementary grades or a union high school district shall have 3 school board members, except that if such school district is coterminous with a town or</p>	<p>3 year terms except for first class city school districts, which is 4 year terms.</p>	<p>Be a citizen of the United States; Be 18 years of age or older; Have no disqualifying prior criminal convictions; and Be a resident of the school district for at least 28 consecutive days at the time of filing a declaration of candidacy.</p>
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has a population of 500 or more it may have 5 school board members. A common school district operating elementary and high school grades may have 3, 5, 7 or 9 school board members. A common or union high school district may have not exceeding 11 school board members.

Wyoming	Elected	Composed of five, seven, or nine members.	4	A registered voter and a resident of the school district.
District of Columbia	N/A	N/A	N/A	N/A

Note: Chicago Illinois board members used to be appointed by the Governor. However, starting in 2024 the size of the board will change from 7 members to 21 members. The Chicago mayor will appoint 11 members this year and 10 members will be elected. The election to pick the remaining board members will be held in 2026.

Sources: Review of each state’s statutes; National Center for Education Statistics, 50-State Comparison: K-12 Governance.

Appendix F

State Intervention In New Orleans

Background

In response to the federal No Child Left Behind (NCLB) initiative enacted in 2002, the Louisiana Legislature passed Act 9 during its 2003 regular session. Act 9 empowered the state education department to assume control of underperforming schools, either directly overseeing their operations or assigning oversight to charter schools or universities. Act 9 established the Recovery School District (RSD) in Louisiana, tasked with managing failing schools that did not meet academic standards for at least four years.

In August of 2005, Hurricane Katrina had devastating effects on the city of New Orleans and its schools. In response, Act 35 was passed by the Louisiana Legislature in November 2005 that changed how a school was classified as failing. The definition of a failing school was different for New Orleans versus the rest of the state. Any school in New Orleans that fell below the state average of 87.4 could be taken over whereas schools elsewhere were considered failing if the score fell below 60. This change allowed 107 of the 128 public schools in Orleans Parish to now be controlled by the RSD under the state department of education.^a

Recovery School District Responsibilities and Roles

In addition to changes in accountability, there were also shifts in responsibilities regarding school facilities ownership, student enrollment and expulsions, and staffing under the RSD law. This section of the report discusses these changes implemented at the time of the RSD's establishment.

School Buildings. Once a school was designated as failing, the RSD gained the authority to assume control of the closed school facilities, allowing the new school operator to utilize them. Although the new operator had the right to use the facilities and land, they were not permitted to sell the facilities as ownership still remained with the Orleans Parish School Board.¹

School Staff. Following the state's intervention in failing schools, the Orleans Parish School Board terminated nearly all school staff, including teachers, placing over 7,000 on unpaid "disaster leave" before dismissing them. Tenured teachers contested their firings in a successful 2012 class-action lawsuit, though the state Supreme Court overturned this decision in October 2014. Schools under the Recovery School District (RSD) and New Orleans charter schools enjoyed legal flexibility in hiring, salaries, promotions, and work policies distinct from the Orleans Parish School Board. To staff RSD schools, there was a heavy reliance on educators

^a Kristen Buras. "Charter Schools Flood New Orleans." *The Progressive Magazine*. Dec. 26, 2014. Web.

from programs like Teach for America and the New Teacher Project, aiming to address staffing needs with alternative teaching pathways.

Enrollment Changes. Before Hurricane Katrina, students attended schools based on their neighborhood school zones. If a school had space available after enrolling local students, it could accept students from outside the zone who wished to attend. However, the extensive flooding from the hurricane affected more than 80 percent of New Orleans, resulting in the loss of many schools and a significant reduction in available options. Consequently, attendance zones were temporarily suspended.

Additionally, the state mandated that charter schools could not use attendance zones. Instead, parents had to apply directly to the charter schools they preferred for their children. To streamline this process, the Recovery School District (RSD) implemented a centralized enrollment system known as One APP. This system allowed applicants to list up to eight schools of their choice from all RSD-operated schools, RSD charter schools, and Orleans Parish School Board schools. This change aimed to simplify and standardize the enrollment process amidst the post-Katrina educational landscape in New Orleans.

Funding. In 2008, funding for New Orleans schools rose significantly, increasing from approximately \$10,000 per pupil to slightly over \$17,000 per pupil. This boost was primarily attributed to additional funding allocated to all schools in the aftermath of Hurricane Katrina. The funding expansion also encompassed an additional \$1.8 billion from FEMA grants aimed at constructing new schools and refurbishing existing ones.²

Academic Outcomes. In SY 2005, New Orleans Parish public schools experienced some of the poorest academic outcomes. They ranked 67th out of 68 districts in both reading and math scores among students. The graduation rate was notably low, standing at 56 percent, which was 10 percentage points below the state average. Additionally, only 37 percent of high school graduates enrolled in in-state colleges the fall immediately following graduation.

Following the transfer of schools to RSD control in November 2005, there was a significant shift in student demographics. During the 2005 school year, 83 percent of students qualified for free or reduced lunch, and 94 percent of students were Black. After Hurricane Katrina, lower-income families returned to New Orleans at lower rates than higher-income families. The change in demographics led some researchers to deem the improvements in test scores inconclusive.

However, Douglas N. Harris, an economist at Tulane University, conducted a detailed analysis using student-level data from the Louisiana Department of Education spanning school years 2001-2014 and taking demographic changes into account. His findings indicated the following impacts of the reforms:

- Increased student achievement by 11-16 percentiles (depending on the subject and analysis method).
- Raised the high school graduation rate by 3-9 percentage points.
- Enhanced the college entry rate by 8-15 percentage points.
- Improved the college persistence rate by 4-7 percentage points.

- Boosted the college graduation rate by 3-5 percentage points.

Despite the gains of students in New Orleans relative to similar students, overall performance in New Orleans remained below state averages. As of 2024, the overall percentage of students who achieved mastery on state tests was 27 percent in the New Orleans compared with 35 percent in the state of Louisiana.^{b 3}

In May 2016, SB 432 was passed, overturning the state's 2005 takeover of the majority of New Orleans' public schools. The revised legislation mandated that the New Orleans Parish School Board take charge of all 82 schools within the city by 2018. An optional one-year extension was also included in the law to accommodate any additional needs of the OPSB.

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^b Mastery is determined by student performance on state tests taken in grades 3-12 on subjects that include reading, mathematics, science, and social studies.

¹ Decentralization Through Centralization: The story of the Recovery School District. James V. Shuls

² The New Orleans Index at Ten; The Data Center

³ Marie Fazio. "New Orleans Students Make Gains On State Tests. Jefferson, Tammany Scores Are Flat. NOLA.com. July 24, 2024.

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Appendix G

State Intervention In Houston

Houston Independent School District Overtaken By Texas Education Agency

The Texas Education Agency overtook the Houston Independent School District (HISD) in SY 2023 due primarily to low academic performance in multiple schools and violations of state and federal law regarding special education.¹ Preliminary results on state assessments have been promising.² The district has also experienced challenges that include staffing, implementation of special education supports, and community pushback, including lawsuits.

State Takeover Statutes. Several statutes pertain to the consolidation in Houston. Texas Education Code §39A.001 requires the Commissioner of Education to intervene if a school district does not satisfy accreditation criteria defined in statute as performance in achievement indicators or performance under the financial accountability ratings system; does not satisfy academic performance standards; or does not satisfy financial accountability standards; or if a special investigation determines such action to be appropriate, examples of which include but are not limited to excessive absences and alleged violations of civil rights.^a

Texas Education Code §39A.006 allows the Commissioner of Education to appoint a board of managers if a school district has had a conservator or management team for two consecutive school years, regardless of whether the district has satisfied accreditation criteria or if the conservator or management team made changes. TEC §39A.111 requires that if a school has an unacceptable academic performance rating for five consecutive school years, the Commissioner of Education is required to either close that school or appoint a board of managers to govern the school district. If a board of managers is appointed, TEC §39A.202 also requires the Commissioner of Education to appoint a superintendent.³

Texas Education Agency Takeover of Houston ISD. In 2019, the Texas Education Agency appointed a Board of Managers and a superintendent to Houston ISD due to low academic performance by Wheatley High School. Three reasons were cited for the state takeover. First, Wheatley High School received unacceptable academic accountability ratings for seven consecutive years between 2011 and 2019. Although Wheatley High School did achieve an acceptable rating in 2022, the law still allowed TEA takeover. Statute allowed the TEA to close the school but the TEA believed appointing a board of managers would be more beneficial for students. In addition, other schools within HISD had unacceptable ratings, including Kashmere High School with eight consecutive years of unacceptable status and Highland Heights Elementary School with unacceptable status since 2011. Second, the district had a conservator for more than two years. Third, the district school board former president, the chief operating officer, and four district administrators were involved in a bribery scheme, and the district was under an additional Special Investigation related to special education noncompliance. The TEA

^a Circumstances under which special investigations can be carried out are detailed in Texas Education Code §39.003.

reported that HSID continued to violate state and federal law regarding special education, particularly with providing special education services in a timely manner. HISD obtained an injunction that delayed these actions, but the injunction was dissolved on March 1, 2023.⁴

HISD Takeover Opposition. A discrimination complaint, a civil rights complaint, and an investigatory request were filed with federal departments in response to the HISD takeover. Because HISD has primarily students of color and Title VI of the Civil Rights Act forbids using public funding to discriminate, the Greater Houston Coalition for Justice (GHCJ) filed a discrimination complaint with the U.S. Department of Education.⁵ The GHCJ, the American Civil Liberties Union (ACLU) of Texas, the Houston National Association for the Advancement of Colored People (NAACP), and the League of United Latin American Citizens (LULAC) also filed a complaint with the U.S. Department of Justice, arguing that the state appointing an unelected board of managers denied or reduced voting rights and may violate the Civil Rights Act. The organizations also requested that the U.S. Department of Justice investigate if the TEA actions were discriminatory under the 14th and 15th Amendments because HISD has primarily students of color.^{6b}

Education Commissioner Mike Morath argued that state law requires either closing schools with unacceptable performance ratings or state takeover of districts with unacceptable performance ratings of their schools, as discussed above. The coalition filing the complaints argues that federal law overrides state law.⁷

OEA researchers were unable to determine the outcome of these complaints or if any actions were taken.^c This is likely due to how the U.S. Department of Education and the U.S. Department of Justice handle complaints. The Office for Civil Rights within the U.S. Department of Education has the authority to investigate complaints and first evaluates if it is able to process complaints, based on authority, timeliness, or sufficient information, within 180 days.⁸ The U.S. Department of Justice Civil Rights Division handles civil rights law violations and reviews complaints to determine whether it can take any steps to address the complaint.⁹

Demographics Of HSID. In SY 2024, Houston Independent School District was the largest school district in Texas and the eight-largest district in the country with approximately 184,109 students and 274 schools. The majority of students were Hispanic/Latino (61.8 percent), followed by Black (21.4 percent), white (9.8 percent), and Asian (5 percent). Over three-fourths (79.6 percent) were economically disadvantaged^d, 19.7 percent were ESL, 65.5 percent were at risk, and 10.3 percent were special education students.¹⁰ HISD is the largest district in the state. Previous districts overtaken by the state were much smaller than HISD.¹¹

^b The organizations argued that the Equal Protection Clause of 14th Amendment prohibits seemingly fair state statutes from being administered discriminatorily and unequally and that the 15th Amendment protects the right to vote from discrimination.

^c Search terms included “Houston takeover complaint discrimination ACLU”, “Houston takeover complaint discrimination NAACP”, “Houston takeover complaint voting rights NAACP”, and “Houston takeover complaint voting rights ACLU.”

^d Economically disadvantaged is defined as meeting federal criteria for free and reduced-price lunches.

HISD New Education System

A new, comprehensive, systematic reform¹² was implemented in more than 110 schools after the TEA takeover.¹³ The New Education System focused on a new staffing model, instructional program, student experiences, team centers, school culture, and building hours.¹⁴ Each element is described in the following section and was accurate as of June 2024.

New Education System Staffing Model. The NES provided increased teacher pay for high-quality instruction. As of June 2024, the starting salary at non-NES schools was \$64,000 compared to \$75,435 at NES elementary schools, \$80,059 at NES middle schools, and \$82,816 at NES high schools. In addition, NES schools provided more resources to help teachers focus on teaching, maintain a work-life balance, and stay in the teaching profession. These resources included customizable daily lesson plans created by a centralized team, support from teacher apprentices, and learning coaches.¹⁵

New Education System Instructional Program. The New Education System instructional program tied instruction to state standards in every district in which it was implemented and had a set format for third through twelfth grade. Math and English language arts classes were 90 minutes with a Learning Objective. Instruction and Multiple Response Strategies constituted the first half of class^e, followed by a 10-minute Demonstration of Learning, or quizzes, to estimate students' learning based on five levels of progress.^f Students who successfully completed the DOL spent the remainder of class in Team Centers with higher-level assignments assisted by learning coaches. Students who did not successfully complete the DOL re-learned the material with support from their teacher and teacher apprentice.¹⁶ This method was believed to reduce stigmas associated with needing additional help.¹⁷

New Education System Student Experiences. The New Education System highlighted three experiences for students. Dyad classes were similar to elective and magnet classes, such as fitness and fine arts, and were taught by skilled community consultants. Art of Thinking classes taught critical thinking, problem solving, information processing, reliable and primary sources, biases, misinformation, perspective, and data analysis. Lastly, students could travel to unique locations on fully funded school trips, such as Washington D.C. and Japan.¹⁸

^e There are eight Multiple Response Strategies. Think-Pair-Share involves students working in a group to discuss a question. Table Talk is similar but includes students taking notes when not discussing. Whip Around is used when a question has multiple answers, and every student provides an answer, while the Modified Whip Around allows students to sit once a particular answer has already been given. Quick Response is a strategy in which students answer questions quickly. Oral Choral Response is when all students answer at the same time, similar to White Board in which students answer simultaneously with small white boards. Lastly, Response Card is a strategy where students use an index card to answer a question.

^f The five levels that determine students' learning for the lesson is the LSAE (Learner, Securing, Accelerated, Enriched) Approach. Learners (L) did not grasp the Learning Objective while Securing (S1) students almost grasped the Learning Objective and remain in the classroom for assistance. Secured (S2), Accelerated (A), and Enriched (E) students did learn the Learning Objective and spend the remainder of class in the Team Center. Secured and Accelerated students are given an assignment while Enriched students may focus on special projects.

New Education System Team Centers. Team Centers, as discussed above, provided a space supervised by learning coaches where students could continue learning after each class, which helped keep students motivated and engaged.¹⁹

New Education System School Culture. The NES prioritized school culture and did not tolerate disrespect, disruption, or bullying. Disciplinary action was undertaken by administrators, allowing teachers to focus on teaching. Students were removed from the classroom and offered counseling or support, and generally participated in the remainder of class remotely.²⁰

New Education System Building Hours. NES schools were open earlier and later than the instructional day to assist students and their families. Elementary schools were open from 6:30 a.m. to 5:00 p.m. and elementary and high schools were open from 6:30 a.m. to 5:30 p.m.²¹

Student Reactions To The New Education System. The Houston Public Media of the University of Houston conducted interviews with students, parents, and teachers at Kashmere High School after NES had been implemented.²² Some students reported increased learning while others disliked the workload, discipline, and extended school day. Others reported increased learning and better school culture because of the stricter discipline.²³ In addition, teacher turnover nearly doubled, discussed below, and students reported losing valued relationships with teachers who cared about them.²⁴

HISD Teacher Proficiency Screenings. HISD began evaluating teachers with a proficiency screening twice annually to determine eligibility for working in a NES school, based on professionalism, student achievement, and quality instruction, and a bell curve to rank teachers. Teachers in the lowest 15 percent of instruction scores were unable to work in NES schools and teachers in the lowest three percent were unable to work in HISD. The bell curve and complicated methodology were intended to identify failing or succeeding teachers relative to other teachers in the system, but has been criticized as “falsely identifying teachers who are ineffective,” particularly of teachers with higher need students. There were also concerns that this method would contribute to teacher shortages, and criticisms that HISD should develop teachers already in the schools and district.²⁵ HISD had a principal proficiency screening system in place but opted against using it to made employment decisions in SY 2024²⁶

Teacher Resignations Under HISD. Between August and January of SY 2024, 633 HISD teachers resigned compared to 331 in SY 2023 and 309 in SY 2022.^g The Houston Federation of Teachers, the teachers’ union, cited HISD’s treatment of teachers. Teachers had less autonomy under the NES, which had set schedules and classroom instruction lessons teachers must follow. In addition, teacher pay was determined by the evaluation process and was not predictable to teachers.²⁷ Additional reasons included extended instruction days, the salary structure that paid core curriculum teachers more than elective teachers, and that the lowest three percent of teachers would lose their jobs. HISD superintendent noted that critics do not represent all of HISD’s 11,000 teachers, which the union disputes, as it represents approximately 6,000 teachers.²⁸

^g Between August 2022 and January 2023 and August 2021 and January 2022.

The Houston Chronicle reported that some teachers felt “micromanaged and stressed” by the new system, particularly the strict lesson plans and classroom observations. For example, on the first day of class, teachers had to focus immediately on lesson plans and were not allowed to spend any time getting to know their students. Other teachers reported the high expectations and administrators were helpful, and that the structured lessons didn’t give students time to misbehave.²⁹

Teacher Evaluation System Lawsuit. A new teacher evaluation system, Policy DNA, was implemented in August 2023 by Superintendent Miles with board approval. However, Policy DNA was developed without input from teachers or other education staff and the Houston Federation of Teachers filed a lawsuit claiming that this was a violation of the Texas Education Code. A judge granted a temporary restraining order against Policy DNA³⁰ and the lawsuit was dropped after HISD voted to use the state-approved T-TESS teacher evaluation system that was previously in place.³¹

Teacher Shortages And Increased Uncertified Teachers. In SY 2024, HISD hired 839 uncertified teachers in SY 2024, or approximately 7 percent of HISD teachers, which requires a waiver from the TEA. This was the first time in at least ten years that HISD hired uncertified teachers. Although the TEA did not allow certain subjects to be taught by uncertified teachers, such as special education, 182 uncertified teachers were in such positions.³² The nationwide teacher shortage contributed to hiring uncertified teachers in HISD.³³

Decreased Special Education Supports In HISD After State Takeover. Among the reasons for taking over HSID, the TEA stated that the district was not complying with state and federal laws pertaining to special education services. After the takeover and before SY 2024, HSID cut 21 special education contractors that evaluated students for special education and provided speech impairment therapy.³⁴ As of November 2023, 17 schools did not have a speech therapist.³⁵ This caused students to fall behind on therapy. For example, 62 students at DeAnda Elementary were eight weeks behind therapy as of October 2023, and were expected to continue to fall behind.³⁶ The new superintendent also eliminated over 2,300 central office positions, including the autism services team, and reorganized central office into four divisions, each with a special education unit of four employees. Teachers were also offered professional development and coaching. However, neither the special education units nor the training was specific to autism.³⁷

Lagging Progress For Special Education Students. Near the end of SY 2024, compliance with special education laws improved but instruction lagged. More on-time required meetings had been conducted, allowing students to qualify for special education. As a result, 18,910 students had been identified to receive special education services compared to 17,320 in the prior year and only nine deadlines were missed compared to 515 in SY 2023. HISD identified approximately 10 percent of students for special education services compared to between 12 percent and 16 percent identified in other large districts. State-appointed monitors examined a sample of student records and found that approximately 40 percent of special education students were not progressing on learning goals.³⁸ The Houston Chronicle reported that special education teachers said the instructional model’s strict and timed lesson plans and interactive requirements complicated ensuring that special education students are progressing.³⁹

Wraparound Services. After the TEA takeover, the district's wraparound services switched from a focus on students' basic needs, such as food access, to truancy and dropout prevention. In January 2024, the Texas Standard reported that HISD's Homeless Services office decreased from 40 employees to 12 employees. Homeless parents or parents in transitional housing reported difficulty with student transportation.⁴⁰

In addition, because HISD funded wraparound service specialists through ESSER and the district faced a budget crisis, the district moved all wraparound services except emergency supports out of schools and to the district level and reduced wraparound service specialists from 280 to 170 for SY 2025.⁴¹ These cuts were anticipated to save \$10 million.⁴² The HISD superintendent had previously stated that wraparound service specialists would not be among the eliminated positions. Although the number of students served by wraparound services was not available, there were 6,896 homeless students (3.8 percent) and 146,455 economically disadvantaged students (80 percent) in SY 2024.⁴³

Sunrise Centers. District-level Sunrise Centers replaced HISD school level wraparound services. Budgeted at \$12 million, seven Sunrise Centers were opened at the beginning of SY 2024 to offer students and families supports such as food, mental health services, and telehealth services, and other services such as free internet and interest specific activities, such as yoga and volleyball. To help alleviate transportation issues, the Sunrise Centers were placed within a 10 minute drive of 70 percent of HISD students. In addition, being off campus was thought to reduce any stigma around accessing these services.⁴⁴

Student Outcomes In SY 2024. Preliminary data suggests that NES schools on average improved more in the first year of implementation than non-NES schools, but still performed lower than non-NES schools.⁴⁵

HISD Facing Budget Crisis Amidst NES Implementation

In April 2024, the Houston Chronicle reported that HISD faced a \$450 million funding gap and its fund balance, or rainy day fund, would be exhausted by 2026. Several factors contributed to a budget crisis in HISD during NES implementation, including losing Elementary and Secondary School Emergency Relief (ESSER) funds, decreased student enrollment, stagnant per student state funding⁴⁶, lost federal funding for special education students⁴⁷, and the cost of implementing the NES.⁴⁸ To address the budget concerns, HISD primarily eliminated positions.⁴⁹ Prior to SY 2025, HISD continued to reduce funding and eliminated positions.⁵⁰

HISD Funding Gap. ESSER funds were provided by the federal government during the COVID-19 pandemic and are set to end in September 2024.⁵¹ HISD had allocated ESSER funds on recurring expenses, such as salaries, and primarily cut positions to address the budget situation.⁵²

Decreasing Student Enrollment. Since SY 2017, HISD enrollment decreased by approximately 30,000 students. Of these 30,000 students, HISD lost 6,000 students between SY 2023 and SY 2024 alone, representing approximately 3 percent of enrollment.⁵³ NES schools experienced a 5 percent decrease while non-NES schools experienced a 1 percent decrease. However, prior to

becoming NES schools, the now-NES schools experienced a 15 percent average decrease over the past 10 years compared to 2 percent in non-NES schools. In addition to decreasing student enrollment, the state has not increased its per student basic allotment of \$6,160 since 2019.⁵⁴

Lost Federal Funding For Special Education. The school Medicaid program reimburses districts for medical services provided to students. Due to improper coding revealed in a 2017 audit, the state received overpayment for these services. As a result, Texas will receive approximately \$300 million per year less in SY 2025 than the approximately \$700 million it usually received. HISD will lose approximately \$9.3 million in SY 2025.⁵⁵

HISD Eliminated Thousands Of Positions. Prior to SY 2024, HISD central office eliminated 25 percent of its positions, although some were reorganized, including 500 special education positions moved to the strategic initiative's office. The chief academic office was reduced to 1,052 positions from 2,478 positions, the operations office was reduced to 5,080 positions from 6,372 positions, and the human resources office was reduced to 153 positions from 235 positions. These losses caused difficulties and confusion for teachers, particularly around paychecks.⁵⁶ HISD also eliminated librarian positions from 28 school campuses to shift those funds to teacher salaries, and planned to evaluate librarians at an additional 57 campuses. Libraries at these campuses were converted into independent work or disciplinary spaces, although books were still available for use on an honor system.⁵⁷ These eliminations were much higher than the superintendent's original projections of eliminating 500 to 600 central office positions and 40 human resources positions.⁵⁸ Since the state takeover, the number of HISD employees earning \$200,000 or more tripled from 12 in SY 2023 to 27 in SY 2024.⁵⁹

Reduced Funding For SY 2025. In June 2024, Houston ISD approved a \$2.1 billion budget for SY 2025, approximately \$500 million less than the previous year's budget. The budget included staff reductions, school budget reductions, differing funding for NES and non-NES schools, one-time revenue sources, and decreased bus routes. In addition, the number of NES schools and associated costs were expected to increase from 85 to 130 schools in SY 2025.⁶⁰

HISD Staff Reductions. The SY 2025 budget includes approximately 1,500 staff reductions. The operations office would decrease by 45 percent, or \$101 million, the human resources office would decrease by 88 percent, or \$97 million, and the academics office would decrease by 37 percent, or \$69 million. Although the specific positions to be eliminated were not identified, the Houston Landing reported that HISD administrators said 200 of 275 wraparound specialists would be eliminated and approximately 60 wraparound service would serve HISD's approximately 270 schools in SY 2025.⁶¹

Differing Funding For NES And Non-NES Schools. For SY 2025, approximately 50 non-NES schools were expected to reduce their budgets by six to 12 percent and HISD revoked a \$2,000 stipend for teachers working in non-NES schools.⁶² This drew criticism as impacting teachers at schools that were not part of the NES system.⁶³

NES schools were expected to continue to receive approximately one-third more per pupil funding than non-NES schools in SY 2025, approximately \$9,400 per student compared to \$6,900 per student, and NES school teachers were expected to continue to earn between \$10,000

and \$20,000 more than their non-NES counterparts.⁶⁴ In SY 2024, NES teachers received a \$10,000 stipend for working in NES schools, and this was replaced with a \$4,000 retention bonus for SY 2025. NES nurses would also receive a \$1,000 retention bonus.⁶⁵ In addition, the number of NES schools was expected to increase from 85 to 130 schools in SY 2025.⁶⁶ Overall, an additional \$114.2 million in salary costs was expected for NES and non-NES teacher salaries and minimum hourly wage employees for SY 2025.⁶⁷

One-Time Revenues. The SY 2025 budget also included \$200 million from short term or one-time sources. HISD anticipated selling \$80 million of property and using \$130 million from the district's \$930 million rainy day fund. The HISD board of managers expressed concern about budgetary sustainability in the future. The Superintendent has stated budgets cuts will continue in future years and donations and grants will be sought.⁶⁸

Decreased Bus Routes. HISD decreased bus routes from 508 routes to 432 routes and increased the radius students would have to walk from two miles to three miles, a savings of \$3 million. The reductions primarily affect the 9,000 students participating in the school choice program.⁶⁹

SY 2026 Salary Schedule Plans. As of June 2024, HISD planned to replace their current salary schedule based on experience to a “hospital model” for NES school teachers and a pay-for-performance model for non-NES school teachers by SY 2026. The HISD hospital model for NES schools combined base salary with incentive pay. Base salary depends on teachers’ effectiveness level, which is determined based on student achievement and instructional quality. The pay for performance model for non-NES schools ties teacher’s effectiveness level to compensation. The new salary plan included a target distribution of teacher effectiveness, with 20 percent of teachers in the top tiers, 40 percent of teachers in the “proficient” range, and 40 percent below proficient. This target distribution has been criticized as limiting teacher success, increasing competition, and teachers preferring to work in less difficult school settings.⁷⁰

HISD State Takeover Backlash

No Confidence. The Houston Federation of Teachers approved a resolution of no confidence in HISD Superintendent Miles in April 2024, which is the highest form of protest available to the union because public sector union strikes were illegal in Texas. As such, HISD was under no obligation to respond to the resolution.⁷¹ About half of the Houston Federation of Teachers’s 6,000 members voted on the resolution, and 70 percent voted no confidence.⁷² The resolution cited nine reasons, including:

- denying feedback from educators, students, and parents, and dissolving an elected consultation agreement with the teachers’ union;
- expanding the powers of the superintendent;
- tripling administrators earning \$200,000 or more while planning to lay off at least 150 maintenance, facilities, and custodial employees;
- reversing promises and stated plans
- doubling teacher turnover
- hiring a minimum of 830 uncertified teachers
- violating the Educator’s Code of Ethics that forbids compromising students’ learning, physical health, or mental health;

- creating an educational environment that cannot service HISD’s approximately 16,000 special education students; and
- failing to notify or consult the community before securing a multi-billion dollar bond election.⁷³

Protests Against NES. Teachers held “sickouts” in HISD twice in SY 2024. Approximately 100 teachers from 35 HISD schools called in sick in April 2024 and approximately 300 teachers from 84 schools called out sick in May 2024 to protest the “hostile work and learning environment” created by HISD Superintendent Miles through the New Education System. The Chron news reported that one teacher described the NES as having “emotionally damaged” teachers and students from “days filled with faculty mistreating students and perpetual test-taking with timers.” Teachers criticized the NES system as being too disciplined, intolerant of minor infractions, and stifling creativity and self-expression. Parents also held protests against the NES at local schools, specifically against anticipated layoffs. In June 2024, HISD community members, including teachers and parents, and members of the American Federation of Teachers held a rally to protest the NES. KPRC reported that reasons cited for the protest included the increased HISD bond with low confidence in HISD, teacher vacancies, the hiring of non-certified teachers, strict treatment of student such as limiting bathroom trips per year, treatment of teachers.

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Appendix H

State Implementation Of Federal Intervention In Tennessee Schools

Achievement School District And iZone Schools

In Tennessee, schools achieving among the lowest five percent of schools are identified as priority schools to receive intervention.³ The Achievement School District (ASD) and innovation zones (iZone) in local districts are the two major interventions. Both ASD and iZones began operating in SY 2013.¹

Achievement School District. The Achievement School District is a unique district made up of priority schools targeted for reform.² Schools that become part of the ASD are separated from their district and taken over by the Tennessee Department of Education. Upon takeover, principals and 50 percent of teachers in ASD schools must be replaced immediately.³ Schools remain in the ASD for a minimum of five years, after which they may return to their home district depending on district and school performance.⁴ Initially, the ASD was intended to bring these lowest 5 percent priority schools into the top 25 percent within five years, although this goal has disappeared from available information sources.⁵

ASD Management. ASD schools were previously managed by either the ASD or a charter management organization.⁶ As of February 2024, all schools in the ASD were operated by a charter management organization, whose contract will expire and dissolve the ASD in 2026 or earlier.⁷ The ASD experienced leadership turnover. Between its beginning in 2011 to 2024, the ASD had four state education commissioners and five different superintendents.⁸

ASD Student Characteristics. As of August 5, 2024, the district enrolled 5,864 students from 16 schools in Shelby County and Davidson County, of which 89 percent were Black, 9 percent were Hispanic, and 2 percent were white, with 67 percent economically disadvantaged, 13 percent with disabilities.⁹ The highest number of schools in the ASD was 33 schools in SY 2016.¹⁰

iZone Schools. iZone schools were created by districts for locally controlled reform. iZone schools were not removed from their district but became part of an intra-district network of priority schools. iZone schools were required to replace the principal but not teachers, although most initially replaced at least 50 percent of teachers.¹¹ As of August 2024, iZone school consisted of 11 elementary schools, 16 middle schools, and 9 high schools.¹²

iZone School Guiding Principles. iZone schools were guided by five principles. First, iZone schools' organizational infrastructure features quarterly "milestone visits" from state education officials with feedback and additional funding and training. Districts also monitor progress on the improvement plan through visits. iZone schools have building-level supports, such as

^a Priority schools are Comprehensive Support and Improvement (CSI) schools under ESSA.

coaches, data analysts, and a leadership supervisor. Second, iZone schools undergo needs assessments to align policies and practices and guide progress monitoring. Third, iZone schools focus on effective instruction, primarily through recruitment, retention, professional development, and curriculum. One feature of this is a \$1,500 signing bonus and \$1,000 retention bonus. Fourth, effective principal leadership is core to iZone schools, with professional development, a recruitment bonus of \$15,000, and a retention bonus of \$10,000. Fifth, iZone schools have processes and practices for stability, intended to retain staff, cultivate a healthy school environment, and help with teaching and learning.^{b 13}

Opposition To ASD. Incorporating schools into the ASD was met with protests by community members at informational townhall style meetings with state education and charter officials in SY 2015. Opponents of the ASD argued that the state takeover would be “chaotic” and “disruptive to students and parents,” and that local schools suffer from budget cuts that led to unfair comparisons against other schools in the state, resulting in the state takeover.¹⁴

Tennessee Education Research Alliance Report On Tennessee Education Interventions.

The Tennessee Education Research Alliance sought to understand the long-term impact of the ASD and iZones on student outcomes, specifically the student achievement, attendance, disciplinary outcomes, and graduation of high school students who attended an ASD or iZone middle school between SY 2013 and SY 2015.¹⁵

Data. The researchers used Tennessee Department of Education student data from SY 2007 through SY 2019, which included demographic information, FRPL eligibility, English language learner status, and exceptional child eligibility. High school outcomes included ACT scores, high school end-of-course exams, attendance rate, chronic absenteeism, zero tolerance disciplinary actions, graduation information, and drop out information. SY 2020 was excluded due to the COVID-19 pandemic.

Methodology. The researchers analyzed students who attended priority middle schools through all years of middle school between SY 2013 and SY 2016 and continued their education in Tennessee public high schools. This allowed the researchers to compare high school outcomes between students who previously attended ASD or iZone middle schools and students who previously attended similar middle schools that did not experience intervention. Selecting middle schools also allowed the researchers to study the impacts of an intervention that immediately preceded the outcomes. The researchers caution that their results are derived from students who were continuously enrolled in priority middle schools. In addition, the analysis was limited to four cohorts of students in each year between SY 2013 and SY 2016.

Demographic Comparisons. Table H.1 shows that ASD and iZone middle schools were demographically similar to comparison priority middle schools. Compared to priority comparison middle schools, ASD schools had higher percentages of Black students and lower percentages of English language learner students and Hispanic students. iZone schools had lower percentages of Hispanic students and higher percentages of white students.

^b These guiding principles reflect the most recent information available, published in 2022.

Table H.1
Demographic Characteristics
Comparison Schools And Schools That Received Interventions

Student Characteristic	Non-Turnaround Priority		
	Middle Schools	ASD Middle Schools	iZone Middle Schools
Female	49%	50%	46%
Free or reduced-price lunch	80	82	81
English Language learner	7	2	5
Exceptional child	18	21	19
Asian	0	1	1
Black	85	94	85
Hispanic	14	4	9
White	1	1	4
Observations	1,737	536	1,465

Source: Lam D. Pham, Sean P. Corcoran, Gary T. Henry, and Ron Zimmer. “Over The Long-Haul: Examining The Long-Term Effects Of School Turnaround.” Tennessee Education Research Alliance. N.d. Web.

Findings. The researchers found that, in generally, ASD and iZone middle schools had no measurable impact on students’ test scores in high school. iZone middle schools had a slightly negative impact on students’ EOC math scores in high school and ASD middle schools had a slightly negative impact on students’ math, reading, and science EOC scores. However, ASD schools did slightly improve behavioral issues and students who attended ASD middle schools were somewhat less likely to be expelled or receive a zero-tolerance disciplinary action.

Legislation Attempted To End ASD. Legislation in 2024 attempted to end the ASD by SY 2026 and instead implement a school improvement model that would keep local control over low performing schools, while working with either a charter operator, a public university, or an independent turnaround expert and state oversight and approval.¹⁶ The bill passed the Senate on April 1, 2024 but failed to adopt on April 25, 2024.¹⁷

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