School District Governance Models And Interventions

Research Report No. 493

Office Of Education Accountability

Kentucky Legislative Research Commission

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School District Governance Models And Interventions

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Research Report No. 493

Legislative Research Commission
Frankfort, Kentucky
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Accepted October 15, 2024 by the
Education Assessment and Accountability Review Subcommittee

Paid for with state funds. Available in alternative format by request.

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 Board of Education and other governance structures in the commonwealth. It also compares Kentucky's laws governing state and local boards to laws of other states. Finally, the study reviews national efforts to reform or intervene in local district governance, describing outcomes of these efforts and lessons learned.

Jay D. Hartz
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Frankfort, Kentucky
November 2024

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Summary

Local school boards play a central role in governing over 13,000 school districts across the nation, including Kentucky's 171 school districts. 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 US school districts.

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

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

- reviewing Kentucky laws pertaining to local school boards and the state school board and comparing them to those of 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 of 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, such as 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, and 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

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 of 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 other states, local voters elect school board members to 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 of 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 often oppose 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 of those states have restrictions on the conditions necessary for secession. Since 2000, approximately 40 communities have seceded. Supporters often express a desire for greater local control. Critics contend that district secession increases racial and economic segregation. In some states, lawmakers have proposed legislation to split 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 other 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 also 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 current intervention in Houston by the Texas Education Agency. 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, New York; Boston, Massachusetts; and Washington, DC. In these cities, the mayor appoints most or all board members. 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, Illinois.

Charter Schools And Portfolio Models. Local board governance of charter schools differs from that of traditional public schools. Charter schools are not under the direct control of 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 the model varies among districts and is linked with other policies such as charter schools, mayoral control, or state intervention. The Office of Education Accountability is not aware of any comprehensive research on the effects of the portfolio model.

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 is accountable to local taxpayers. Local boards have also come under criticism from 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 states' 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 those of 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 other 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, but no strategy has proven effective overall or has come without challenges.

Description Of Study

The Education Assessment and Accountability Review Subcommittee directed the Office of Education Accountability 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 US enroll 1,000 students of fewer. Large districts (25,000 or more) serve more than a third of US 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 students or fewer; 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 very small or very large.

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

Laws Governing Local Boards. Kentucky state laws related to local school boards are similar to those of most other states in that they require that school board members 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 of most other states.

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

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

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

Governance Concerns. Policymakers and other stakeholders have criticized education governance in the US 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 focused on district size, centralization, or school choice.

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 has been incentivized in roughly 15 states and previously mandated in a few. Research indicates financial benefits of consolidating very small districts, as well as tradeoffs.

Consolidation Of Small Districts. Roughly 15 states have had policies that incentivize small districts to consolidate, and a few have previously 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.

Roughly half of states allow districts to secede, with various restrictions. Advocates cite local control; opponents cite racial and economic segregation.

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.

Citing varied 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.

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.

Most states permit state takeovers, which may have financial benefits but, on average, do not improve student achievement.

State Takeover. Like Kentucky, most other 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 37 percent of takeovers 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 more than 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 comprising schools identified for Comprehensive Support and Improvement by federal law.[4]

Steep Decreases In Number Of School Districts

The number of school districts in the US has dropped steeply.

In the last hundred years, the number of school districts in the US 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 the number of students in the US 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 this period, the number of larger districts—those enrolling 25,000 or more—increased.

In 2022, small districts (1,000 students or fewer) accounted for 47 percent of districts and 6 percent of public school students. Large districts (25,000 students or more) 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 students 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

		Enrollment						
Year	Total	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
				Number Of 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
				Number Of 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 fewer than 1,000 students and fewer 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]

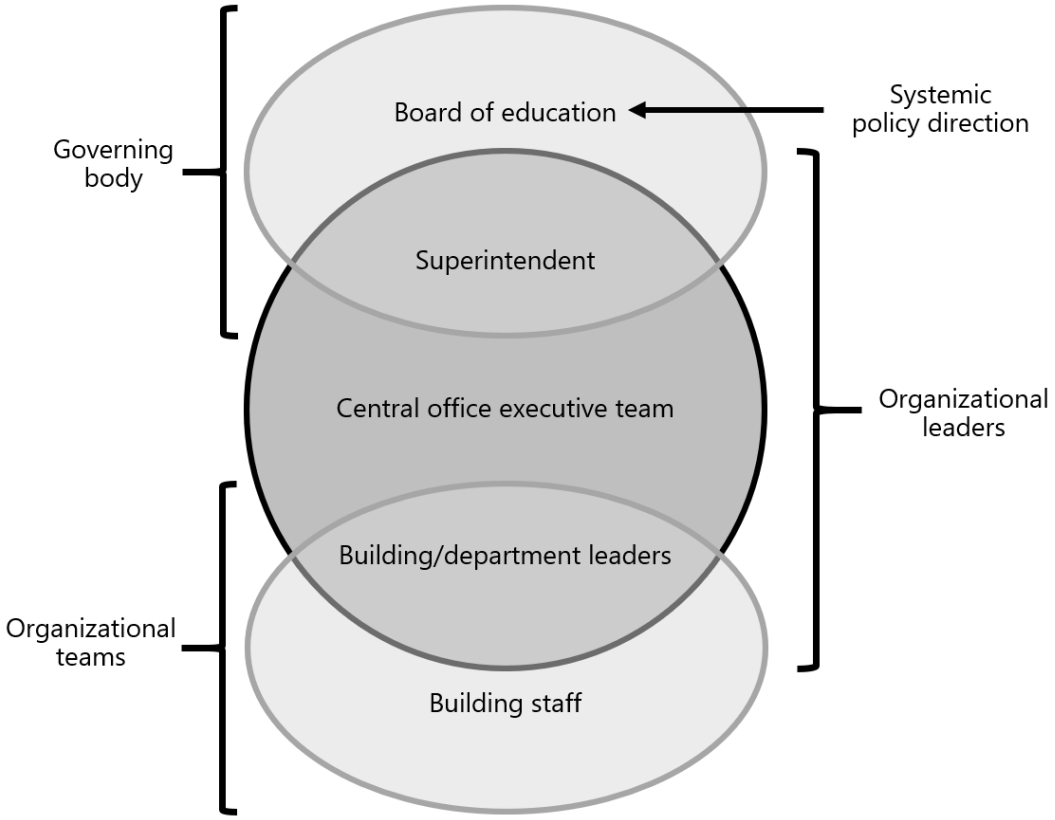
[b] This report refers to school years by the calendar year in which the school year ends. For example, school year 1979-1980 is referred to as 1980.
[c] Based on fall 2021 enrollment.

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, including defining expectations and creating roles and responsibilities so it is clear who is accountable for what and to whom. Although this framework may sound simple, decisions can involve many layers in the district, from the board of education to the building leaders. The framework includes many organizational leaders and organizational teams. Figure 1.A shows the local school district layers 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.

Although the superintendent and district administrative teams make key operational decisions from day to day, school district governance is systemically directed by the local board of education. Research and policy related to district governance focus 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 long-standing, but research does not indicate clearly effective models of local board governance.

Concerns about local board governance are long-standing, 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 US, 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 that 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. Research on governance models has been inconclusive, but 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 Schools 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 (NAEP) 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.[12]

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 varies 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 teacher salaries in surrounding districts.

participated in the 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, 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

	4th Grade		8th Grade	
Student Demographic Characteristics In Percentages	**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 the National Assessment of Educational Progress 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

[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.

would be expected given their student composition but that performance varied substantially among particular districts.[13] See Appendix C for additional detail on the performance of participating districts.

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 US 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] [14] 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] [15]

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

Some critics have called for a wholescale 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.[16] 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.

[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 nonwhite 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."

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 levels, and compares Kentucky to other states.

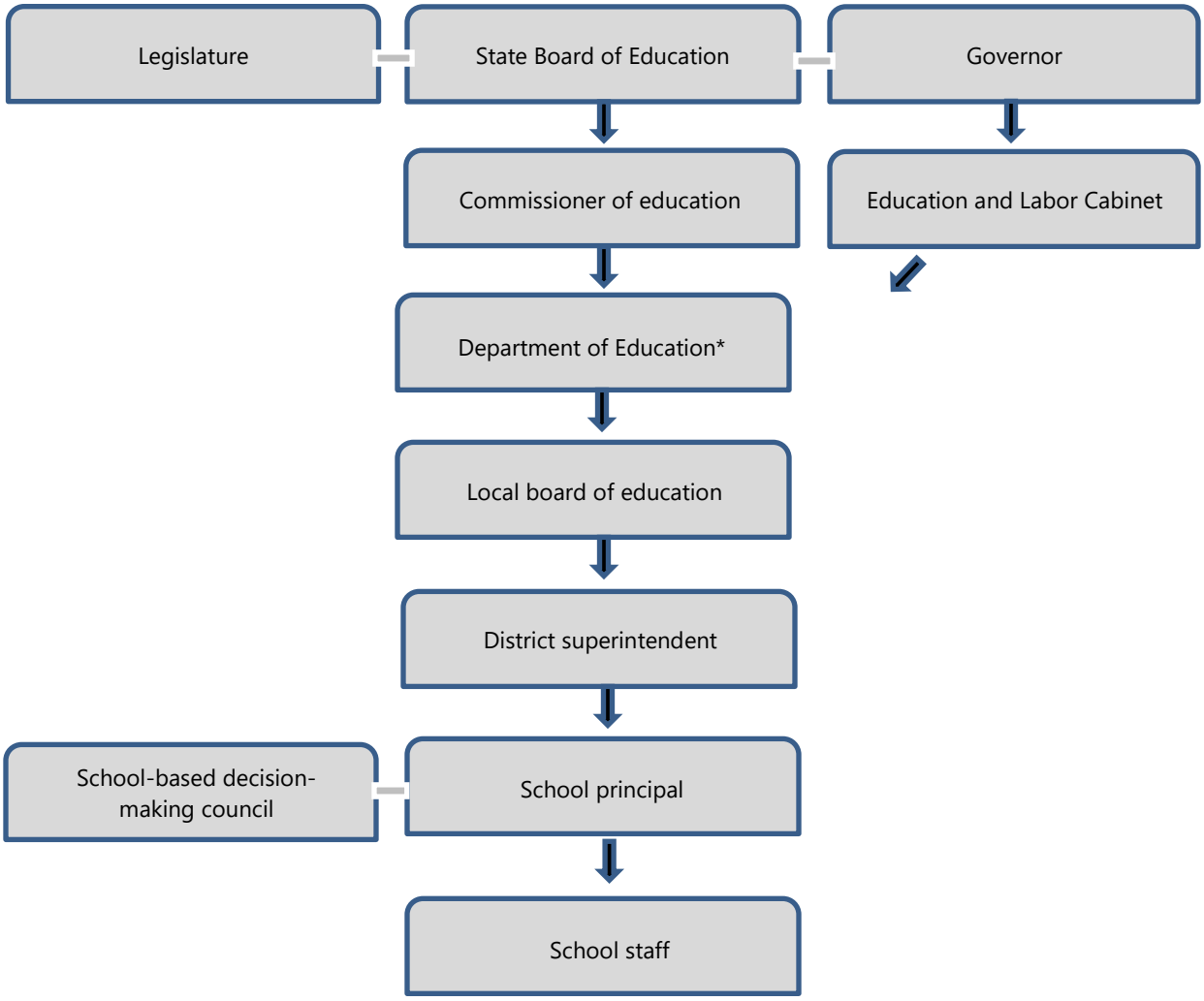
This chapter summarizes education governance in Kentucky from the state to the local levels, describing the specific governance functions at each level. It also compares laws governing Kentucky's state and local boards with those of other states. The chapter notes similarities between Kentucky laws and those found in most other 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 councils (SBDMs). 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, but its 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 affect 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 SBDMs.

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

Kentucky's state board of education consists of seven representatives from Supreme Court districts and four at-large members.

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. 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 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 commissioner of education oversees the Kentucky Department of Education, which 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, except JCPS, which has seven.[i] As specified in KRS 160.210, board members are elected from voting precincts in county districts and are elected at large in independent districts.

[i] KRS 160.160: "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.' "

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 management of schools and school property of the district; for transaction of its business; for qualification and duties of employees; and for conduct of pupils.

KRS 160.180 sets out qualifications for members of local boards of education.

Local Board Member Qualifications. 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 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.

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

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. A principal must hold a school principal certificate, must meet experience and education requirements, and is 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.

SBDMs 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]

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

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

- Being 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 school year 2024, 11 schools were exempt for being in a one-school district, 65 were exempted based on achievement goals, and 8 districts had an alternative SBDM model.

[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.

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. They 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 they 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 agencies[17]

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. 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

[e] Lexington and Louisville are merged local governments.

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 of 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. 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.

Table 2.1
Methods Of Selecting 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.
** 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; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

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

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 10 states. The board is chaired by the governor in Alabama, and by the state superintendent in Michigan and Oklahoma.

Table 2.2
Methods Of Selecting State Board Chairs/Presidents
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; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

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 in Pennsylvania. In Kentucky, the state board of education consists of 11 voting members.

Like Kentucky, many other states have additional requirements for board member composition. Some states limit the proportion of board members by political party. For example, Alaska has seven voting members, of whom 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 Boards 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; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

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 nonvoting members. Kentucky has four nonvoting members.

Selection Of State Superintendent/Commissioner

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

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.

Table 2.4
Methods Of Selecting State Superintendents/Commissioners
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

* In 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.
**In 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; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

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; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

Local Board Of Education

Most states, including Kentucky, require that members of local boards of education be elected.

Board Selection. Table 2.6 summarizes methods of board selection. Like Kentucky, most other states—36—require that local board members 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.[g]

[g] 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.

Table 2.6
Methods Of Selecting Local Board Of Education Members
2024

Method Of Selection	Number Of States
Elected	36
Elected, appointed, or 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
Elected by majority of municipality's governing authorities	1

Sources: Review of each state's statutes; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

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. 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 Boards 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; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

The number of voting members on Jefferson County Public Schools's board of education is similar to the number in similar-size systems in other cities.

JCPS Local Board Of Education Voting Members Compared To Those In 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 Those Of 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; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

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

Term Limits On Local Boards Of Education. As shown in Table 2.9, half the states share Kentucky's local board term limit of 4 years. Term limits in the remaining 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; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

[h] Districts chosen were similar-size districts shown in Appendix B that also participated in the NAEP Trial Urban District Assessment.

[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.

Reforms sometimes achieved desired intentions, but no governance reform has been universally effective or has 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.[18] 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 expansion of curricular options, access to higher-quality resources, and access to specialists such as counselors.

Local communities often oppose 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] [19]

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] [20] 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.[21] 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.[22]

Proactive consolidation efforts have faced 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. KRS 160.041 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.[23] For example, a superintendent and school board may serve two districts instead of one at approximately the same cost.[24]

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.[25]

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.[26]

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, leading to longer transportation times for students and higher transportation costs for districts, especially rural ones. In addition, new school buildings require capital expenditures, which can offset savings related to economies of scale, at least in the short term.[27]

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

A study of consolidation of rural New York districts found that 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.[28]

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.[29]

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.[30] In

addition, smaller schools and districts may offer closer connections between teachers, principals, and superintendents.[31]

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.[32]

Parents may feel more connected, may be more involved in their children's schooling, and may feel a greater sense of community in small schools and districts than in the larger schools and districts that result from consolidation.[33] 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.[34] In addition, parents and community members may feel less represented and may fear losing control over important decisions in consolidated districts.[35]

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.[36]

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.[37] 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.[38]

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

Number Of Secessions. Since 2000, roughly 40 districts have seceded and almost as many have tried but failed to secede.[c] [39] 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.[40] These secessions occurred 1 year after the 2013 consolidation of Memphis public schools with surrounding Shelby County Schools.[d] [41]

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.[42] 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.[43]

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.[44] 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.[45]

[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.[46] 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)[47]
- 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.[48] 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. In Omaha, Nebraska, for example, "learning communities" allowed districts to pool local tax revenues and facilitate student transfers among the districts.[e] [49]

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 US, serving 300,000 students in more than 350 schools. By Nevada law, school district boundaries are coterminous with counties.[50] Clark County's population increased from under 270,000 in 1969 to over 2.3 million in 2022.[51]

Although there was a legislative attempt to divide the district in 1997, it did not pass. Interest of some Clark County residents in

[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.

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] [52]

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.[53]

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] [54]

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.[55] These include:

- District boundaries
- Disparities in property values among subdivided districts
- Funds to cover capital costs of deconsolidation

[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.

- 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.[56]

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]
- 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.[57]

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

Case studies of takeovers in particular districts appear in Appendices F, G, and H.

Case Studies Of New Orleans, Houston, And Tennessee. Case studies of takeovers of particular districts appear in this report's appendices. Appendix F describes the state takeover of New Orleans, Louisiana, following Hurricane Katrina. This takeover, which turned almost all 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 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 show 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.[58]

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 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.[59]

Compared with others, districts that have been taken over are, on average, larger and have higher percentages of students who are eligible for free or reduced-price lunch 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.[60]

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

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 time span prevents studying long-term outcomes, and 5-year outcomes were available for only 10 districts.[j] [61]

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

Takeover Not Associated With Student Achievement Gains. On average, stake 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.[62]

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 compared with differences in districts that were not taken over during the same period.[63]

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 nontakeover 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

[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.

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 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.[64]

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.

[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.

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 Baltimore, Maryland; Boston; Chicago; New York; Philadelphia, Pennsylvania; 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.[65] 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."[66]

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.[67] 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.[68]

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] [69]

Portfolio Models Of Governance

The portfolio model reduces the role of school boards in direct management of schools. 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."[70]

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, Indiana, and Austin and San Antonio, Texas, are cities that have recently implemented this model.[71] Additional details about New Orleans, which is perhaps the most widely cited model, appear 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 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.[72]

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.

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

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 operate 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.[73] 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.

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.[a] [74] 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 pay, mutual consent hiring that fit teachers to schools, evaluation to identify weak and strong teachers, removal of ineffective teachers, and placement of 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 toward educating students in the district, including local foundations, businesses, and local higher education institutions.

[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.

Appendix B

District Comparison, NAEP Trial Urban District Assessment

Table B.1 shows the mean scale in reading of districts that participated in the National Assessment of Educational Progress (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. Students in most TUDA districts score below students in the rest of their state. 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 Great City Schools 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

		Fourth-Grade Score			Eighth-Grade Score		
District	State	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
Austin	Texas	220.3	214.1	6.2	254.5	255.2	-0.7
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
Charlotte-Mecklenburg	North Carolina	214.9	216.3	-1.3	257.7	256.0	1.7
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
Dallas	Texas	202.6	214.5	-11.9	241.4	255.5	-14.1
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	District of Columbia	213.5	196.8	16.7	249.2	250.3	-1.0
Duval County	Florida	214.6	225.2	-10.6	257.9	259.7	1.8
Fort Worth	Texas	200.5	214.4	-13.9	242.0	255.4	-13.4
Guilford County	North Carolina	211.3	216.4	-5.0	251.9	256.4	-4.4
Hillsborough County	Florida	226.5	224.6	1.9	258.6	259.7	-1.1
Houston	Texas	202.5	214.7	-12.1	246.7	255.4	-8.7
Jefferson County	Kentucky	210.3	217.6	-7.3	253.5	259.4	-5.9
Los Angeles	California	207.1	215.0	-7.9	257.3	258.9	-1.6
Miami-Dade	Florida	224.5	224.8	-0.3	262.1	259.3	2.8
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
San Diego	California	221.5	214.3	7.3	263.6	258.7	4.9
Shelby County	Tennessee	197.5	216.0	-18.6	242.2	259.3	-17.1

Note: The “rest of state” columns provide the score for the remainder of the parent state after removing students from the district. Figures may not sum to totals shown due to rounding.
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

		4th-Grade Score			8th-Grade Score		
			Rest Of			Rest Of	
District	State	District	State	Difference	District	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
Austin	Texas	238.6	238.6	0.1	273.0	272.7	0.4
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
Charlotte-Mecklenburg	North Carolina	233.5	236.2	-2.7	277.6	273.3	4.3
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
Dallas	Texas	231.5	238.8	-7.3	260.3	273.0	-12.6
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	District of Columbia	224.1	220.5	3.6	256.9	262.5	-5.6
Duval County	Florida	236.8	241.0	-4.2	269.2	271.3	-2.1
Fort Worth	Texas	225.9	238.7	-12.8	259.0	272.9	-13.9
Guilford County	North Carolina	228.9	236.3	-7.3	270.2	273.9	-3.7
Hillsborough County	Florida	240.9	240.8	0.1	269.3	271.4	-2.1
Houston	Texas	225.9	239.1	-13.2	264.7	272.9	-8.2
Jefferson County	Kentucky	224.0	235.3	-11.3	262.6	270.6	-8.0
Los Angeles	California	219.9	231.3	-11.4	262.4	270.4	-8.0
Miami-Dade	Florida	240.6	240.9	-0.3	274.2	270.8	3.4
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
San Diego	California	232.0	230.3	1.7	274.4	269.7	4.6
Shelby County	Tennessee	216.4	238.8	-22.4	250.8	274.3	-23.5

Note: The “rest of state” columns provide the score for the remainder of the parent state after removing students from the district. Figures may not sum to totals shown due to rounding.
Source: Staff calculation using data from the National Assessment of Educational Progress Trial Urban District Assessment.

Appendix C

Large-City Schools

Comparison Of Large-City Schools

The Council of the Great City Schools (CGCS) sought to determine if large city schools helped students overcome poverty and other barriers or if they reflect societal inequities by determining whether 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 (JCPS) 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 0 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. The report determined JCPS's district effects to be statistically insignificantly different from 0, indicating that the district did about as expected given district demographics.

[a] The National Center for Education Statistics reported JCPS enrollment at 100,348 in fall 2019. Districts with 75,261–125,435 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 That Of JCPS 2019

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

Note: ISD = independent school district. Figures may not sum to totals shown due to rounding.
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 percentage 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, which compares regional variations in teacher labor markets.

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

District	Fall 2019 Enrollment	Per-Pupil Revenue, 2019	CWIFT Adjusted Per-Pupil Revenue, 2019*	Number Of Schools	Percent In Poverty**
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
Baltimore City, MD	79,870	21,367	26,945	151	30.7

Note: ISD = independent school district.
* CWIFT = Comparable Wage Index for Teachers. The CWIFT adjusted column represents the county in which the district is located.
** Percent in poverty represents the percentage 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 are 130 percent and 180 percent, respectively, of the federal poverty level.
Sources: 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.

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 Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
Alabama	Elected: 8 members and governor (prohibited: board employee or person who is or has been a professional educator within 5 years preceding election, including teacher, supervisor, or principal of public or private school; professor or president of public or private university, college, junior college, or trade school; state, county, or city supt.; or education administrator)	Governor serves as president	9 (8 are elected from districts; governor serves ex officio)	4	State board appoints
Alaska	Governor appoints after considering recommendations by recognized state educational associations, subject to confirmation of legislature in joint session (geographic requirements; no more than four shall be members of same political party as governor)	State board appoints	7	5	State board appoints with governor's approval
Arizona	Governor appoints with consent of Senate, except for supt. of public schools	State board appoints	11 (supt. of public instruction, president of a state university or state college, four lay members, president or chancellor of a community college district, owner or administrator of a charter school, supt. of a high school district, classroom teacher, and county school supt.)	4	Elected
Arkansas	Governor appoints with confirmation of Senate (geographic requirements; prohibited: commissioner of elementary and secondary education, candidate/holder of public office, schoolteacher, county/city supt., employee of state-supported college or university member of board of trustees of any state institution of higher education)	State board elects	9	7	School board appoints with confirmation of governor; may not be related within fourth degree of consanguinity or affinity to a state board member

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
California	Governor appoints 10 members and student member with advice and consent of 2/3 of Senate; student member selected from three students recommended by state board	State board elects	11 (includes 1 voting student member)	4	Elected
Colorado	Elected from each congressional district; if an even number, one is elected at large (prohibited: member of the General Assembly; officer, employee, or board member of a school district or charter school; officer, employee, or board member of state charter school institute or institute board; employee of state board of education)	State board elects	9	6	State board appoints
Connecticut	Governor appoints with advice and consent of General Assembly; student member appointed from list submitted by Student Advisory Council on Education (at least two must have experience in manufacturing or trade offered at regional vocational-technical school, or alumnus or current/former educator of such school; at least one must have experience in agriculture, or alumnus or current/former educator at regional agricultural science/technology education center)	Governor appoints	12 (with 2 nonvoting student members)	4	State board recommends; governor appoints
Delaware	Governor appoints with Senate confirmation; Senate does not confirm 2 nonvoting members (at least two must have experience on a local board of education: no more than four may belong to the same political party)	Governor appoints	7 (with 2 nonvoting members: teacher of the year member and student member)	6	Governor appoints with advice and consent of Senate
District of Columbia	Elected (geographic requirements; members may not hold another elective office, other than as an official of a political party; members may not be officers or employees of board or DC government, excluding employees of DC public schools)	State board elects	9	4	Mayor appoints with advice and consent of city council in accordance with D.C. Code sec. 1-523.01(a)

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
Florida	Governor appoints with Senate consent	State board elects	7	4	State board appoints
Georgia	Governor appoints with advice and consent of Senate (geographic requirements; prohibited from membership: governor, professional employee of public or private educational institution or Department of Education, person currently/formerly connected with or employed by schoolbook publishing concern)	State board elects	14 (with ex officio nonvoting member for teacher of the year)	7	Elected
Hawaii	Governor appoints with advice and consent of Senate (geographic requirements)	Governor appoints; must be at-large member	9 (with 2 nonvoting members: nonvoting public high school student representative chosen by state student council; senior Hawaii military commander invited to appoint nonvoting military representative)	3	State board appoints
Idaho	Governor appoints with consent of Senate, except state supt. (geographic requirements)	Governor appoints	8 (includes supt. as ex officio voting member)	5	Elected
Illinois	Governor appoints with advice and consent of Senate (geographic district requirements; no more than one member may be a district supt., 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 state board to an Illinois institution of higher learning, public or private; no member shall be school trustees of an Illinois college, university, or technical institution, public or nonpublic)	Governor appoints	9 (includes chair)	4	State board appoints; governor may propose

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
Indiana	Governor appoints 8 and the secretary of education; speaker of the House appoints 1; president pro tempore of Senate appoints 1 (geographic requirements; at least six must have professional experience in education, including teaching/ leadership at a postsecondary educational institution or current/former experience as teacher, principal, assistant supt., or supt.; at least one shall be a practicing licensed special education teacher or director; not more than five may be from one political party)	State board elects	11 (includes secretary of education)	4	Governor appoints
Iowa	Governor appoints voting members with Senate confirmation (no more than five shall be of the same political party; members shall not be engaged in professional education for a major portion of their time nor shall they derive a major portion of income from any education-connected business or activity; three members shall have substantial knowledge of community college system)	State board elects	9 (with 1 nonvoting student member appointed from list of names submitted by state board)	6	Governor appoints with Senate confirmation
Kansas	Elected (geographic requirements)	State board elects	10	4	State board appoints
Kentucky	Governor appoints with Senate approval (geographic requirements; members shall reflect equal representation of the two sexes, inasmuch as possible; members shall reflect no less than proportional representation of state's two leading political parties based on voter registration; members shall reflect state's minority racial composition based on most recent census or estimate data from US Census Bureau; no voting member at the time of appointment or during term of service shall be engaged as a professional educator)	State board elects	11 (with president of Council on Postsecondary Education and secretary of Education and Labor Cabinet as ex officio nonvoting members; board appoints an active public schoolteacher 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	4	State board appoints by 2/3 vote of total membership

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
Maine	Governor appoints; joint standing committee over education reviews; Senate confirms (geographic requirements)	State board elects	9 (with one high school junior and one high school senior as nonvoting members)	5	Governor appoints subject to review by joint standing committee of legislature having jurisdiction over education and to confirmation by legislature
Maryland	Governor appoints with advice and consent of Senate (including teacher receiving highest number of votes by teachers in state, and 1 parent member from list of three submitted by Maryland Parent Teacher Association; prohibited: individuals subject to board's authority [except teacher and student member], governor, state supt.)	State board elects	14 (includes student member)	4	State board appoints
Massachusetts	Governor appoints 9; chairman of student advisory council and secretary of education serve ex officio (board must include one representative of labor organization, one representative of business or industry, one representative of parents of schoolchildren provided from list by Massachusetts Parent Teacher Association; no member shall be employed by or receive regular compensation from department of education or any Massachusetts school system; no member shall serve as member of any school committee; not more than two shall be employed full-time by any state agency)	Governor appoints	11 (includes chair of student advisory council, secretary of education)	5	State board submits recommendation for secretary approval; if secretary declines, board submits another candidate
Michigan	Elected; must be nominated by party conventions	Chaired by state supt. appointed by state board	8 (with governor as nonvoting ex officio member)	8	State board appoints
Minnesota	None	—	—	—	Governor appoints with advice and consent of Senate

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
Mississippi	Governor appoints 5, lieutenant governor appoints 2, speaker of the House appoints 2, all with advice and consent of Senate (geographic requirements; one member must be active full-time school administrator; one member must be active full-time teacher; no member shall be elected official)	State board elects	9	9	State board appoints with advice and consent of Senate
Missouri	Appointed by governor, with advice and consent of Senate (geographic requirements; no more than four shall be of same political party; no member shall be official or employee of any public, private, or denominational school, college, or university; no member shall be candidate/holder of public office)	State board elects	8 (with one nonvoting teacher representative)	8	State board appoints
Montana	Appointed by governor, confirmed by Senate (geographic requirements; not more than four may be affiliated with same political party; no member shall have concurrent membership on board of regents)	State board elects	7 (including one higher education student member; nonvoting ex officio members are governor, supt. of public instruction, and commissioner of higher education)	7	Elected
Nebraska	Elected (commissioner shall not be a member)	State board elects	8	4	State board appoints
Nevada	4 elected; 3 appointed by governor, including one nominated by Senate majority leader and one nominated by speaker of the Assembly; governor appoints 4 nonvoting members (one appointed member must be a public schoolteacher selected from three candidates provided by Nevada State Education Association; one must be parent/guardian of public school pupil; one must be active in private business or industry)	State board elects	7 (with 4 nonvoting members: member of board of trustees of a school district nominated by Nevada Association of School Boards, supt. of schools of a school district nominated by Nevada Association of School Supts., representative of Nevada System of Higher education, nominated by University of Nevada Board of Regents, public high school pupil nominated by Nevada Association of Student Councils in consultation with Nevada Youth Legislature)	4	Governor appoints from list of three candidates submitted by state board

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
New Hampshire	Governor and council appoint (geographic requirements; members may not be technical educators or professionally engaged in school work)	Governor appoints	7	4	Governor appoints after consultation with state board
New Jersey	Governor appoints, with advice and consent of Senate (geographic requirements; at least three members must be women)	State board elects	13	6	Governor appoints with advice and consent of Senate
New Mexico	No state board; state elects public education commission (geographic requirements)	Commission elects	10	4	Governor appoints; Senate confirms
New York	Legislators appoint regents (geographic requirements)	Regents elect	17	5	Elected by majority vote of regents
North Carolina	Governor appoints 11, subject to confirmation by General Assembly in joint session; lieutenant governor and state treasurer serve ex officio (geographic requirements; not more than two members may be public school employees paid from state or local funds; no members may be spouse of public school employee paid from state or local funds or spouse of employee of Department of Public Instruction)	State board elects	13 (includes lieutenant governor and state treasurer)	8	Elected
North Dakota	Governor appoints 6 from names submitted by committee; supt. of public instruction serves ex officio (geographic requirements)	State board elects	7 (includes supt. of public education)	6	Elected
Ohio	Governor appoints 8 with advice and consent of Senate; 11 are elected (geographic requirements; 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 (with 2 nonvoting ex officio members: chairs of committees in House of Representatives and Senate that primarily deal with education)	4	State board appoints

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
Oklahoma	Governor appoints 6 with approval of Senate; state supt. serves ex officio	State supt. of public instruction serves as chair	7 (includes state supt.)	3	Elected
Oregon	Governor appoints 9 with confirmation of Senate (geographic requirements)	State board elects	9 (with state treasurer and secretary of state, or their designees, as nonvoting ex officio members)	4	Governor serves as supt. of public instruction and appoints deputy supt.
Pennsylvania	Governor appoints 17 with consent of Senate; 4 are majority and minority chairs of House and Senate education committees (except for chair, not more than two members on each council [four total] shall be employed in a school system or Department of Education; three members of Council of Higher Education shall be actively employed by institution of higher education, including at least one administrative and at least one professional faculty; at least two members on each council [four total] shall must have experience with career and technical education or training)	Governor appoints	21 (voting ex officio members: chairs and minority chairs of House of Representatives and Senate education committees, or their designees; nonvoting ex officio member: chair of Professional Standards and Practices Commission, or designee)	6	Governor appoints subject to consent of 2/3 or majority of Senate
Rhode Island	Governor appoints with advice and consent of Senate	Governor appoints	17 (with 4 nonvoting ex officio members: chair of governor's workforce board or designee, chair of Rhode Island Commerce Corporation or designee, chair of University of Rhode Island Board of Trustees or designee, Rhode Island teacher of the year)	3	Council on Elementary and Secondary Education appoints, with advice and consent of board of education
South Carolina	Governor appoints 1; legislature appoints 16	State board elects	17	4	Elected

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
South Dakota	Governor appoints with advice and consent of Senate	State board elects	7	4	Governor appoints with consent of Senate
Tennessee	Speaker of Senate and Speaker of the House appoint 3 each, affirmed by their house; governor appoints 3 confirmed by Senate and House; governor appoints high school student (none shall be elected official or employee of federal, state, or local government; one shall be K-12 public schoolteacher)	State board elects	10 (9 appointed members and one public high school student; nonvoting ex officio member: executive director of Tennessee Higher Education Commission or designee)	5	Governor appoints
Texas	Elected (geographic requirements; lobbyists and office holders with state or any political subdivision may not serve)	Governor appoints with consent of Senate	15	4	Governor appoints with advice and consent of Senate
Utah	Elected (geographic requirements; employees of State Board of Education may not be members)	State board elects	15	4	School board appoints
Vermont	Governor appoints with advice and consent of Senate	State board elects	9 (includes one voting student member; nonvoting members: additional student member and secretary of education)	6	Governor appoints from at least 3 candidates proposed by state board
Virginia	Governor appoints with confirmation of General Assembly (geographic requirements; at least two shall represent private-sector business and industry; governor shall consider appointing one member with expertise/experience in each of these areas: local government leadership/policymaking, career and technical education, early childhood education)	State board elects	9	4	Governor appoints after consultation with Board of Education and confirmation by General Assembly

State	Selection Of Members	Selection Of Chair/ President	Number Of Voting Members	Term Length (Years)	Selection Of State Supt./ Commissioner
Washington	5 elected by local school board members; 1 elected by private school board members; 7 appointed by governor and confirmed by Senate; 2 students selected in manner determined by state board; supt. of public instruction serves ex officio (geographic requirements)	State board elects	16	4	Elected
West Virginia	Governor appoints 9 with advice and consent of Senate (no more than 5 may belong to same political party; members may not be members of any political party executive committee, holders of public office, employees of federal or state government, or appointees or employees of the board)	State board elects	9 (with 3 nonvoting members: state supt. of schools, chancellor of Higher Education Policy Commission, chancellor of West Virginia Council for Community and Technical College)	9	State board appoints
Wisconsin	None	—	—	—	Elected
Wyoming	Governor appoints 11 with approval of Senate; state supt. serves ex officio (appointed members shall include 1 certified classroom teacher, 1 certified school administrator, 2 representatives of Wyoming private business/industry, and 1 member of school district board of trustees; not more than 75% shall be from same political party)	State board elects	12 (including state supt.; nonvoting ex officio members: executive director of Wyoming community college commission, president of University of Wyoming, or designees)	6	Elected

Note: Supt. = superintendent.
Sources: Review of each state's statutes; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

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	Term Length (Years)	Qualifications
Alabama	Elected	5	6	Good moral character; high school diploma or equivalent; not on state/ national sex offender registry; not convicted of a felony; not employed by county board of education; not on board of private elementary or secondary educational institution
Alaska	Elected	5 in district with average daily membership of ≤5,000 (but governing body of borough or city may specify 7); 7, 9, or 11 in district with average daily membership of >5,000	3	Same qualifications as for being municipal voter
Arizona	Elected	3, except governing body of high school district is governing board members of common school district (in single district) or 5 members (in union high school district)	4	Registered voter; district resident for 1 year preceding election
Arkansas	Elected	5 or 7; may be 9 in district with average daily membership of ≥20,000	3–5	Qualified voter in district; not employed by same district
California	Elected	5; may be 7 in unified school district if specified by proposal for unification; 3 in elementary school district (other than union or joint union elementary school districts) if average daily attendance is <300	4	≥18 years old; California citizen; district resident; registered voter; not disqualified from holding civil office; not a district employee
Colorado	Elected	Minimum of 3 per constitution, but statute specifies 5, 6, or 7; school district coterminous with city and county elects 7-member board of education (1 from each of five districts, and 2 from district at large)	4 (can run for 2 terms)	District resident; registered voter for 12 months preceding election; not convicted of sexual offense against a child; may not campaign as member of political party
Connecticut	Elected	3, 6, 9, or 12	3	Registered voter; not employed by district of residence

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
Delaware	Elected	5	4	Qualified voter in district; not in paid position subject to board's rules and regulations
District of Columbia	N/A	—	—	—
Florida	Elected	≥5; can increase beyond 5 if board adopts resolution establishing total number of members	4 (no more than 8 total)	District resident; qualified voter in district for which elected
Georgia	Elected	No more than 7; may be reduced below 7 by local legislation; members elected from single-member districts of approximately equal population	4	District resident; not on governing body of private elementary or secondary school; not on state/national sex offender registry; not on State Board of Education; not employed by Department of Education or board on which member is to serve; not immediate family member of local board of education member or of a superintendent, principal, assistant principal, or school system staff
Hawaii	N/A	—	—	—
Idaho	Elected	3 in elementary school district; 5 in other districts	4	US citizen; ≥18 years old; resident of trustee zone from which nominated or appointed; county resident for 30 days preceding election
Illinois	Elected*	3 in districts with populations of <1,000; 7 in all other districts	4	US citizen; ≥18 years old; district resident for 1 year preceding election; registered voter; not a school trustee or school treasurer; not a child sex offender
Indiana	Elected	7	4	Resident voter of school city; resident of school city for 1 year preceding election; not elective or appointive officer under board or under city government while on board; not holder of pecuniary interest in contract or purchase with school city where elected

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
Iowa	Elected	7 in district including all of a city of >15,000; 5 for all other boards, but may increase to 7	4	Nominated by petition, which must be signed by greater of 10 eligible voters (for at-large seat) or 10 eligible district voters (for district seat) or ≥1 percent of district's registered voters, which number need not be >50
Kansas	Elected	7, except as provided in Kansas Stat. Ann. sec. 72-1210	4	Registered district voter; not employee of board on which to serve; if not running for at-large seat, must live in area of district from which they seek office
Kentucky	Elected	5, except in county containing city of first class where merger pursuant to KRS 160.041 has been accomplished, which elects 7 as prescribed by KRS 160.210(5); independent school districts elect members from district at large; county school districts elect members from divisions	4	≥24 years old; Kentucky citizen for 3 years preceding election; voter of district where elected; completer of 12th grade or holder of high school equivalency diploma; not holder of elective federal, state, county, or city office; not holder of interest in sale to the board of items or services for which school funds are expended; not removed for cause from a board of education; not related to any district employee if elected after July 13, 1990
Louisiana	Elected	Varies by parish/district	4	≥18 years old; Louisiana resident for preceding 2 years; resident for preceding year in parish, ward, or district where elected (but at next regular school board election following a reapportionment, voter may qualify as candidate from any district created from a previously existing district if voter lived in that district for ≥1 year preceding qualification and in Louisiana for 2 years preceding qualification)

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
Maine	Elected	At least 5 for boards of regional school units or administrative districts; 3 for municipality school committee; in district not encompassing K-12, each member town's school committee chooses from its membership the representation on community school district's school committee; in district encompassing K-12, member towns elect representatives directly to district school committee	3 in municipalities with annual elections; 4 in municipalities with biennial elections; director serves until successor is elected and qualified	US citizen; Maine resident; qualified voter in community or ward where elected; ≥18 years old; not an employee (or spouse of an employee) of any public school within system
Maryland	Most are elected; mayor appoints Baltimore City Board; four boards have both elected and appointed members	5 in county system with enrollment of <50,000; 7 in county system with enrollment of 50,000–99,999; 9 in county system with enrollment of ≥100,000; exceptions for certain counties	5; eligible for reappointment; maximum of 2 consecutive terms	Appointed solely because of character and fitness, without regard to political affiliation; not subject to authority of county board
Massachusetts	Elected; one member of school committee appointed by moderator	3 for regional school planning committees, including 1 appointed by moderator; regional school planning boards determine number, composition, and method of selection	Varies	US citizen; registered voter in town elected or appointed from; resident of district to be represented; no felony convictions; mentally capable to serve; compliant with all legal requirements regarding open meeting law, conflict of interest law, and financial disclosure
Michigan	Elected, but intermediate school board members may be elected or appointed	7 in community district, elected districtwide; 7 for intermediate school board members	4	Candidate files nominating petition (signed by 40–100 school electors of community district) and affidavit required by Mich. Comp. Laws 168.558, with school district election coordinator by 4 p.m. on 15th Tuesday before election
Minnesota	Appointed by school board or governing board of each member district	6 or 7; some exceptions created by special legislation, often for consolidated districts	4	≥21 years old; eligible voter; district resident for 30 days; not a convicted sex offender

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
Mississippi	Elected by governing authorities of municipality	5	5	Not a district teacher or trustee, municipal employee, or member of municipality's governing body or county board of education; not a trustee of any public, private, or sectarian school or college in the county, inclusive of municipal separate school district
Missouri	Elected	7 for boards of 7-director district, urban school district, or metropolitan school district	3 in most districts; 6 in Independence	≥24 years old; district voter; Missouri resident for 1 year preceding election or appointment
Montana	Elected	7 for first-class elementary district board; 5 for second-class elementary district board (board may increase to 7); 3 for third-class elementary district board (board may increase to 5); 7 for county high school board; requests for additional trustee positions may be made	3 unless otherwise prescribed; no limit to number of terms	US citizen; qualified voter residing in district; elected by nonpartisan popular vote from total school district population
Nebraska	Elected	6 in class I, II, or III district (class III district may change to 5–9); 7 in class IV district (may include nonvoting student member); 9 in class V district	4	Legal voter in district; not contracted to teach in district
Nevada	Elected	11 in district with enrollment of >75,000 in school year preceding general election; 7 in district with enrollment of 1,000–75,000 (in districts of >25,000 pupils, members are elected at large until alternate manner of election is adopted pursuant to Nevada Rev. Stat. sec. 386.200, or secs. 386.205, 386.215, and 386.225); 7 in districts with enrollment of 1,000–1,499, unless board, by December 1 in year before general election, adopts resolution specifying 5; 5 in districts with enrollment of <1,000	4	Qualified voter; district resident
New Hampshire	Elected	3, 5, 7, or 9, except cooperative school district (as defined in N.H. Rev. Stat. Ann. 195:1) may specify odd number not to exceed 15	3	Registered voter in district; not serving as district moderator, treasurer, or auditor; not salaried employee of district

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
New Jersey	Type I districts: appointed by mayor or other chief executive officer of municipality constituting district; type II districts: elected or, in towns of more than 10,000, appointed as in type I districts	5 or 7 in type I district (except 9 members in districts in cities of the first class, and in districts where so determined by legal referendum); 9 in type II district (or 3, 5, or 7 if determined by referendum)	5 for boards of 5 members and for boards appointed by mayor or other chief executive officer of municipality; 3 for boards of 7 or 9 members	Person who can read and write; US citizen with 1 year's residency in district; registered voter in district before filing nominating petition; not holder of interest in any contract with, or claim against, board; not mayor, member of municipal governing body, or (for county school districts) county governing body; not holder of other elective office; not disqualified for conviction of certain crimes; must undergo criminal history investigation
New Mexico	Elected	5, but board may provide for 7; in district with population of >200,000, electors may choose to have 7 members	4	Qualified state voter; for districted boards, must live within district
New York	Elected, with exceptions: appointed by mayor in Yonkers; appointed by boards of any union free or common school district in central school district; appointed in New York City	1 or 3 in common school district; 3–9 in union free school district (may vote to change number); 5, 7, or 9 in central school district; minimum of 5 in central high school district; 5, 7, or 9 in city school district with population of <125,000 (may change number); 5 in Rensselaer; 7 in Albany, Rochester, and Syracuse; 9 in Buffalo and Yonkers; 13 appointed in New York City (5 by borough presidents, 8 by mayor)	3–5	US citizen; ≥18 years old; qualified voter in district; person who can read and write; continuous resident of district for 1 year (or 30 days to 3 years in some city school districts) before election; not employed by board on which to serve; not in household with family member who is member of same board
North Carolina	Elected**	5	4	≥21 years old; qualified voter; district resident
North Dakota	Elected	5, 7, or 9	3, but can convert to 4	Qualified voter; district resident
Ohio	Elected	5 for local and exempted village school districts and educational service center; 3–5 in city school districts with population of <50,000; 2–7 elected at large in city school districts with population of 50,000–149,999, plus up to 2 elected from subdistricts; 5–7 in city school districts with population of ≥150,000	4	US citizen; ≥18 years old; district resident and registered voter for 30 days preceding election

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
Oklahoma	Elected	3 in elementary; 5 or 7 in independent	3 for boards with 3 members; 5 for boards with 5 members; 4 for boards with 7 members	District resident and registered voter for 6 months preceding filing period
Oregon	Elected	7, 9, or 11	4	Registered voter; district resident for 1 year immediately preceding election; school district, education service district, and community college employees must give up such employment before serving
Pennsylvania	In first class district or first class A district, appointed by judges of courts of common pleas of county containing school district; in first class A district, elected***; in second, third, and fourth class districts, elected	15 in first class district; odd number, 7–15, in first class A district	6 in first class district; 4 or 6 in first class A district	≥18 years old as of election; district resident for 1 year preceding election or appointment; person of good moral character; not convicted of felony or misdemeanor offense involving dishonesty or other moral turpitude; not employed by school district while serving†
Rhode Island	Elected, with exceptions: Department of Education runs Providence; Central Falls members are nominated by commissioner of education and appointed by Council on Elementary and Secondary Education	3, except in Central Falls (7), North Smithfield (5), Providence (7), and Woonsocket (5)	4 if elected; 3 if appointed	Qualified elector; not holder of other paid public office or employment in service of town during term or for 1 year thereafter (but current service as notary public, justice of the peace, national guard member, or naval, air, or military reserve member, or employment by state educational institution is not disqualifying)

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
South Carolina	Elected in 68 districts; in Clarendon Two, Dillon Three (Latta), and Dillon Four, appointed by county board or legislative delegation	5–12; 12 in Greenville and Horry; 11 in Beaufort; 10 in Spartanburg Two; 8 in Darlington; in remaining districts, 32 have 7, 27 have 9, and 5 have 5	4	Registered voter in district
South Dakota	Elected	5, 7, or 9	3, but board may increase to 4 or decrease to 2 for purpose of holding joint elections	≥18 years old; district resident; eligible voter of district or representative area
Tennessee	Elected	No more than number of members authorized by general law or private act for boards of education in existence on January 1, 1992, or number serving on a board on January 1, 1993; General Assembly may authorize any number from 3 to 11	4	≥18 years old; Tennessee citizen; district resident; holder of high school diploma/GED; registered voter in county; not subject to Tenn. Code Ann. sec. 8-18-101(1)-(5), covering those unable to run for public office
Texas	Elected	Number of members that district had on September 1, 1995; board with 3-5 members may increase to 7	3–4	US citizen; ≥18 years old at start of term; resident and registered voter of district for 6 months before filing deadline; resident and registered voter of state for 12 months before filing deadline; not convicted of felony; if district elects trustees from single-member districts, must reside in area or district to be represented; trustees are nonpartisan positions
Utah	Elected	7 in district with student population of 50,000-99,999 (except as provided in subsection (1)(d)(i)(B)), or 9 if board votes to increase; 9 in district with student population of ≥100,000	4	District resident for 1 year immediately preceding election and during term; registered voter in district; not a board employee

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
Vermont	Elected	Number of directors of supervisory union is established in meeting of school directors of districts in the union; school boards have 3 directors; electorate may elect 1-2 additional directors	3 for initial 3 directors; 1 or 2 for additional directors	≥18 years old; district resident; not resident of unorganized town, grant, or gore; not employed by supervisory union they serve or by school district within supervisory union; not simultaneously auditor, first constable, collector of taxes, town treasurer, town agent, or town manager; not spouse of town auditor
Virginia	Appointed or elected; in school division composed of single county, school board selection commission appoints (by petition, appointment authority may be transferred to county's governing body); in counties with county manager plan of government, voters may petition to transition from appointed board to elected board; in city or town that constitutes a school division, governing body appoints	Board of county supervisors establishes number of members; 3–7, chosen by board of county supervisors, in county with county manager plan form of government; 3 per district (or 5 if there is only one district) in city or town constituting school division; 6-9 in school division composed of less than one county or city or part or all of more than one county or city (number determined by governing body of county or city if school division is composed of less than one county or city, or by agreement of governing bodies of counties and cities in school division if composed of part or all of more than one county or city)	4, except 3 in school board in division composed of city or town	Qualified voter; district resident (if election is by district) or division resident (if election is at large); must file declaration of candidacy with general registrar of county or city of residence; must file petition with signature of ≥125 qualified voters of district (or, in district of ≤1,000 registered voters, of ≥50 qualified voters); not employed by school board (employee may run if no local rules prohibit candidacy but must resign before taking office); employee of one school division may be elected to board of another school division; some state and local government officials are prohibited from running
Washington	Elected by current school directors	7	4	Qualified voter; district resident (if appointment/election is by district) or school division resident (if appointment/election is at large) during candidacy and term

State	Selection Of Members	Number Of Voting Members	Term Length (Years)	Qualifications
West Virginia	Elected	5	4	Citizen and county resident during candidacy and term; not a board employee, including teacher or service person; not a candidate or holder of any other public office††; not a candidate or elected member of any political party executive committee; not a candidate, delegate, alternate, or proxy to national political party convention; not a solicitor or recipient of political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office
Wisconsin	Elected	3 in common school district operating elementary grades or union high school district, except school district coterminous with a town or having a population of ≥500 may have 5; 3, 5, 7 or 9 in common school district operating elementary and high school grades	3, except 4 in first class city districts	US citizen; ≥18 years old; district resident for 28 consecutive days when filing declaration of candidacy; not convicted of disqualifying crimes
Wyoming	Elected	5, 7, or 9	4	Registered voter; district resident

Note: N/A = not applicable.

* Chicago, Illinois, board members used to be appointed by the governor. Starting in 2024, however, the size of the board changes from 7 members to 21 members. The Chicago mayor was to appoint 11 members in 2024, and 10 members were to be elected. The election to pick the remaining board members is to be held in 2026.

** 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 may vote 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 may vote for members of the county board of education.

*** Pennsylvania statutes appear to conflict with regard to election versus appointment in first class A districts.

† School board elections in Pennsylvania are partisan despite the ability to cross-file. The federal Hatch Act prohibits federal employees (and state or local government employees in positions funded entirely from federal sources) from running in partisan political elections for public office, including school boards, but the Hatch Act does not prohibit being appointed to fill a vacancy. Federal law and Department of Defense regulations prohibit active-duty military (including reservists serving on orders for 270 days or more) from running for or performing 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 an employer that engages in business transactions with the school district.

†† A candidate for a county board who is not currently serving on such a board may hold another public office during candidacy but must resign before taking the oath of office as a county board member. The term *public office* does not include service on any other board—elected or appointed, profit or nonprofit—if the person does not receive compensation and the primary scope of the board is not related to public schools. A board member may engage in any or all of the following political activities: making campaign contributions to partisan or bipartisan candidates; attending political fundraisers for partisan or bipartisan candidates; serving as an unpaid volunteer on a partisan campaign; politically endorsing any candidate in a partisan or bipartisan election; and attending a county, state, or national political party convention.

Sources: Review of each state's statutes; Education Commission of the States. *50-State Comparison: K-12 Governance*, 2024. Web.

Appendix F

State Intervention In New Orleans

Background

In response to the federal No Child Left Behind 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 4 years.

In August 2005, Hurricane Katrina devastated New Orleans and its schools. In response, the Louisiana legislature passed Act 35 in November 2005, changing how a school was classified as failing. The definition of a failing school was different for New Orleans than for the rest of the state. Any school in New Orleans that fell below a state average score 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.[75]

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 appendix discusses the 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 use them. Although the new operator had the right to use the facilities and land, it was not permitted to sell the facilities, as ownership still remained with the Orleans Parish School Board.[76]

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 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 from programs such as Teach for America and TNTP, 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 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 amid 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 Federal Emergency Management Agency grants aimed at constructing new schools and refurbishing existing ones.[77]

Academic Outcomes. In school year (SY) 2005, New Orleans Parish public schools experienced some of the poorest academic outcomes. They ranked 67th 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 SY 2005, 83 percent of students qualified for free or reduced-price 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 SY 2001-2014 and taking demographic changes into account. His findings indicated the following impacts of the reforms:

- Increased student achievement by 11-16 percentage points (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 statewide.[a] [78]

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

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 1-year extension was included in the law to accommodate any additional needs of the school board.

Appendix G

State Intervention In Houston

Houston Independent School District Overtaken By Texas Education Agency

The Texas Education Agency (TEA) overtook the Houston Independent School District (HISD) in school year (SY) 2023 due primarily to low academic performance in multiple schools and violations of state and federal law regarding special education.[79] Preliminary results on state assessments have been promising.[80] 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 sec. 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) academic performance standards, or 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]

TEC 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 2 consecutive school years, regardless of whether the district has satisfied accreditation criteria or if the conservator or management team made changes. TEC 39A.111 provides that, if a school has an unacceptable academic performance rating for 5 consecutive school years, the commissioner is required to 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 to appoint a superintendent.

Texas Education Agency Takeover Of HISD. In 2019, the TEA appointed a board of managers and a superintendent to HISD due to the low academic performance of Wheatley High School. Three reasons were cited for the state takeover. First, Wheatley High School received unacceptable academic accountability ratings for 7 consecutive years between 2011 and 2019. Although the school did achieve an acceptable rating in 2022, the law still allowed the takeover by the TEA. 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 8 consecutive years of unacceptable status) and Highland Heights Elementary School (with unacceptable status since 2011). Second, the district had a conservator for more than 2 years. Third, the district school board's 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 noncompliance in special education. The TEA reported that HISD continued to violate state and federal law regarding special education, particularly with

[a] Circumstances under which special investigations can be carried out are detailed in Tex. Educ. Code sec. 39.003.

regard to 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.[81]

Opposition To Takeover. 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 US Department of Education.[82] 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) filed a complaint with the US Department of Justice, arguing that by appointing an unelected board of managers, the state denied or reduced voting rights and may have violated the Civil Rights Act. The organizations also requested that the US Department of Justice investigate whether the TEA actions were discriminatory under the 14th and 15th Amendments, because HISD students are primarily people of color.[b] [83]

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 argued that federal law overrides state law.[84]

OEA researchers were unable to determine the outcome of these complaints or whether any actions were taken.[c] The lack of clarity is likely due to how the US Departments of Education and Justice handle complaints. The Office for Civil Rights within the Department of Education has the authority to investigate complaints and first evaluates whether it is able to process complaints—based on authority, timeliness, or sufficient information—within 180 days.[85] The Department of Justice's Civil Rights Division handles civil rights law violations and reviews complaints to determine whether it can take any steps to address the complaint.[86]

Demographics Of HISD. In SY 2024, HISD 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, 19.7 percent spoke English as a second language, 65.5 percent were at risk, and 10.3 percent were special education students.[d] [87] Previous districts overtaken by the state were much smaller than HISD.[88]

[b] The organizations argued that the Equal Protection Clause of the 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 lunch.

HISD New Education System

A new, comprehensive, systematic reform was implemented in more than 110 schools after the TEA takeover.[89] According to the HISD, the New Education System (NES) focused on a new staffing model, instructional program, student experiences, team centers, school culture, and building hours.[90] Each element is described in the following section, accurate as of June 2024.

NES Staffing Model. The NES provided increased teacher pay. 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 intended 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 central team, support from teacher apprentices, and learning coaches.[91]

NES Instructional Program. The NES instructional program tied instruction to state standards in every district in which it was implemented and had a set format for 3rd through 12th 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] They were followed by a 10-minute Demonstration of Learning (DOL), or quizzes, to estimate students' learning based on five levels of progress.[f] Students who successfully completed the DOL could spend the remainder of class in Team Centers with higher-level assignments assisted by learning coaches. Students who did not successfully complete the DOL should relearn the material with support from their teacher and teacher apprentice.[92] This method was believed to reduce stigmas associated with needing additional help.[93]

NES Student Experiences. The NES highlighted three experiences for students. Dyad classes were similar to elective and magnet classes, such as fitness and fine arts, and were taught by 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, such as Washington, D.C., and Japan, on fully funded school trips.[94]

NES Team Centers. Team Centers provided a space supervised by learning coaches where students could continue learning after class.[95]

[e] There are eight Multiple Response Strategies. In Think-Pair-Share, students discuss a question in a group. Table Talk is similar, but students take notes when not discussing. Whip Around is used when a question has multiple answers, and every student provides an answer. Modified Whip Around allows students to sit once a particular answer has 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. In Response Card, students use index cards to answer a question.

[f] The five levels that determine students' learning for the lesson are in the Learner, Securing, Accelerated, Enriched (LSAE) Approach. Learners (L) did not grasp the Learning Objective. 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 receive an assignment, while Enriched students may focus on special projects.

NES School Culture. The NES prioritized school culture and established rules that communicated lack of tolerance for disrespect, disruption, or bullying. Protocols directed that disciplinary action be undertaken by administrators, allowing teachers to focus on teaching. Students were to be removed from the classroom and offered counseling or support; they generally participated remotely in the remainder of class.[96]

NES 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.[97]

Student Reactions To The NES. Houston Public Media, at the University of Houston, interviewed students, parents, and teachers at Kashmere High School after NES was implemented.[98] Some students reported increased learning, but others disliked the workload, discipline, and extended school day. Others reported increased learning and better school culture because of the stricter discipline.[99] In addition, teacher turnover nearly doubled, as discussed below, and students reported losing valued relationships with teachers who cared about them.[100]

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 3 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 they have been criticized as "falsely identifying teachers who are ineffective," particularly 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.[101] HISD had a principal proficiency screening system in place but opted against using it to make employment decisions in SY 2024.[102]

Teacher Resignations Within HISD. Between August and January of SY 2024, 633 HISD teachers resigned, compared to 331 and 309 in the comparable months of SY 2023 and 2022, respectively. The Houston Federation of Teachers, the teachers union, cited HISD's treatment of teachers. Teachers had less autonomy under the NES, which set schedules and classroom instruction lessons that teachers had to follow. In addition, teacher pay was determined by the evaluation process and was not predictable to teachers.[103] Additional reasons included extended instruction days, the salary structure that paid core curriculum teachers more than elective teachers, and that the lowest 3 percent of teachers would lose their jobs. HISD's superintendent noted that critics do not represent all of the district's 11,000 teachers, which the union disputes, as it represents approximately 6,000 teachers.[104]

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 time getting to know their students. Other teachers reported that the high expectations and administrators were helpful and that the structured lessons didn't give students time to misbehave.[105]

Teacher Evaluation System Lawsuit. With board approval, Superintendent Mike Miles implemented a new teacher evaluation system, Policy DNA, in August 2023, but it was developed without input from teachers or other education staff. The Houston Federation of Teachers filed a lawsuit claiming that the system violated the Texas Education Code. A judge granted a temporary restraining order against Policy DNA.[106] The lawsuit was dropped after HISD voted to use the state-approved T-TESS teacher evaluation system, previously in place.[107]

Teacher Shortages And Increased Uncertified Teachers. In SY 2024, HISD hired 839 uncertified teachers, or approximately 7 percent of HISD teachers, requiring a waiver from the TEA. This was the first time in at least 10 years that HISD hired uncertified teachers. Although the TEA did not allow uncertified teachers to teach certain subjects, such as special education, 182 uncertified teachers were in such positions.[108] The nationwide teacher shortage contributed to the hiring of uncertified teachers in HISD.[109]

Decreased Special Education Supports In HISD After State Takeover. Among the reasons for taking over HISD, 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, HISD cut 21 special education contractors that evaluated students for special education and provided speech impairment therapy.[110] As of November 2023, 17 schools did not have a speech therapist.[111] This shortfall caused students to fall behind on therapy. For example, 62 students at DeAnda Elementary were 8 weeks behind therapy as of October 2023 and were expected to continue to fall behind.[112] The new superintendent also eliminated over 2,300 central office positions, including the autism services team, and reorganized the central office into four divisions, each with a special education unit of four employees. Teachers were offered professional development and coaching, but neither the special education units nor the training was specific to autism.[113]

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 9 deadlines were missed, compared to 515 in the prior year. HISD identified approximately 10 percent of students for special education services, compared to 12 percent to 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.[114] The *Houston Chronicle* reported that special education teachers said the instructional model's strict and timed lesson plans and interactive requirements complicated the process of ensuring that special education students are progressing.[115]

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.[116]

In addition, because HISD funded wraparound service specialists through the Elementary and Secondary School Emergency Relief Fund (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.[117] These cuts were anticipated to save $10 million.[118] The HISD superintendent had previously stated that wraparound service specialists would not be among the eliminated positions. The number of students served by wraparound services was not available, but there were 6,896 homeless students (3.8 percent) and 146,455 economically disadvantaged students (80 percent) in SY 2024.[119]

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 associated with these services.[120]

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.[121]

HISD Facing Budget Crisis Amid NES Implementation

In April 2024, the *Houston Chronicle* reported that HISD faced a $450 million funding gap and that its fund balance, or rainy day fund, would be exhausted by 2026. Several factors contributed to a budget crisis in HISD during the implementation of NES, including the loss of ESSER funds, a decrease in student enrollment, stagnation in per-student state funding, the loss of federal funding for special education students, and the cost of implementing the NES.[122] To address the budget concerns, HISD primarily eliminated positions.[123] Prior to SY 2025, HISD continued to reduce funding and eliminate positions.[124]

HISD Funding Gap. ESSER funds, provided by the federal government during the COVID-19 pandemic, were set to end in September 2024.[125] HISD had allocated ESSER funds on recurring expenses, such as salaries, and primarily cut positions to address the budget situation.[126]

Decreasing Student Enrollment. Since SY 2017, HISD enrollment decreased by approximately 30,000 students. Of these, HISD lost 6,000 between SY 2023 and 2024 alone, representing approximately 3 percent of enrollment.[127] 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.[128]

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, and HISD will lose approximately $9.3 million.[129]

HISD Eliminated Thousands Of Positions. Prior to SY 2024, the 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, the operations office was reduced to 5,080 positions from 6,372, and the human resources office was reduced to 153 positions from 235. These losses caused difficulties and confusion for teachers, particularly regarding paychecks.[130] 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.[131] These eliminations were much higher than the superintendent's original projections of eliminating 500 to 600 central office positions and 40 human resources positions.[132] Since the state takeover, the number of HISD employees earning $200,000 or more tripled from 12 in SY 2023 to 37 in SY 2024.[133]

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.[134]

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 ($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 roughly 270 schools in SY 2025.[135]

Differing Funding For NES And Non-NES Schools. For SY 2025, approximately 50 non-NES schools were expected to reduce their budgets by 6 percent to 12 percent and HISD revoked a $2,000 stipend for teachers working in non-NES schools.[136] This decision drew criticism as affecting teachers at schools that were not part of the NES system.[137]

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 compared to $6,900 per student), and NES schoolteachers were expected to continue to earn $10,000 to $20,000 more than their non-NES counterparts.[138] In SY 2024, NES teachers received a $10,000 stipend for working in NES schools, which was replaced with a $4,000 retention bonus for SY 2025. NES nurses would also receive a $1,000 retention bonus.[139] In addition, the number of NES schools was expected to increase from 85 to 130 schools in SY 2025.[140] 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.[141]

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 said that budgets cuts will continue in future years and that donations and grants will be sought.[142]

Decreased Bus Routes. HISD decreased bus routes from 508 routes to 432 and increased the radius students would have to walk from 2 miles to 3 miles, for a savings of $3 million. The reductions primarily affect the 9,000 students participating in the school choice program.[143]

SY 2026 Salary Schedule Plans. As of June 2024, HISD planned to replace its salary schedule based on experience to a "hospital model" for NES schoolteachers and a pay-for-performance model for non-NES schoolteachers by SY 2026. The HISD hospital model for NES schools combined base salary with incentive pay. Base salary depends on teachers' effectiveness level, determined by student achievement and instructional quality. The pay-for-performance model for non-NES schools ties a 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 leading teachers to prefer to work in less difficult school settings.[144]

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. HISD was under no obligation to respond to the resolution.[145] Roughly half of the union's 6,000 members voted on the resolution, and 70 percent voted no confidence.[146] The resolution cited nine reasons:

- 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, which forbids compromising students' learning, physical health, or mental health
- Creating an educational environment that cannot service HISD's approximately 16,000 special education students
- Failing to notify or consult the community before securing a multibillion-dollar bond election[147]

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 NES. The *Houston Chronicle* 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, being 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 noncertified teachers, strict treatment of student such as limiting bathroom trips per year, and treatment of teachers.

Appendix H

State Implementation Of Federal Intervention In Tennessee Schools

Achievement School District And iZone Schools

In Tennessee, the lowest 5 percent of schools, by achievement, are identified as priority schools to receive intervention.[a] The Achievement School District (ASD) and innovation zones (iZone) in local districts are the two major interventions. Both ASD and iZones began operating in school year (SY) 2013.[148]

Achievement School District. The ASD is a unique district made up of priority schools targeted for reform.[149] 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.[150] Schools remain in the ASD for a minimum of 5 years, after which they may return to their home district depending on district and school performance.[151] Initially, the ASD was intended to bring these lowest 5 percent priority schools into the top 25 percent within 5 years, but this goal has disappeared from available information sources.[152]

ASD Management. ASD schools were previously managed by either the ASD or a charter management organization.[153] 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.[154] The ASD experienced leadership turnover. Between its beginning in 2011 and 2024, the ASD had four state education commissioners and five superintendents.[155]

ASD Student Characteristics. As of August 5, 2024, the district enrolled 5,864 students from 16 schools in Shelby County and Davidson County, of whom 89 percent were Black, 9 percent were Hispanic, and 2 percent were white, with 67 percent economically disadvantaged, and 13 percent with disabilities.[156] The highest number of schools in the ASD was 33 schools in SY 2016.[157]

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 intradistrict 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.[158] As of August 2024, iZone schools consisted of 11 elementary schools, 16 middle schools, and 9 high schools.[159]

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 coaches, data analysts, and a leadership supervisor. Second, iZone schools undergo needs

[a] Priority schools are Comprehensive Support and Improvement schools under the Every Student Succeeds Act.

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 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] [160]

Opposition To ASD. Incorporating schools into the ASD met with protests by community members at informational town hall 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.[161]

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.[162]

Data. The researchers used Tennessee Department of Education student data from SY 2007 through SY 2019, which included demographic information, eligibility for free and reduced-price lunch, 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 dropout 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 of 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, 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' end-of-course (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 a charter operator, a public university, or an independent turnaround expert and state oversight and approval.[163] The bill passed the Senate on April 1, 2024, but failed to pass the House on April 25, 2024.[164]

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