

## NEBRASKA STATE BOARD OF EDUCATION MEETING NOTIFICATION AND AGENDA

- Meeting Date:** Thursday, February 2, 2023 2:30 PM
- Meeting Title:** State Board of Education Work Session Meeting and Notification and Agenda
- Location:** Nebraska Innovation Campus  
Banquet Hall  
2021 Transformation Drive  
Lincoln, NE 68508
- Agenda:** Except for emergency items added at the time of the meeting, the agenda will not be changed less than 24 hours prior to the start of the meeting and any changes will be immediately posted on the website. The Board will attempt to adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to take action on any of the items listed.
- Interpreter:** If you need interpreter services or other reasonable accommodations, please contact the Nebraska Department of Education at (402) 471-5059 five (5) days prior to the meeting to coordinate arrangements.
- Website:** An electronic version of the agenda and support materials are available on the State Board of Education's Agenda page: [www.education.ne.gov/stateboard/state-board-agendas/](http://www.education.ne.gov/stateboard/state-board-agendas/)
- Lunch:** On Friday Thursday, February 2, 2023, the State Board of Education may also take a recess for lunch. The Board may resume work on the agenda at approximately 1:00 p.m.

1. CALL TO ORDER  
President Gubbels
  - 1.1. Roll Call  
President Gubbels
  - 1.2. Announcement of the placement of the Open Meetings Act information  
President Gubbels
2. BUSINESS  
President Gubbels
  - 2.1. Review 2023 Proposed State Legislation and Take Action on Board Positions
    - 2.1.A. Discuss Constitutional Amendments and Legislative Bill on State Board (2:30 p.m. to no later than 4:00 p.m.)  
President Gubbels

2.1.B. Executive Committee Recommendation on Legislative Positions (4:00 p.m.  
to 5:00 p.m.)  
President Gubbels

3. ADJOURNMENT  
President Gubbels

The regularly scheduled meeting of the State Board of Education will reconvene at 9:00  
a.m. tomorrow in this room.



# Effective State Education Governance

“Bert really wanted to be governor,” one long-time education department official told me. “And the state superintendent job gave him statewide exposure.” Herbert Grover, Wisconsin’s long-time elected state superintendent, had his share of run-ins over education policy with the state’s long-time governor, Tommy Thompson. Though he was not always successful, Grover’s electoral prowess kept Thompson from abolishing the state superintendent’s policymaking powers until Grover’s less politically savvy successor came into office.<sup>1</sup>

Grover wasn’t an outlier in Wisconsin. Tony Evers, who trudged up through the ranks from school, district, regional, and state administration, was elected state superintendent in 2009 and then successfully ran for governor in 2018 and again in 2022.

Did the statewide election of Grover and Evers improve their effectiveness as leaders of their state education systems? Wisconsin is one of four states without a state board of education—Minnesota, New Mexico, and North Dakota are the others—so perhaps there is a natural temptation for state education leaders to eye the governor’s mansion.<sup>2</sup> Not only do they oversee a central state policy area, but unlike a board, they can command individual media attention. Superintendent Grover, for example, prodigiously answered correspondence, staged photo-ops across the state, and issued streams of press releases about his activities.

Although this singular focus is harder for a board to maintain, politics is also never far from a state board. Controversies over COVID-19 restrictions are but one example. The Kansas state board courted controversy over science standards and overhauled them five times between 1999 and 2012, Colorado struggled over inclusiveness in its civics and history standards in 2019,

and Maryland’s new Accountability and Implementation Board sparred with its department of education over academic and fiscal failures.<sup>3</sup>

American states have created a wide range of structures for state-level governance of education: from Wisconsin’s single nonpartisan superintendent to Ohio’s ungainly part-elected, part-appointed, part-nonpartisan 19-member board.<sup>4</sup> Each faces common challenges—learning standards, accountability systems, licensure, testing, funding, personalities. Yet there are many differences: Political and legal traditions have made the august-sounding New York Board of Regents largely symbolic, while the Texas State Board of Education wields power over details of curriculum, charter schools, and school finance.<sup>5</sup> Colorado, California, and Florida’s boards are often in the news, while others seem remote from the public eye.

Is any particular type of state board more effective than another? It is hard to define an “effective” board without knowing what it should do, and expectations vary from state to state about their place in American education policy.<sup>6</sup> Should they lead and direct policy, or should they follow the lead of school districts? Should the governor, as a state-level politician, be a key player or not? Should they seek public input? Should they “control the narrative” to advance some desired policy goal with the press?

And who should they be? Are they supposed to be representative assemblies, drawn from a wide range of walks of life and demographics? Are they spokespersons for education generally or public education specifically? Are they to be drawn from the ranks of educators, policy experts, or the general public?<sup>6</sup> None of these questions can be answered definitively for all state boards, in part because state laws and constitutions grant (or withhold) a variety of their powers and in

*No one model is clearly superior, but relationships, talent, and shared loyalty to the mission are marks of governance systems that get things done.*

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**Arnold F. Shober**

part because the boards comprise people with their own agendas.

## Like and Not Like Other Boards

There is limited research specifically about state boards. However, there has been substantial interest in the effectiveness of other kinds of boards—public boards, corporate boards, and even some on local school boards. This well of research provides an excellent source of ideas for the state board that strives to be effective.<sup>7</sup>

Other boards also comprise nonspecialists. And even if they were specialists, members are no longer “in the trenches.” Like state boards, corporate board members are frequently appointed and set agendas and policies across a system but rarely monitor day-to-day operations. Other government boards also parallel state boards of education in that they interact with governors, legislators, bureaucracy, and local stakeholders and know the unique constraints of being a public entity.

But state boards of education differ significantly from these other boards. For one, state boards of education can be very partisan—even when board members are allegedly nonpartisan. Before COVID, the public would have little idea what their state board was discussing from the publicly available minutes.<sup>8</sup> COVID-forced remote meetings, however, have made state boards much more accessible to the public; the public would be well served if state boards continue the practice. State boards can suffer from membership turnover and little continuity, which imperils its leadership in the state and works against the loyalty of members to the board as an institution. This turnover can be partly mitigated by staggered terms.

State boards frequently lack timely information—whether from rivalry with the legislature, their limited capacity as part-time volunteers, or even active suppression by the state education agency (SEA). And because of the centrality of education in state politics, state boards can attract political climbers. Their strong commitment to public accountability on the way to higher office may work to the benefit of the education system, but seeing the board as a stepping stone does little to ensure policy continuity or loyalty.

## Marks of Effectiveness

Despite the difficulties state boards experience in leading state education systems, the broader research on corporate and nonprofit boards suggests that boards of all stripes can be effective agenda setters and policy leaders. Effective boards share common traits: 1) a focus on outcomes rather than process; 2) a commitment to build relationships with other decision makers in the legislature and executive branches; 3) an ability to capitalize on the legal, financial, and domain talent of individual members; and 4) loyalty to policy goals, if not the processes, of the board.<sup>9</sup>

**Outcome Focused.** When they focus on outcomes, state boards can put some distinct advantages to use. They can set an outcome-based agenda for state education so long as they do not become entangled in the day-to-day implementation. How much emphasis will social and emotional learning have compared with college and career preparation? How much local discretion will there be in policy implementation?

State boards’ power in virtually every state relies on trust, and state boards, which rarely have current teachers and school leaders as voting members, cannot afford to be seen as distant meddlers. Research is quite strong that teachers and other front-line staff are likely to ignore direction they perceive to be out of step with their own estimation of what is valuable for their work.<sup>10</sup> Further, an outcome focus helps build teamwork across state education through networks, even as approaches toward those ends may differ.<sup>11</sup>

**Relationship Focused.** Building relationships with legislators, governors, and especially the SEA ought to be central to state board work. In the corporate sector, a working relationship with the CEO is a clear indicator of board influence.<sup>12</sup> When the governor seeks a different direction for education than the board, the governance arrangement can temper or redirect gubernatorial ambitions.<sup>13</sup> In the case of North Carolina, with its appointed board and separately elected state superintendent, the division of authority has sparked fireworks over who should direct education. When filing a lawsuit over the arrangement, the state superintendent said, “I had nothing to say

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about who was hired, not hired, what would be our priorities, what would be our strategic plan to carry out the policies of the state board. I was [reduced] to being a person who was, to use the governor's words, an 'ambassador' for public education."<sup>14</sup> While North Carolina is still seeking clarity on this issue, the ongoing legal spat among the board, governor, and superintendent is detrimental to the governor's, superintendent's, and the board's effectiveness.

Relationships with the SEA are often key: It has keys to the information central to academic outcomes, finances, and legal responsibilities. If the board has a poor relationship with the SEA, it will likely be a bit player. The long-running Ohio school finance case, *DeRolph v. Ohio*, made this point nicely. A trial court in 1993 found the state's school financing unconstitutional and ordered the state board and the SEA to submit plans to the legislature for more equitable funding of its school districts. The state board voted not to appeal the ruling, but the attorney general appealed anyway. In the appeals process that followed, which concluded in 2003, the governor, SEA, and state superintendent were central to the case and the state board was largely ignored.<sup>15</sup> The Ohio Department of Education had the data on school finance, so the state board was readily sidelined. In contrast, the Texas and Florida boards have extensive personal and political relationships with the governors of their states.<sup>16</sup> The policy direction of these boards have indisputably had great influence on their states' school choice policy, accountability design, and curriculum.

**Leveraging Talent.** Effective boards also are able to leverage talent from a diverse array of member backgrounds. State board members are generally not representative demographically of the state population or of the student population, just as other elected and appointed bodies are not, but they do come from education, business, finance, and nonprofit backgrounds. While this composition may not translate to a "public voice" on state education policy, the variety of backgrounds does offer education policymakers multiple perspectives and an "in" for building relationships outside the world of educational practice—something particularly helpful when a board works in contentious political environments or when

rhetoric around public education is linked with partisan goals. Good working relationships are potent for effective board governance.<sup>17</sup>

**Board Loyalty.** Effective boards build a degree of loyalty to the board's mission and the organization. The reverse is illustrative, as infighting and acrimony undermine relationships, board vision, and the willingness of talent to join the board in the first place. Ideally, however, the board's vision for education is broadly shared. One Colorado state board member noted that even though the board has a split partisan membership, "every now and again, you see differences in our approaches, but there is a strong commitment to improving outcomes."<sup>18</sup> Oklahoma Gov. Brian Stitt, who appoints the state board, was even more explicit: "We certainly want our appointees to think the way we do and to encourage all the things that we're talking about."<sup>19</sup> Stitt has removed members who do not. Whether one agrees with Governor Stitt or the Colorado state board's direction, these boards cultivate a sense of loyalty to a cause greater than just board membership. But gubernatorial appointment is not the only path to effectiveness: A unified board with public support is well positioned to prevail against changes in the governor's office or legislators.

## Comparison of Governance Structures

There are 50 unique governing arrangements overseeing America's "ten thousand democracies"—the local school districts.<sup>20</sup> Can different governance arrangements empower—or thwart—state board effectiveness? Ignoring some nuance, I see four major types: no state board; elected, partisan boards; elected, nonpartisan boards; and appointed boards. On top of this layer is a state superintendent or commissioner, who may be elected, appointed by the governor, or appointed by the state board.

Of these, the salutary division is between election and appointment of board members (and superintendents) because the resulting politics drives decision making in different ways. Elected boards are accountable to voters, about two-thirds of which no longer have children in school or never did. Elected boards give all voters an opportunity to vet the direction that state education policy is taking. After all, those

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voters will fund one of state governments’ largest expenditures—almost 47 percent of all education revenue, to the tune of \$351 billion.<sup>21</sup>

Elected board members are keenly aware of voter perceptions. When Alabama Gov. Kay Ivey sought in 2020 to replace that state’s elected board with an appointed one, critics argued that the proposed model would politicize education. “With an elected board, you have a voice through your vote,” one state board member said.<sup>22</sup> Alabama voters opted to keep its elected board.

Elected board members win their own seats and build their own constituencies. As one Ohio state board member wrote the governor: “As an elected official, it is my responsibility to speak on behalf of those who elected me, not to be an echo of the Board... [T]he discussion [at a board retreat] of speaking with one voice included the absurd notion that... the nineteen-member State Board of Education [is] just one big happy family,” she wrote.<sup>23</sup>

Such statements highlight the friction of elected office, in which boards seek to set a unified agenda but also represent diverse constituencies. Especially in board races not held “on cycle” with other elections, unions can be particularly important in ensuring that board members are attentive to their policy preferences. Union election efforts, in addition to teachers’ own interests, also help explain why elected state boards have larger numbers of former teachers and educators versus both on-cycle boards and appointed boards.<sup>24</sup> Voters may also believe that educators have unique insights into education policy that those with other backgrounds do not.

Nevertheless, elected board members need to demonstrate to voters that they are “doing something” and that the state board is critical to doing it. In this, board candidates mirror other candidates for office. Like legislators, governors, and presidents, board members seek to set agendas to address campaign issues once they are elected.

But elected boards face challenges to effectiveness from member turnover and the inherent difficulties of building bridges to other parts of state government. Voters can be fickle at the state level. State legislatures are notoriously filled with short-termers, and state boards are not exempt.<sup>25</sup> Turnover undermines links made to other officials, especially state education

bureaucrats, because those government officials can serve for decades. Bureaucracy becomes the repository of technical knowledge and policy learning that state boards must rely on when making their decisions. Absent state board members with similar tenure (or expertise), the bureaucracy constrains the board’s ability to enact its own agenda. And ultimately, elected board members are accountable to voters and not to each other—which can be a recipe for fragmentation and paralysis.

In contrast, appointed boards are typically accountable to the governor—as Oklahoma Governor Stitt’s insistence that board members “think the way we do” so clearly shows. Because of its outsized importance for voters and the budget, education is an attractive policy area for governors. Southern governors vaulted education into the spotlight in the 1970s, attention that went national in the 1980s through the work of the National Governors Association. Governors tied economic development to academic educational progress and pressed successfully for increasing time in school, statewide learning standards, and aligned statewide assessment. These goals culminated in the Common Core State Standards in the 2010s.<sup>26</sup>

Many governors argued that voters held them accountable for the state of education and were unapologetic in using state board appointments to advance their agendas. Thus in the early 1990s Ohio Gov. George Voinovich won the right to appoint members to the state board after a damning audit of state education.<sup>27</sup> A similar process occurred in Maryland after the legislature called for a full-scale reset of education funding.<sup>28</sup> Governors George W. Bush of Texas and Jeb Bush of Florida deliberately appointed state board members who strongly supported assessment and workforce development, a pattern that has continued into the administration of Florida Gov. Ron DeSantis.<sup>29</sup>

Unlike elected state board members, appointees are selected based on the degree to which they share the governor’s (or legislators’) view of education policy. Perhaps more important, they already have access to the governor. The governor may not always take great interest in board affairs, but board members can call on the influence of the governor when it matters. Former Gov. Christine Gregoire of Washington sought to consolidate that state’s multiple

education boards and commissions into a cabinet-level department, explicitly so that education would have a seat in her (and her successors') cabinet. Although that effort failed, Washington State's superintendent of public instruction argued that such a change would ensure that his office wasn't "just some other elected official down the street."<sup>30</sup>

Finally, appointed members are likely to bring more diverse professional backgrounds to the table than do elected board members. Appointees frequently have business or bureaucratic experience that boards can usefully draw upon, while elected members tend to be current or former educators or legislators.<sup>31</sup>

Reformers from the 1910s and 1920s were insistent that education be above partisanship, and, in line with their successes in communications, banking regulation, and public works, they stripped partisanship from many education posts.<sup>32</sup> But in doing so, they took away many voters' only information about state board candidates. And as much as one might wish otherwise, voters tend to select candidates by party label rather than policy positions.<sup>33</sup>

There are two main implications for partisan state boards. First, partisan board members have more visible education policy goals and strategies. Voters expect partisan board members to adopt the rhetoric of their preferred party, whether that be about masks in schools, curriculum changes, or relations with teachers' unions—even if a board member runs a low-profile campaign (if any at all). For an electorate with limited connections to education, partisanship ensures voters have some way to evaluate the policy direction of a state board.

Second, partisan ties provide the strongest glue among board members, the governor, and the legislature. Appointment of members by a governor guarantees a connection to the governor's office, but shared partisanship with key legislators can shore up support around possibly controversial legislation. In short, elected partisans can duplicate some of the benefits of gubernatorially appointed members.

Do any of these forms have an impact on student achievement? Despite the considerable distance between state boards of education and the classroom, there is some suggestive evidence that board form may at least tilt schools and local boards to focus on achievement versus

other priorities. State boards with greater democratic input—those with elected board members or an elected state chief—tend to oversee education in states with smaller NAEP achievement gaps between richer and poorer students and generally have higher NAEP scores overall.<sup>34</sup> But these are only tentative results, and state boards have multiple priorities, of which academic achievement is only one.

## Conclusion

Despite the special challenges of public governance, state boards can effectively serve as beacons of policy. As with many things in education, there are many ways to achieve success, and state boards—elected or appointed, partisan or not—are no exception. An effective board is driven by effective members *whatever* its structure, and effective members are committed to a shared agenda and the larger project of providing direction for a state's education system.

The experience of boards over the last 40 years yields some takeaways regarding their structure. First, appointed boards can take on bigger, longer-term projects because members do not need to spend time on the electoral part of the job. To some extent, they have the backing of the governor already and may only need to contend with the legislature. No small order, to be sure, but it is a head start over other board forms. Second, elected boards can be very effective if they have natural links to the legislature or governor, likely through a shared party. In fact, a partisan elected board can work around a governor if the board majority is the same as the state legislature's. The flip side carries great risks: A board that Democrats dominate will find its work ignored or countermanded by a Republican-dominated legislature and vice versa. The weakest of these forms is an elected, nonpartisan board. This board has no natural links to the governor, legislature, the public, or each other. These boards will have more work to do to overcome the disadvantages of this structure.

Some board governance structures encourage effectiveness, but all boards can take steps to improve. Boards should heed observations drawn from the nongovernmental world: First, effective boards present a unified vision for

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education. This is especially the case for the nonpartisan, elected boards that lack the natural coherence that partisanship and appointment provide. It may be that *some* board members need to shift their policy emphases to find agreement, but some common ground can move the board—and by extension, state education policy—in a positive direction. This may be as simple as releasing a joint statement about the overall goals for the board.

Second, effective boards keep lines of communication open with the governor's office and the SEA. No matter the state, the governor's interest in education is a key barometer of legislative success, and the SEA is the long-term repository of expertise. This holds true even if the board and the governor are at odds; it is politically advantageous for a governor to show *something* to voters that can be accomplished with the board's cooperation.

Third, effective boards capitalize on the expertise of their members. This may mean that board priorities shift as new appointments and new elections bring members to the board, but emphasizing reading instruction, capital projects, or public communications—whatever expertise the sitting members bring—can build public confidence in the board's expertise and enhance the personal commitment of members to the board's work. There is no one-size-fits-all strategy, but experience shows that state boards can offer effective governance amid the tumult of modern American education. ■

<sup>1</sup>Arnold F. Shober, *Splintered Accountability: State Governance and Education Reform* (Albany: State University of New York Press, 2010).

<sup>2</sup>North Dakota has a State Board of Public School Education, although in practice its authority is limited to the creation and dissolution of public school districts and property transfers.

<sup>3</sup>Matt Pearce, "Kansas' Evolution Debate Just Keeps Evolving," *Los Angeles Times*, July 30, 2012; Erika Meltzer, "Two New Seats, High Stakes in Colorado State Board of Ed Election," *Chalkbeat Colorado*, June 11, 2022; Kalman R. Hettleman, "A Radical Experiment in School Accountability Comes to Maryland," *Baltimore Sun*, September 10, 2021.

<sup>4</sup>NASBE tracks changes annually. See "A Look at State Education Governance," web page, 2022, <https://www.nasbe.org/state-education-governance/>.

<sup>5</sup>Christine G. Mohker, "Do 'Education Governors' Matter? The Case of Statewide P-16 Education Councils," *Educational Evaluation and Policy Analysis* 32, no. 4 (2010): 476–97, note 5.

<sup>6</sup>Michelle D. Young, Bryan A. VanGronigen, and Amy Luelle Reynolds, "State Boards of Education: Lesser Known Policy Actors," *Educational Policy* 33, no. 1 (2019): 205–33.

<sup>7</sup>E.g., John Carver, *Boards That Make a Difference: A New*

*Design for Leadership in Nonprofit and Public Organizations*, 3d ed. (San Francisco: Jossey-Bass, 2006).

<sup>8</sup>Michelle D. Young et al., "Do State Boards of Education Offer an Avenue for Public Voice?" *Urban Education* 56, no. 4 (2021): 552–80.

<sup>9</sup>Carver, *Boards That Make a Difference*; Jay A. Conger, Edward E. Lawler III, and David Finegold, *Corporate Boards: New Strategies for Adding Value at the Top* (San Francisco: Jossey-Bass, 2001).

<sup>10</sup>John Brehm and Scott Gates, *Working, Shirking, and Sabotage: Bureaucratic Response to a Democratic Public* (Ann Arbor: University of Michigan Press, 1999); Jeffrey Pfeffer and Gerald R. Salancik, *The External Control of Organizations: A Resource Dependence Perspective* (New York: Harper & Row, 1978).

<sup>11</sup>Steven J. Ball, "Laboring to Relate: Neoliberalism, Embodied Policy, and Network Dynamics," *Peabody Journal of Education* 92, no. 1 (2017): 29–41.

<sup>12</sup>Carver, *Boards That Make a Difference*.

<sup>13</sup>Adrianna Kezar, "Rethinking Public Higher Education Governing Boards Performance: Results of a National Study of Governing Boards in the United States," *Journal of Higher Education* 77, no. 6 (2006): 968–1008.

<sup>14</sup>Greg Childress, "Proposal Would Dramatically Overhaul How North Carolina Governs Its Public Schools," *Indyweek*, July 21, 2022.

<sup>15</sup>Shober, *Splintered Accountability*.

<sup>16</sup>Young, VanGronigen, and Reynolds, "Lesser Known Policy Actors"; Mohker, "Do 'Education Governors' Matter?"

<sup>17</sup>Mohker, "Do 'Education Governors' Matter?"

<sup>18</sup>Meltzer, "Two New Seats, High Stakes."

<sup>19</sup>Megan Prather, "Where My Beliefs Are': Stitt Hires, Fires State Board of Education Members," *Nondoc*, April 20, 2021.

<sup>20</sup>Eric Berkman and Michael B. Plutzer, *Ten Thousand Democracies: Politics and Public Opinion in America's School Districts* (Washington: Georgetown University Press, 2005).

<sup>21</sup>U.S. Census Bureau, "Public School Spending Per Pupil Increases by Largest Amount in 11 Years," press release, May 18, 2021.

<sup>22</sup>Kim Chandler, "Senate Approves Measure to Abolish State School Board," *Associated Press*, May 16, 2019.

<sup>23</sup>Diana M. Fessler, Letter to George V. Voinovich (series 1.2, box 48, folder 15. George V. Voinovich Papers, Ohio University, August 8, 1996). Emphasis original.

<sup>24</sup>Sarah F. Anzia, *Timing and Turnout: How Off-Cycle Elections Favor Organized Groups* (Chicago: University of Chicago Press, 2014); Michael T. Hartney, *How Policies Make Interest Groups* (Chicago: University of Chicago Press, 2022); Young, VanGronigen, and Reynolds, "Lesser Known Policy Actors."

<sup>25</sup>John M. Carey, Richard G. Niemi, Lynda W. Powell, and Gary F. Moncrief, "The Effects of Term Limits on State Legislatures: A New Survey of the 50 States," *Legislative Studies Quarterly* 31, no. 1 (2006): 105–34.

<sup>26</sup>Arnold F. Shober, *In Common No More: The Politics of the Common Core State Standards* (Denver: Praeger, 2016).

<sup>27</sup>Shober, *Splintered Accountability*.

<sup>28</sup>James V. Shuls, "An Analysis of the Kirwan Commission Recommendations" (Rockville, MD: Maryland Public Policy Institute, 2018).

<sup>29</sup>Patrick McGuinn, *No Child Left Behind and the Transformation of Federal Education Policy, 1965–2005* (Lawrence, KS: University Press of Kansas, 2006); Arnold F. Shober, "Governors Make the Grade: Growing Gubernatorial Influence in State Education Policy," *Peabody Journal of Education* 87, no. 5 (2012): 559–575; Valerie Strauss,

era after No Child Left Behind, regardless of whether these reforms occurred in the context of state takeover or not.

Two features of turnaround interventions were associated with the greatest gains in student achievement across all the reform efforts studied in this period: extended learning time and significant teacher replacements (figure 4). This suggests that time and human capital, not surprisingly, have high potential for school and district improvement. We also find that gains from turnaround reforms have been largest in contexts serving high concentrations of Hispanic students.<sup>11</sup>

We do not find that those interventions described as involving a significant new infusion of funding were associated with greater impacts than those that did not. However, it is possible this could be a function of limitations in terms of how the reforms were described in the evaluations, as other research persuasively documents large positive effects of spending increases on average student achievement.<sup>12</sup> That said, less is known about the impact of spending in the context of school and district turnaround more specifically. This points to another key area for future research.

Given the variation in takeover's effectiveness across very different types of reforms and contexts, the literature presents a challenge for researchers seeking to find patterns that would point to best practices for districtwide improvement. Two key things vary across all the cases of district turnaround and thus make generalization difficult: (1) district and state contexts and (2) features of the turnaround interventions that policymakers implement. The next generation of research should pay close attention to the ways in which context may interact with policy. In other words, what is effective in Louisiana may not be effective in Massachusetts. Understanding these patterns will help leaders ensure that school systems live up to their promise as the great equalizer for students. ■

<sup>1</sup>Beth Schueler and Martin West, "Federalism, Race, and the Politics of Turnaround: U.S. Public Opinion on Improving Low-Performing Schools and Districts," *Educational Researcher* 51, no. 2 (2021).

<sup>2</sup>Beth Schueler and Joshua Bleiberg, "Evaluating Education Governance: Does State Takeover of School Districts Affect Student Achievement?" *Journal of Policy Analysis and Management* (2021).

<sup>3</sup>Kenneth Wong and Francis Shen, "Measuring the Effectiveness of City and State Takeover as a School Reform

Strategy," *Peabody Journal of Education* 78 (2003): 89–119.

<sup>4</sup>Douglas Harris and Matthew Larsen, "The Effects of the New Orleans Post-Katrina School Reforms on Student Academic Outcomes" (New Orleans: Education Research Alliance for New Orleans, February 10, 2016).

<sup>5</sup>Beth Schueler, Joshua Goodman, and David Deming, "Can States Take Over and Turn Around School Districts? Evidence from Lawrence, Massachusetts," *Educational Evaluation and Policy Analysis* 39, (2017): 311–32.

<sup>6</sup>We used data from the Stanford Education Data Archive 3.0, and we use difference-in-difference methods to examine the change in achievement outcomes for takeover districts before and after reform to the change in outcomes for demographically similar districts that did not experience takeover in the same period.

<sup>7</sup>Domingo Morel, *Takeover: Race, Education, and American Democracy* (New York: Oxford University Press, 2018).

<sup>8</sup>Vladimir Kogan, Stéphane Lavertu, and Zachary Peskowitz, "How Does Minority Political Representation Affect School District Administration and Student Outcomes?" *American Journal of Political Science* 65, no. 3 (2020): 699–716.

<sup>9</sup>Schueler, Goodman, and Deming, "Can States Take Over and Turn Around School Districts?"; Beth Schueler, "Vacation Academies' Can Narrow Coronavirus Learning Gaps," *Education Next* blog (May 21, 2020), <https://www.educationnext.org/summer-vacation-academies-narrow-coronavirus-learning-gaps-springfield/>.

<sup>10</sup>Beth Schueler, "A Third Way: The Politics of School District Takeover and Turnaround in Lawrence, Massachusetts," *Educational Administration Quarterly* 55, no. 1 (2019): 116–53.

<sup>11</sup>Beth Schueler et al., "Improving Low-Performing Schools: A Meta-Analysis of Impact Evaluation Studies," *American Educational Research Journal* 59, no. 5 (2021): 975–1010.

<sup>12</sup>Kirabo Jackson, Rucker Johnson, and Claudia Persico, "The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms," *Quarterly Journal of Economics* 131, no. 1: 157–218.

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### *cont'd from page 36...Effective State Education Governance*

"How Florida Gov. DeSantis Is Trying to Destroy Public Education," *Washington Post*, April 27, 2022.

<sup>30</sup>Seattle Times Editorial Board, "Amend WA Constitution to Appoint, Not Elect, Education Chief," February 14, 2022.

<sup>31</sup>Young, VanGronigen, and Reynolds, "Lesser Known Policy Actors."

<sup>32</sup>Marjorie Murphy, *Blackboard Unions: The AFT and the NEA, 1900–1980* (Ithaca, NY: Cornell University Press, 1990); Thomas B. Timar, "The Institutional Role of State Education Departments: A Historical Perspective," *American Journal of Education* 105, no. 3 (1997): 231–60.

<sup>33</sup>Christopher H. Achen and Larry M. Bartels, *Democracy for Realists: Why Elections Do Not Produce Responsive Government* (Princeton, NJ: Princeton University Press, 2016).

<sup>34</sup>Paul Manna and Diane O'Hara, "State Governance and Educational Outcomes in the United States," presentation, Midwest Political Science Association, April 7–10, 2005.

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**Two features of turnaround interventions were associated with the greatest gains in student achievement: extended learning time and significant teacher replacements.**

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# STATE EDUCATION GOVERNANCE AT A GLANCE



Note: There are 15 states and territories to which some or all of the members are elected, and 10 of those have only elected members. There are 16 states in which the governor appoints the board and the chief. There are 35 states in which members are appointed.

# STATE EDUCATION GOVERNANCE MATRIX

Compiled by the National Association of State Boards of Education  
(Updated December 2022)

STATE	SELECTION OF STATE BOARD MEMBERS	SELECTION OF CHIEF STATE SCHOOL OFFICER	SELECTION OF STATE BOARD CHAIR/PRESIDENT	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM FOR STATE BOARD MEMBERS	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	AUTHORITY FOR TEACHER LICENSURE	AUTHORITY FOR STANDARDS ADOPTION
<b>Alabama</b>	Partisan ballot	SBE appoints	Governor serves as president	9 including governor	4	Constitution	SBE	SBE
<b>Alaska</b>	Governor appoints; legislature confirms	SBE appoints with approval by governor	SBE elects	7 plus 2 nonvoting members, including 1 student	5	Statute	SBE	SBE
<b>Arizona</b>	Governor appoints with consent of Senate, except CSSO	Partisan ballot	SBE elects	11, including 1 teacher	4	Constitution	SBE	SBE
<b>Arkansas</b>	Governor appoints; Senate confirms	SBE appoints	SBE elects	9, including 1 nonvoting teacher of the year	7	Statute	SBE	SBE
<b>California</b>	Governor appoints with advice and consent of Senate	Nonpartisan ballot	SBE elects	11, including 1 voting student	4	Constitution	PSC	SBE
<b>Colorado</b>	Partisan ballot	SBE appoints	SBE elects	9	6	Constitution	SBE	SBE
<b>Connecticut</b>	Governor appoints with advice and consent of General Assembly	SBE makes recommendation; governor appoints	Governor appoints	11 voting members plus 2 nonvoting students	4	Statute	SBE	SBE
<b>Delaware</b>	Governor appoints; Senate confirms	Governor appoints	Governor appoints	7 voting members plus 1 nonvoting student and former teacher of the year	6	Statute	SBE	SBE
<b>Florida</b>	Governor appoints; Senate confirms	SBE appoints	SBE elects	7	4	Constitution	SBE	SBE
<b>Georgia</b>	Governor appoints, with consent of Senate	Partisan ballot	SBE elects	14	7	Constitution	PSC	SBE

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<b>Hawaii</b>	Governor appoints with advice and consent of Senate	SBE appoints	Governor appoints chair; SBE elects vice chair	9 plus 2 nonvoting members, including 1 student	3	Constitution	Standards Board	SBE
<b>Idaho</b>	Governor appoints 7 with consent of Senate; CSSO also serves	Partisan ballot	SBE appoints	8	5	Constitution	SBE	SBE
<b>Illinois</b>	Governor appoints with consent of Senate	Governor may propose; SBE hires	Governor appoints chair; SBE elects vice chair	9	4	Constitution	SBE	SBE
<b>Indiana</b>	Governor appoints 8; speaker of the House 1; president pro tempore 1; CSSO also serves	Governor appoints	CSSO serves as chair	11	4	Statute	SEA	SBE
<b>Iowa</b>	Governor appoints; Senate confirms	Governor appoints	SBE elects (2 year term)	9 plus 1 nonvoting student	6	Statute	Independent Board	SBE
<b>Kansas</b>	Elected	SBE appoints	SBE elects	10	4	Constitution	SBE	SBE
<b>Kentucky</b>	Governor appoints; Senate confirms	SBE appoints	SBE elects	11 plus 4 nonvoting members, including student and teacher	4	Statute	PSC	SBE
<b>Louisiana</b>	8 elected by nonpartisan ballot; governor appoints 3; Senate confirms	SBE appoints	SBE elects	11	4	Constitution	SBE	SBE
<b>Maine</b>	Governor appoints	Governor appoints	SBE elects	9 plus 2 nonvoting students	5	Statute	SBE	SEA
<b>Maryland</b>	Governor appoints 13 with advice and consent of Senate; teachers elect 1 teacher	SBE appoints	SBE elects	14, including 1 teacher, parent, and student	4	Statute	SBE	SBE

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<b>Massachusetts</b>	Governor appoints 6; 4 voting ex officio members, 1 student	SBE appoints, with approval from secretary	Governor appoints	11, including 1 voting student	5	Statute	SBE	SBE
<b>Michigan</b>	Partisan ballot	SBE appoints	SBE elects	8, including 1 nonvoting teacher	8	Constitution	CSSO	SBE
<b>Minnesota</b>	None	Governor appoints	NA	NA	NA	None	Standards Board	CSSO
<b>Mississippi</b>	Governor appoints 5; lt. gov. appoints 2; speaker of the house appoints 2	SBE appoints	SBE elects	9, including 1 teacher, plus 2 nonvoting students	9	Constitution	SBE	SBE
<b>Missouri</b>	Governor appoints; Senate confirms	SBE appoints	SBE elects	8, including 1 nonvoting teacher	8	Constitution	SBE	SBE
<b>Montana</b>	Governor appoints; Senate confirms	Partisan ballot	SBE elects	7 plus 4 nonvoting members including 1 student	7	Constitution	SBE	SBE
<b>Nebraska</b>	Nonpartisan ballot	SBE appoints	SBE elects	8	4	Constitution	SBE	SBE
<b>Nevada</b>	4 elected; governor appoints 3, 2 of whom the legislature nominates; governor appoints 4 nonvoting members	Governor appoints from 3 nominees SBE provides	SBE elects	7, including 1 teacher, plus 4 nonvoting members, including 1 student	4	Statute	Standards Board	SBE
<b>New Hampshire</b>	Governor and executive council appoints	Governor appoints after consulting SBE; council confirms	Governor appoints	7	5	Statute	SBE	SBE
<b>New Jersey</b>	Governor appoints, with advice and consent of Senate	Governor appoints, with advice and consent of Senate	SBE elects	13 plus 1 nonvoting student	6	Statute	SBE	SBE

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<b>New Mexico</b>	None	Governor appoints	NA	NA	NA	None	SEA	SEA
<b>New York</b>	Legislature appoints	SBE appoints	SBE elects	17	5	Constitution and Statute	SBE	SBE
<b>North Carolina</b>	Governor appoints and legislature confirms 11; 2 voting ex-officio members: state treasurer and lt. gov.	Partisan ballot	SBE elects	13 plus 2 nonvoting students and a teacher	8	Constitution	SBE	SBE
<b>North Dakota</b>	None	Nonpartisan ballot	NA	NA	NA	NA	Standards Board	CSSO
<b>Ohio</b>	11 elected by nonpartisan ballot; governor appoints 8 with advice and consent of Senate	SBE appoints	SBE elects (2 year term)	19	4	Constitution	SBE	SBE
<b>Oklahoma</b>	Governor appoints, with advice and consent of Senate	Partisan ballot	CSSO serves as chair	7	4	Constitution	SBE	SBE
<b>Oregon</b>	Governor appoints; Senate confirms; SBE appoints student	Governor serves as superintendent of education; appoints deputy	SBE elects	7 plus 6 nonvoting members including 2 students and a teacher	4	Statute	Standards Board	SBE
<b>Pennsylvania</b>	Governor appoints 17, Senate confirms; General Assembly appoints 4	Governor appoints	Governor appoints	21 plus 4 nonvoting students	6	Statute	SBE	SBE
<b>Rhode Island</b>	Governor appoints with advice and consent Senate	Council appoints, with advice and consent of SBE	Governor appoints	17 plus 1 nonvoting student	3	Statute	SBE	SBE

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<b>South Carolina</b>	Legislature appoints 16, governor appoints 1	Partisan ballot	SBE elects	17	4	Constitution	SBE	SBE
<b>South Dakota</b>	Governor appoints with consent of the Senate	Governor appoints	SBE elects	7	4	Statute	SBE	SBE
<b>Tennessee</b>	Governor appoints; General Assembly confirms	Governor appoints	SBE elects (4 year term)	10, including 1 student and teacher	5	Statute	SBE	SBE
<b>Texas</b>	Partisan ballot	Governor appoints	Governor appoints (2 year term)	15	4	Constitution	Independent Board	SEA
<b>Utah</b>	Partisan ballot	SBE appoints	SBE elects	15, including a teacher	4	Constitution	SBE	SBE
<b>Vermont</b>	Governor appoints 9 voting members and 2 nonvoting members with consent of Senate	Governor appoints from 3 nominees SBE provides	SBE elects (2 year term)	9 voting members, including 1 voting student, plus 1 nonvoting student and the CSSO	6	Statute	Standards Board	SBE
<b>Virginia</b>	Governor appoints; General Assembly confirms	Governor appoints	SBE elects	9	4	Constitution	SBE	SBE
<b>Washington</b>	Local school board members elect 5; governor appoints and Senate confirms 7; student group selects 2 students; private schools elect 1; CSSO also serves	Nonpartisan ballot	SBE elects	16, including 2 voting students	4	Statute	Standards Board	CSSO
<b>West Virginia</b>	Governor appoints 9, with consent of Senate; 3 nonvoting ex-officio members	SBE appoints	SBE elects	9	9	Constitution	SBE	SBE

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<b>Wisconsin</b>	None	Nonpartisan ballot	NA	NA	NA	None	SEA	CSSO
<b>Wyoming</b>	Governor appoints; Senate approves	Partisan ballot	SBE elects	12, including 1 teacher	6	Statute	Standards Board	SBE
<b>District of Columbia</b>	Nonpartisan ballot	Mayor appoints chancellor and CSSO	SBE elects	9 plus 4 students (vote recorded w/o weight)	4	Statute	CSSO	SBE
<b>Guam</b>	6 elected at large; governor appoints 3	SBE appoints	SBE elects	9 plus 2 nonvoting members including 1 student	3 years for appointed, 2 for elected	Statute		
<b>Northern Marianas</b>	Elected	SBE appoints	SBE elects	5 plus 1 nonvoting student	4	Constitution		
<b>Virgin Islands</b>	Elected	Governor nominates; Senate approves	SBE elects	9	4	Statute	SBE	SBE

SBE = state board of education; SEA = state education agency; CSSO = chief state school officer; PSC = professional standards commission

**STATE BOARD OF EDUCATION**

**WORKSESSION**

**February 2, 2023**

**Introduced Legislation Regarding the State Board of Education and the Commissioner of Education**

[LR24CA](#) **Albrecht Education Committee - Constitutional amendment to eliminate the State Board of Education and provide for the Governor to appoint the Commissioner of Education**

Summary: The resolution proposes to amend the Nebraska Constitution by eliminating the State Board of Education and having the Governor appoint the Commissioner of Education as the administrative head of the State Department of Education.

[LR28CA](#) **Linehan Education Committee - Constitutional amendment to change the membership of the State Board of Education**

Summary: The resolution proposes to amend the Nebraska Constitution to provide that there be seven (7) members of the State Board of Education that are appointed by the Governor, with the advice and consent of the Legislature, and that members of the board would serve a term of six years.

[LR29CA](#) **Linehan Education Committee - Constitutional amendment to provide term limits for the members of the State Board of Education**

Summary: The resolution proposes to amend the Nebraska Constitution to provide that members of the State Board of Education shall not serve more than two consecutive terms.

[LB690](#) **Linehan Education Committee - Change provisions relating to powers and duties of the State Department of Education, State Board of Education, and Commissioner of Education**

Summary: The bill amends sections of statute related to the State Board of Education and Commissioner of Education, clarifies the meaning of State Department of Education when used in statutes, and adds further duties of the Commissioner of Education.



**State Board Executive Committee Recommendations on Legislation  
February 2, 2023**

State Board Bylaw B4 outlines the duties of Board committees. The bylaw notes “The Executive Committee shall be charged with making recommendations to the Board on the NDE’s position on specific bills and legislative resolutions.” The Executive Committee has met weekly from January 18 through February 1, 2023, to advise the Commissioner on legislation. The Executive Committee has reviewed bills introduced in the Nebraska Legislature and brings to the board the following recommendations for adoption by the full Board:

Board Legislative Priority Areas:

1. Increase Third Grade English Language Arts Proficiency to 75% by 2030
2. Half the Gap in 8th Grade Math Achievement for Each Student Group by 2030.
3. Increase the Number of High School CTE Concentrators to 50%.
4. Reduce Chronic Absenteeism by Half by 2030
5. For Youth who are Systems-Involved, Raise the High School Graduation Rate and/or High School Equivalency Attainment to 70%.
6. Eliminate the Special Education Staffing Vacancy and Cut the Educator Shortage in Half by 2030.

**Hearings Scheduled Next Week:**

<u>Bill</u>	<u>One Liner</u>	<u>Fiscal Impact</u>	<u>Board Priority Area</u>	<u>NDE Recommendation</u>	<u>Executive Committee Advice</u>	<u>Rationale</u>
<i>February 7</i>						
<a href="#">585</a> (Hughes)	Change a duty of the state school security director and require behavioral and mental health training for certain school personnel	Negligible	4	Proponent – Written testimony	Concur with NDE rec.	Supports Board priority to reduce chronic absenteeism through improved mental health support.
<a href="#">520</a> (Walz)	Change provisions relating to high school graduation requirements and academic content standards and the Computer Science and Technology Education Act	Negligible		Proponent – Written testimony	Concur with NDE rec.	NDE worked in partnership with Sen. Walz to refine the bill based on district feedback.
<a href="#">153</a> (DeBoer)	Adopt the Extraordinary Increase in Special Education Expenditures Act	\$10,000,000	1	Proponent – Written testimony	Concur with NDE rec.	Supports Board priority to seek additional funding for special education.

<a href="#">805</a> (von Gillern)	Require schools to allow certain youth organizations to provide information, services, and activities	Negligible		Monitor	Concur with NDE rec	Local school district matter.
<a href="#">414</a> (Conrad)	Change provisions relating to the enrollment option program	Unknown		Neutral	Concur with NDE rec.	Local school district matter with NDE staff available to answer questions on bill.
<a href="#">583</a> (Sanders)	Provide for foundation aid and special education supplemental aid under the Tax Equity and Educational Opportunities Support Act			Neutral	Concur with NDE rec.	NDE staff technical experts on topic.
<a href="#">698</a> (Murman)	Change provisions relating to residency for enrollment in a public college or university		n/a	Proponent	Concur with NDE rec.	NDE worked with Sen. Murman to ensure state statute aligns with federal law on veterans' education.
February 3						
<a href="#">753</a> (Linehan) Revenue	Adopt the Opportunity Scholarships Act and provide tax credits			Neutral – Monitor	Concur with NDE rec.	This matter involves tax policy, which is not within the purview of the State Board.

**Previous Weeks:**

January 30 – February 3

<u>Bill</u>	<u>One Liner</u>	<u>Fiscal Impact</u>	<u>Board Priority Area</u>	<u>NDE Recommendation</u>	<u>Executive Committee Advice</u>	<u>Rationale</u>
<i>January 30</i>						
<a href="#">LB413</a> (Blood)	Adopt the Interstate Teacher Mobility Compact	Unknown	6	Proponent – Statement supporting all bills that address the	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.

				educator shortage.		
<a href="#">LB324</a> (Wishart)	Change provisions relating to reimbursements under the Special Education Act	\$8.7 million	1	Proponent – Written testimony	Concur with NDE rec.	Supports Board priority to seek additional funding for special education.
<a href="#">LB603</a> (Linehan)	Change provisions relating to the Alternative Certification for Quality Teachers Act and authorize the Commissioner of Education to issue alternative certificates to teach as prescribed	Negligible	6	Proponent – Statement supporting all bills that address the educator shortage.	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.
<a href="#">LB519</a> (Walz)	Eliminate certification fees for teaching certificates, create and terminate funds, state intent regarding an appropriation for school employees, change provisions of the Excellence in Teaching Act, and adopt the Student Teaching Assistance Act	>\$65,813,000	6	Proponent – Statement supporting all bills that address the educator shortage.	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.
<a href="#">LB385</a> (Linehan)	Adopt the Nebraska Teacher Recruitment and Retention Act	\$10 million	6	Proponent – Statement supporting all bills that address the educator shortage.	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.
<i>January 31</i>						
<a href="#">LB673</a> (Hansen)	Provide grants to schools that adopt a policy to provide emergency response mapping data to law enforcement agencies and provide powers and duties for the State Department of Education and State Board of Education	\$4.9 million	4	Proponent – Written Testimony	Concur with NDE rec.	Supports Board priority to reduce chronic absenteeism through improvements to school safety.

<a href="#">LB374</a> (Murman)	Adopt the Parents' Bill of Rights and Academic Transparency Act	\$121,336		Monitor	Concur with NDE rec.	Local school district matter.
<a href="#">LB71</a> (Sanders)	Change provisions relating to parental involvement in and access to learning materials in schools	Negligible		Monitor	Concur with NDE rec.	Local school district matter.
<a href="#">LB762</a> (DeBoer)	Provide powers and duties to the State Department of Education relating to a teacher apprenticeship program	TBD	6	Proponent – Statement supporting all bills that address the educator shortage.	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.
<a href="#">LB787</a> (Wayne)	Adopt the STEEM Development Act	\$5 million	2 & 3	Proponent – Written testimony	Concur with NDE rec.	Supports Board priorities re: math and career and technical education.
<a href="#">LB800</a> (Murman)	Change provisions relating to the Superintendent Pay Transparency Act and provide a limit for superintendent and educational service unit administrator compensation	Unknown		Monitor	Concur with NDE rec.	Local school district matter.

January 23-27

<u>Bill</u>	<u>One Liner</u>	<u>Fiscal Impact</u>	<u>Board Priority Area</u>	<u>NDE Recommendation</u>	<u>Executive Committee Advice</u>	<u>Rationale</u>
<i>January 23</i>						
<a href="#">LB141</a> (Briese)	Require the State Department of Education to provide guidance to school districts relating to a moment of silence in schools	Negligible		Neutral – No testimony but present to answer questions.	Concur with NDE rec.	Does not align with any Board priority areas.

<a href="#">LB188</a> (B. Hansen)	Authorize the Commissioner of Education to issue temporary certificates to teach to veterans as prescribed	Negligible	6	Neutral – Provide testimony to indicate our current options for military personnel entering the field of teaching (e.g. Military Teaching Permit). Work with Education Committee to provide technical changes.	Concur with NDE rec.	The NDE has worked with Sen. Hansen to share the multiple pathways available for veterans to become teachers.
<a href="#">LB225</a> (Dungan)	Change provisions relating to the committee on American civics	Negligible		Neutral - Monitor	Concur with NDE rec.	Local school district matter.
<i>January 24</i>						
<a href="#">LB285</a> (Walz)	Adopt the School Community Eligibility Provision Maximization Act	Unknown		Neutral – No testimony but present to answer any questions.	Concur with NDE rec.	Neutral pending review of other school nutrition bills.
<a href="#">LB298</a> (Linehan)	Require collection and reporting of information regarding dyslexia in schools	\$129,285	1	Proponent – Provide written testimony	Concur with NDE rec.	Supports Board Priority 1 focused on early literacy.
<a href="#">LB299</a> (Linehan)	Require approval by the voters of a school district or educational service unit for the issuance of certain bonds under the Interlocal Cooperation Act	None		Monitor	Concur with NDE rec.	Local school district matter.