

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 388

Introduced by Education Committee Raikes, 25, Chairperson; Adams, 24; Avery, 28; Burling, 33; Johnson, 37; Kopplin, 3; Flood, 19; McDonald, 41.

PURPOSE: To review the constitutional references to and the statutory powers and duties of the State Board of Education and the Commissioner of Education.

The Education Committee of the Legislature shall study the powers and duties granted to the State Board of Education and the Commissioner of Education by the Constitution of Nebraska and Nebraska statute. The study may include, but need not be limited to, the following:

- (1) Qualifications for the Commissioner of Education;
- (2) Duties of the Commissioner of Education;
- (3) Qualifications for members of the State Board of Education;
- (4) Duties of the State Board of Education;
- (5) Line of authority between the state board and the commissioner, to include powers and duties that are shared by, granted to, or constitutionally established for each;
- (6) The statutory role of the commissioner as "secretary of the board";
- (7) The ability of the state board to meet without the commissioner;

(8) The ability of the commissioner to act in his or her official capacity contrary to board policy;

(9) The rationale for the statutory power of the commissioner to "decide disputed points of school law" granted under section 79-305;

(10) Other powers and duties specifically described in statute or assumed as a matter of practice; and

(11) The role and relationship among the branches of government impacting education policy.

The Education Committee of the Legislature may confer with the State Board of Education, the State Department of Education, and other appropriate persons in the study of these issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.