

# **How to Run for School Board**

## **A Guide for School Board Candidates in Pennsylvania**

It is difficult to imagine a position in the public sector that has a more profound impact on the future, or that is a better example of true volunteer citizen service, than that of school director. However, it is not easy work. Public education is complex, highly regulated, and the demands upon public schools continue to grow. School directors have an important responsibility to ensure that all perspectives are heard and that the policies enacted, budgets adopted and other decisions school boards make properly balance the needs of many constituencies while fulfilling the constitutional mandate to provide an education to all children.

Trying to get it all done can be frustrating as well, but the rewards are numerous. Serving on a school board provides a unique opportunity to make a real difference in your community – not only for the students now in school but also for many others who will follow. Strong public schools are essential to a strong Pennsylvania!

Research has shown that when boards of school directors demonstrate effective governance practices it has a positive effect on the academic performance of the students in their school systems. Governing effectively requires that school directors commit themselves to learning as much as they can about what can be a very complex and varied job. Fortunately, extensive educational and other assistance is available through the Pennsylvania School Boards Association, designed to help school board members accelerate through the steep learning curve and continue to increase their knowledge and governance skills.

If you are truly interested in devoting your time and talents to meeting this challenge, this Guide will tell you about election eligibility requirements and restrictions, nominating petitions and financial interest statements, and will provide you with an overview of the functions, responsibilities and organization of school boards. The Guide also will introduce you to the Principles for Governance and Leadership, developed by PSBA and voluntarily adopted by the vast majority of school boards across the Commonwealth of Pennsylvania.

If you decide to run for office, we applaud your decision and offer our best wishes. And if you are successful in your election, PSBA stands ready and willing to serve and assist you in carrying out your new responsibilities.

## **What is a school board?**

A school board is a legislative body of citizens called school directors, who are elected locally by their fellow citizens and who serve as the governing body of each public school district. School districts in the Commonwealth of Pennsylvania are governmental units considered “political subdivisions.” Because school districts are created by statute, they and their governing bodies are regarded as “creatures of the General Assembly” (our state legislature), and as such they function in a sense as agents of the Commonwealth. Each board consists of nine members who serve four-year terms of office. Unlike most other elected officials, school directors receive no compensation for their work even though the position can require them to dedicate many hours to it.

## **Constitutional mandate**

Public education is fundamentally a state responsibility. Public education enjoys special status under the state constitution, in which Article II, Section 14 states: “The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education . . .” Article IX, Section 10 expressly recognizes that school districts have the status of a “unit of local government.”

## **Legislative authority**

To carry out this mandate, the General Assembly first enacted laws creating a system of free public schools, organized into school districts governed by school boards, in 1834. These laws delegated broad powers to local school boards, conferring a great degree of autonomy in many aspects of their responsibilities. Over time, the General Assembly also enacted laws creating the State Board of Education, the Department of Education, the intermediate unit structure and other state agencies. These agencies administer the state laws and regulations that control various aspects of the state's public education system.

Pennsylvania's school laws have evolved greatly since 1834, in a series of codifications known as the Common School Laws of 1854, replaced by the Public School Code of 1911 and later by the Public School Code of 1949. Amended hundreds of times since 1949, the Public School Code of 1949 currently is the primary compilation of statutes enacted by the legislature focused on public education, its programs, its operation, its staffing and its management. In addition, there are numerous state and federal statutes outside the School Code, rules and regulations of the State Board of Education, standards and guidelines of the Department of Education, regulations of the U.S. Department of Education, opinions and interpretations of the state attorney general and decisions of the state and federal courts that also regulate the operation of public schools.

Despite the broad powers delegated to school boards, the work of governing a public school system still must happen in a highly regulated environment, involving numerous mandates, restrictions and technicalities with which school boards must comply.

## **School board responsibilities**

School boards must deal with a wide array of issues involving taxes, labor, administration and general education policy. Key functions of school boards include that of employer, strategic planner, policymaker and tax levying authority.

The fiscal year for the majority of public school districts is July 1-June 30. Districts of the first class, first class A and second class may, by majority vote of the board, establish a fiscal year to coincide with the calendar year. A school board's authority is exercised through the collective decisions of the entire board acting as a governing body. The law does not convey any power or authority upon individual school board members acting on their own merely by virtue of their office as a school director.

As with other local government units, school boards are subject to the Pennsylvania's Sunshine Act, which requires school boards to deliberate and make their decisions at meetings that are open to the public and advertised in advance. The Sunshine Act also mandates that in those meetings, school boards must allow citizens a reasonable opportunity to speak to the board about the matters the board is deciding.

School boards are most effective when they concentrate their time and energy on using the authority delegated to them to govern at the strategic level, determining what it is the community's schools should accomplish, enacting policies that implement those goals, hiring professional staff to accomplish them and allocating the resources necessary to make all of that happen.

Working with the superintendent of schools to form the district's leadership team of ten, a school board's most important responsibilities for deliberation and decision-making are closely linked, forming a critical governance loop.

- Planning – The board develops, approves and updates plans for the future of the district in a comprehensive planning process, studying enrollment projections, determining the need for facilities construction and renovation, reviewing educational programs, providing for proper staffing, developing and adopting budgets, setting standards, and obtaining the necessary financial or other resources, as well as engaging the community in that process. Through planning, the board determines the vision, mission and goals that determine the strategic direction of the school district.
- Legislating – The policies adopted by a school board put planning into action, guiding not only the board’s own activities as well as the day-to-day operation of the school system, but also communicating standards and expectations for how the board’s vision will be achieved. This legislative role often is viewed as the most important aspect of how a school board governs.
- Empowering professional staff – A board ensures that its policies and plans are implemented by recruiting and retaining a team of highly effective educators, administrators and supporting staff, empowering them with the proper resources and authority, and communicating standards and expectations.
- Evaluating results – A school board must be continuously engaged in evaluating and analyzing the academic and operational performance of the district, including delivery of the educational program, student achievement, fiscal management, district facilities and staff and stakeholder feedback. Evaluating results drives further planning, which in turn drives policy.

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Although the law does not give individual powers to school directors beyond their voices and votes at school board meetings, they do have a number of important individual responsibilities in order to be effective in contributing to the board’s collective functions. These responsibilities are reflected in the Principles for Governance and Leadership that appear at the end of this Guide. Board members must be prepared to devote the time necessary to carry these out and to commit to ongoing learning about the issues and requirements involved.

### **Some collective functions of school boards mandated by law:**

- Adopt courses of study in consultation with the superintendent.
- Approve the school calendar.
- Adopt textbooks.
- Appoint a superintendent of schools and hire the necessary teachers and other employees.
- Engage in good faith collective bargaining with units of unionized employees.
- Adopt an annual budget.
- Levy taxes and appoint tax collectors under certain circumstances.
- Provide for the necessary school facilities.
- Adopt and enforce reasonable rules and regulations regarding school activities, publications and organizations.
- Ensure that specialized instruction and accommodations are provided for children with cognitive or physical disabilities.

### **Some functions of school boards authorized by law but not mandated:**

- Appoint assistant superintendents, upon recommendation of the superintendent.
- Purchase, receive or condemn land for school purposes as determined by the board.
- Sell unneeded lands and buildings.
- Make agreements with other schools or districts to provide for attendance and tuition of resident students in other schools or districts.
- Provide for food or milk for undernourished and economically disadvantaged children.
- Borrow funds within certain limitations.

- Authorize attendance of board members or of the superintendent or other employees at educational meetings, and pay necessary expenses.
- Provide for insurance relating to school buildings and property, personal liability for school employees, and accidents involving pupils or transportation.
- Suspend or expel pupils from school for misconduct, or refer them to the juvenile court system.

**Some actions prohibited by law:**

- May not authorize construction of schools without prior approval of plans and specifications by the departments of Education and Labor and Industry.
- May not direct work to be done, purchase materials or enter into contracts that will cause sums budgeted for specific purposes to be exceeded.
- May not hire certain relatives of board members as a teacher, except by a majority vote of the board excluding the member who is related to the employer or applicant.
- Shall not demand, request or accept in any way a gift from a teacher or administrator.
- Shall not require religious or political tests of officers or employees.
- Shall not engage in illegal discrimination.

**School board officers and representatives**

Officers of a school board include a president, vice president, treasurer and secretary. By law, all school boards organize annually during the first week of December. At this meeting, a president and vice president are elected to serve one-year terms of office. A treasurer, however, is elected in May to serve a one-year term that begins the first day of July. Every fourth year in May, the board elects a school board secretary whose four-year term of office also begins July 1.

Each school district is assigned to an intermediate unit established to administer programs of services for the assigned districts, and which is operated by a governing board composed of school directors from the boards of the school districts that make up the intermediate unit. IU board members are elected by all of the the school directors of the constituent school districts to serve three-year terms and may be re-elected without limitation, so long as they remain in office as local school board members.

Most school districts also participate along with other districts in a jointly operated career and technical center (CTC) (aka “area vocational technical school”) that is governed by a type of school board referred to as a “joint operating committee” (JOC), composed of school directors designated by the boards of participating districts. District school boards elect their representatives to a JOC in December, to serve three-year terms that are staggered as specified in the joint operating agreement for the CTC. Some CTCs do not have a JOC because they are administered by an IU or by a single school district, in which case the board of that IU or district performs the functions of a JOC.

**How school directors are elected**

School board members in Pennsylvania are elected public officials. School directors are elected every other year in what Pennsylvania’s “Election Code” calls the “municipal election,” which occurs in November of odd-numbered years. The terms of office of school directors begin and end on the first Monday of December following that election.

The School Code provides that in each school district, nine school directors are elected for four-year terms, with five to be elected in one municipal election and four to be elected two years later in the next municipal election. This 5-4 rotation helps ensure continuity, so that there are always at least some members of the board who have two or more years of experience.

There are three types of election plans that school districts in Pennsylvania may adopt for electing board members: “at large,” by region or by a combination of these.

- If board members are elected at large, they must be residents of the school district, but may live anywhere in the district and are chosen by all the voters in the district.
- If a region plan is approved, school directors who reside in each region are elected by the voters of their respective regions, with each region electing an equal number. Regions must be approximately equal in population and the boundaries may need adjusting after each U.S. census.
- Where a combination of at large and regionally elected directors is called for in the district’s established election plan, all regions have an equal number of school directors who reside in each region and who are elected by the voters of their region, and some directors are elected at large by voters district-wide.

Vacancies caused by resignation, death, moving out of the district or region, etc., are filled by an appointment process conducted by the remaining board members. If less than two years remain before the former director’s term expires, a director appointed to fill that vacancy serves for the remainder of the term.

However, if more than two years are left in the term, the new appointee will serve only until the first Monday in December following the first municipal election that is scheduled for more than 60 days after the vacancy occurred. In other words, unless the vacancy occurred less than 60 days prior to the nearest municipal election, the new director would have to run for election in order to serve longer than that.

Thus, an appointee will serve two years at most unless elected to office in the next municipal election. Thus, someone appointed to fill a vacancy will serve two years at most unless elected to office in the next municipal election. The appointee or other person then elected will serve only for the remaining two years of the original director’s term rather than a full four-year term. That is why an open seat in that situation is often referred to as a “two-year seat.”

## **Who is eligible for election as a school director?**

Under the School Code, to be eligible to be elected or appointed to a Pennsylvania school board, one must be a citizen, at least 18 years old, of good moral character, and a resident of the school district for at least one year prior to the date of election or appointment. However, some otherwise qualified individuals still may not be eligible to run for or hold the office of school director because of restrictions in other provisions of state or federal law.

The Pennsylvania Constitution bars from public office anyone who has been convicted of what the Constitution calls an “infamous crime”, which the courts have interpreted to include all felonies as well as certain misdemeanors involving dishonesty or other “moral turpitude” (determined based on the nature of the crime). Section 324 of the Public School Code prohibits school directors from being employed by, or doing business with, the district where they are elected or appointed, subject to certain exceptions. These prohibitions remain in effect for the entire duration of the term for which the school director was elected or appointed, even if the person leaves office before the term expires. A school director cannot resign in order to accept district employment unless one of three exceptions to this prohibition applies.

Doing business with the district while a member of the district's school board is permitted only if done in compliance with the conflict of interest provisions and procedures set forth in Pennsylvania's "Public Official and Employee Ethics Act." For more information about the Ethics Act, contact the Pennsylvania State Ethics Commission at (800) 932-0936.

In addition to prohibiting a school district employee of any type from serving on the board of the school district where employed, Section 322 of the School Code lists a number of other public positions that are incompatible with holding the office of school director, meaning that a person is prohibited from holding any of those positions and being a school director at the same time. These restrictions do not prohibit a person from running for election to an incompatible office, but they could not be sworn in unless they first resign the other office. Incompatible offices listed in the School Code include: mayor, chief burgess, county commissioner, district attorney, city, borough, or township treasurer, member of council in any municipality, township commissioner, township supervisor, tax collector, assessor, assistant assessor, comptroller, auditor, constable, and executive director or assistant executive director of an intermediate unit.

There also is a federal law known as the "Hatch Act" that prohibits all federal employees, and some state and local government employees whose principal job functions "involve" federal funding, from being candidates for partisan elective offices. However, the Hatch Act expressly exempts public school employees from its restrictions even though public school systems receive significant federal funding. School board elections in Pennsylvania are regarded as partisan, despite the ability to cross file, since cross filed candidates still run as the nominees of one or more political parties. The Hatch Act itself only prohibits running for election, but does not prohibit holding the office if appointed. The Hatch Act restrictions do not apply to state or local employees of publicly-supported schools and education systems; i.e., school district employees. For more information about the Hatch Act, including how to obtain advisory opinions, visit the U.S. Office of Special Counsel's web site at <https://osc.gov/Pages/HatchAct.aspx> or call (800) 85-HATCH.

Employees of many federal agencies, especially the Department of Defense (including active and reserve military members) also are subject to regulations that further restrict political activity and the holding of elective office beyond what is prohibited by the Hatch Act. Federal employees should consult designated agency ethics counselors prior to deciding to run for office. In addition, 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. As you decide whether to become a candidate, be sure to check whether your employer has such rules.

The restrictions summarized above are not intended to be an exhaustive list of potential legal requirements or restrictions. The statutory codes governing counties, cities, boroughs and the two classes of townships also contain restrictions about incompatible offices.

## **How to become a candidate**

To become a school board candidate, you must begin by filing a nominating petition signed by at least 10 qualified voters of the school district who are registered members of the political party for which nomination is sought. If the candidate is running for a regional seat in a school district with a regional or combined regional and at-large election plan, the signer must also be resident of that region of the school district. In other words, a petition signature is valid only if the signer would be eligible to vote for that candidate in the primary based on residence and party for which registered. However, if the school district encompasses an entire city or county, the minimum number of required signatures for an at-large seat will be 100 or even higher depending on the class of city or county. It is recommended that aspiring candidates always confirm the number of signatures required with the county board of elections.

Circulators of nominating petitions must be registered members of the political party for which nomination is sought. Signers cannot sign the petitions of more than one candidate for any office unless more than one candidate can be elected to that office (such as school director), in which case a voter can sign only as many candidate petitions as the number of votes that a single voter could cast for that office.

The Election Code allows candidates for the office of school director to “cross file” for nomination in a primary election; that is, to seek the nomination of more than one major political party. To cross file, a separate petition must be circulated for each party by a registered member of that party, and the same minimum number of signatures is required for each party’s petition. If successful in the primary, the cross filing candidate will appear on the ballot for the November municipal election as the candidate for each party whose primary nomination the candidate won.

Primaries in municipal election years usually are held on the third Tuesday in May. Petitions may be circulated for signature only during a three-week period that begins on the thirteenth Tuesday before the primary (usually around mid-February) and ends on the tenth Tuesday before the primary (usually early March). The tenth prior Tuesday also is the filing deadline for nominating petitions. No fee is charged for filing a school board nominating petition.

Under Pennsylvania’s “Public Official and Employee Ethics Act,” each candidate for the office of school director must file a statement of financial interest for the preceding calendar year with the school board secretary of the school district. A copy of the statement also must be attached to the nomination petition filed with the county board of elections.

It is important to remember that the Ethics Act requires annual filing of such forms by all school directors no later than May 1 of each year, whether or not running for re-election, but those who are running for re-election must file earlier in election years no later than the deadline for filing nominating petitions. A candidate’s failure to file with BOTH the board of elections AND the school board secretary by that deadline could result in the nominating petition being invalidated. The school district must maintain statements of financial interest on file and make them available for public inspection for at least five years.

Pennsylvania’s “Campaign Expense Reporting Law,” also requires candidates to file campaign finance reports listing campaign expenditures and contributions received, including the names and addresses of persons who contribute \$50 or more to the campaign. A pre-election report must be filed with the county board of elections no later than the second Friday prior to the primary election. A post-election report must be filed no later than 30 days after the election. As an exception, the law permits local candidates who are not aided by political committees and who do not intend to receive or expend more than \$250 in a reporting period to file an affidavit to that effect with their nomination petitions, which then excuses them from filing reports, although they still must keep records of expenses and contributions. In the event that expenditures or contributions exceed \$250 anyway, a report then must be filed.

Prior to each election year, the Commonwealth’s Department of State Bureau of Elections distributes a complete election calendar with specific dates and other legal requirements to all county offices. Forms for nominating petitions, statements of financial interest, campaign finance reports and other information about these requirements can be obtained from the county board of elections and other municipal offices.

## **About the Pennsylvania School Boards Association**

The Pennsylvania School Boards Association is a nonprofit statewide association of public school entities – school districts, intermediate units, career and technical centers and community colleges – pledged to the highest ideals of local lay leadership for the public schools of the commonwealth. Formed on the fundamental concept of local control of public education, PSBA is a strong advocate of the proposition that the local school board – where elected citizens make decisions that affect, influence and direct the education of the community’s youth – is the cornerstone of a free society.

Founded in 1895, PSBA has a rich history as the first school boards association established in the United States. Membership is voluntary, but nearly 100% of eligible school entities renew their membership each year. To assist the boards of those entities in functioning at their best, PSBA offers members a wide array of educational and informational resources, as well policy, consulting and other services. When school board members take office in a member school district, they automatically become individual members of PSBA, with access to those resources and services.

PSBA also advocates on behalf of school boards and the public interest in education in the General Assembly, the governor’s office, the State Board of Education, the Department of Education and other educational agencies and organizations. Strong school boards mean stronger schools and a stronger Pennsylvania!

## **Principles for Governance and Leadership**

Among the most important resources created by PSBA are a model set of Principles for Governance and Leadership that are supplemented by benchmarks and self-evaluation resources. PSBA encourages the boards of all public school entities to adopt the Principles as a voluntary matter, tailoring them to local preferences if desired, and the vast majority of them have done so over the years.

However, while these standards have been written to reflect the goals, ideals and responsibilities inherent in the many laws and regulations with which school districts and their board must comply, the Principles themselves are not mandated by law. Nonetheless, they serve as a guide and roadmap that can lead a school board on the path to success in governing, and a standard against which school boards and their members should hold themselves accountable to each other and to the public.

PSBA encourages all candidates for election to school boards to become familiar with these **Principles for Governance and Leadership**.