



Responsibilities of School Boards and School Directors

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. Effective governance can be achieved only when school directors have a good understanding of the collective responsibilities and powers of a school board, and how their own role as individual school directors fits into that.

School districts in the Commonwealth of Pennsylvania were created by statutes enacted by the Pennsylvania General Assembly (our state legislature) in order to carry out the state's constitutional mandate that the General Assembly "shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth".

School districts 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", and as such they function in a sense as agents of the Commonwealth.

The statutes creating school districts also provided that school districts would be overseen by a board of elected school directors, and gave those boards a great deal of autonomy and broad authority to provide for public education at the community level. The "Public School Code of 1949" is the primary statutory law outlining the powers and duties of school boards. The School Code sets forth hundreds of provisions of statute addressing various aspects of the creation, management, staffing and overall operation of public school entities.

To do their jobs, 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. Despite the broad powers delegated to school boards, when the School Code is combined with the numerous other federal and state laws and regulations that affect the operation of public school systems, 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 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.

This level of decision-making illustrates the critical difference between governing and managing. Modern school boards can focus on governing, because one their most important functions is to ensure they employ high-achieving professionals to take care of the managing.

When performing its governance functions, a school board's power and 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.

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, health care and 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.
- Enter into collective bargaining agreements with employee unions
- Terminate employees for misconduct, incompetence or neglect of duty

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.

Special Voting Requirements

The School Code treats some functions of school boards as especially significant actions that require more than a simple majority to approve. These require a majority of the entire membership of the board, not just the majority of those present in the presence of a quorum.

Section 508 of the School Code requires an affirmative vote of a majority of all school board members, recorded in the minutes indicating how each member voted, to do any of the following:

1. Fix the length of the school term.
2. Adopt textbooks.
3. Appoint teachers and administrators.
4. Appoint tax collectors.
5. Levy taxes and adopt the budget.
6. Buy, sell or condemn land to locate buildings.
7. Dismiss teachers after hearings.
8. Create indebtedness.

9. Adopt courses of study.
10. Establish additional schools.
11. Designate depositories for school funds.
12. Enter into contracts.
13. Fix salaries of officers and teachers.

In certain instances, a school board may need more than five affirmative votes to take some of the actions delineated above. *See e.g.* 24 P.S. § 11-1129 (requires a vote of 2/3 of the board in order to dismiss a professional employee); 24 P.S. § 7-707(8) (convey real estate to a municipality).

The Role of the Individual School Director

An important aspect of understanding a school director's individual role is that under the law, power is given to a school board as a governing body. School districts are corporate bodies with the necessary powers to enable them to carry out the provisions of the School Code. See, 24 P.S. § 2-211. As noted above, the elected office of school director carries with it no inherent power or authority beyond the director's voice and vote at meetings of the board as the board collectively exercises the powers given to it by law.

This sometimes leads to misunderstanding. There can be an understandable instinct to take a "hands on" approach and dive deep into the weeds of school district operations. It is good to keep in mind that even though there have been hundreds of amendments to the School Code since 1949, the language and approach of many provisions still date back to an era before the Civil War, when most school districts consisted of only a few one-room schoolhouses, and had no paid staff other than teachers. Back then it often was necessary for school directors to take a hands-on role supervising teachers, ordering and accounting for supplies, keeping the books, writing checks and maintaining or repairing buildings, because there was no one else to do it. In that era, school directors truly were community volunteer managers of school districts in every sense of the word, because they had no one to whom to delegate the managing and doing.

Consequently, many provisions of the School Code reflecting that era can create a distorted view of a modern school board's proper role and responsibilities. School boards today are told they should avoid micromanaging, and should see themselves more like a corporate board of directors in a strategic and policy role, yet they are directed by many archaic provisions of the School Code to act upon matters in which corporate boards of directors are rarely if ever directly involved (e.g., purchases and contracts, hiring and firing rank and file staff, paying bills, adopting budgets, etc.). Accordingly, school boards must be careful not to misunderstand those kinds of statutory requirements as a suggestion that they are supposed to micromanage generally.

Nonetheless, even if taken literally, the Civil War era language of many parts of the School Code still does not directly confer power or authority upon individual school directors beyond what the board itself may choose to delegate or authorize. Even in the 19th century, when many individual school directors directly took on tasks and responsibilities that would be considered micromanaging today, they did so because the board as a collective body authorized it, not on their own initiative. When a school director attempts, purely on their own initiative, to direct the activities of district personnel or otherwise commit the district to some course of action, they are likely to be acting outside their legal authority.

Demanding information or meetings with teachers or school administrators can be an example. It is important that the school board as a body establish protocols and procedures that provide a way for board members to get information from and about the administration and staff, but it is not something an individual member has the legal authority to demand acting on their own.

Similarly, being an elected school director does not give the member authority to simply drop in to observe classes. Unless the board has provided a protocol to arrange for such visits, the individual board member, as an elected official, has no more legal permission to enter a school building than any other person off the street. Again, the board as a body can and should establish such protocols so that board members have reasonable opportunities to have a first hand look at their school district in action, carrying out its crucial educational mission.

Another example is access to personnel files, job applications and the like. Although the board as a body can provide for circumstances in which individual board members can review personnel files of staff, the courts have made clear that there is no legal authority giving an individual board member power to demand such access in the absence of board authorization.

Even more extreme than the foregoing situations, examples abound of individual school directors attempting to give orders on their own about specific aspects of school district operations, ranging from directing menu alterations in cafeterias and changing bus routes to altering accounting methods in the business office. The school board ultimately is in charge, but only when acting collectively as a body.

As mentioned a moment ago, it is important for boards to establish protocols providing reasonable opportunities for individual school directors to observe district operations in action, so they can get access to information about district functions, visit school buildings, meet and get to know administrators and other staff, and sometimes, simply satisfy reasonable and natural curiosity about why things are done in a particular way. Remember, school directors are directed by law to cast votes on certain matters that can be really down in the weeds, so it is understandable that when they do, they would want to feel that they are casting an informed vote.

Although the law does not give individual powers to school directors beyond their voices and votes at school board meetings, they do have important individual responsibilities in order to be effective in contributing to the board's collective functions. Essentially, those include the responsibility to faithfully attend meetings, study the information provided to them about district operations in connection with related decisions of the board, abide by district policies and other rules the board adopts to govern its activities, maintain confidentiality of executive session information, and to engage in continuous professional development to keep up with new developments in education policy, best practices and available resources affecting how public schools serve the educational needs of their community's children.