



# How to Run for School Board

What small actions can we take to positively affect the world around us? Public schools ask and answer this question on a daily basis.

Serving as a school board member is one of the most important responsibilities a citizen can undertake. You, if elected to serve, and your fellow board members will establish educational goals that will help shape the future of your community and society.

Being a board member is a complex and varied job, sometimes frustrating as you struggle long hours with problems that never seem to be resolved. But it also is rewarding as you watch students achieve, succeed and lead happy, productive lives as a result of an environment you'll help to provide.

School board members are charged, by law, with providing quality education for the youth of your community. You should work for the best interests of all pupils and all citizens, a task requiring constant effort and a strong commitment to serving other people. If you are truly interested in devoting your time and talents to meeting this challenge, your local school administration and your state school boards association applaud your decision to run for election and wish you the best of luck. We stand ready and willing to serve you.

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## How to become a candidate

School board members in Pennsylvania are elected officials. Members are elected for a four-year term, with the election process calling for five members being eligible for re-election during one election cycle and four being eligible in the next cycle. This 5-4 rotation eliminates having nine new members on a school board and helps ensure consistency and continuity.

There are three ways school districts in Pennsylvania may elect board members: at large, by region or by a combination of these.

- If board members are elected at large, they may live anywhere in the district.
- If a region plan is approved, school directors who reside in the region are elected by and from each region.
- Where a combination at large and region plan is approved, all regions have an equal number of school directors who reside in each region and who are elected by each region.

Vacancies caused by resignation, death, etc., are filled by an appointment process conducted by the remaining board members.

Such an appointee serves the unexpired portion of the person's term until the next school board election in November of odd-numbered years. At most, an appointee will serve two years.

## Running for office

To become a school board candidate, you must **file a petition** signed by at least 10 qualified voters of the school district for the political party with which the petition will be filed. (Signature requirements may vary in city school districts with at-large elections. Contact your county voter registration office.) To cross-file in a primary election (that is, to run on both political parties), a registered Democrat or Republican must circulate a proper petition for the other party. The petition must contain signatures as previously mentioned. If elected on both party ballots in the primaries, a candidate will appear on both party ballots in the general election.

Primary elections usually are held on the third Tuesday in May. In presidential election years, the primary is held in April. Candidates may

circulate petitions for three weeks (from the 13th Tuesday to the 10th Tuesday) prior to the primary.

Each candidate for the office of school director must file a statement of financial interest for the preceding calendar year with the local school district. A copy of the statement must be attached to the nomination petition and filed with the county board of elections and with the school board secretary. Incumbent school directors who are not candidates must also file a financial interest statement annually with the school district by May 1. The district must maintain the statements for public inspection for at least five years.

The Campaign Expense Reporting Law, Act 171 of 1978, also requires candidates to file expense reports. The reports must be filed by the second Friday before the primary election with the county board of elections. The law was amended to permit local candidates who are not aided by committees and who do not intend to receive or expend more than \$250 in a reporting period to file an affidavit with their nomination petitions excusing them from filing pre-election and postelection reports.

School board elections occur in November of odd-numbered years.

Each election year, the state Bureau of Elections distributes a complete election calendar with specific dates and other legal requirements to all county offices. Nomination petitions, financial interest statements, campaign finance reports and other information can be secured from the county or municipal offices.

## Who is eligible?

To be eligible to be elected or appointed to a Pennsylvania school board, one must be:

- A citizen of Pennsylvania.
- Of good moral character.
- At least 18 years old.
- A resident of the school district for at least one year prior to election or appointment.

An individual may be ineligible to run for or hold the office of school director subject to state or federal law. The following items do not constitute an exhaustive list of legal requirements related to eligibility. Other state and federal laws may determine eligibility.

- The PA Constitution bars from elective office anyone convicted of an "infamous" crime, which the courts have interpreted to include various misdemeanors based on the nature of the crime and all felonies.
- Section 324 of the PA 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 duration of the term for which the school director was elected or appointed, even if the person leaves office before the term expires. The employment prohibition contains exceptions for specific positions. Also, the business prohibition contains an exception that would require an interpretation of the PA Public Official and Employee Ethics Act. For more information, contact the Pennsylvania State Ethics Commission at (800) 932-0936.
- Section 322 of the School Code contains a list of municipal offices that are incompatible with holding the office of school director. County, borough and township codes also contain their own restrictions for holding offices concurrently.
- The Hatch Act, a federal statute, prohibits federal employees, and some state and local government employees whose job functions "involve" federal funding, from running for partisan elective office. The Hatch Act only prohibits running for election, but does not prohibit holding the office if appointed. For more information, visit the U.S. Office of Special Counsel's Web site at <http://www.osc.gov/hatchact.htm>.
- The military services have regulations similar to the Hatch Act, but not always coextensive, which may prohibit both holding the office as well as running for it.

## 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 agents of the state legislature. Each board consists of nine members who serve four-year terms of office without pay.

School directors, although locally elected, are really state officials, co-partners with the legislature. They are designated by school law to administer the school system in each district.

### Constitutional mandate

Public education is fundamentally a state responsibility. A system of free public education is mandated under the state constitution, which states in Article II, Section 14: “ The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education. ... ”

Constitutional recognition of the public schools as a legislative function is further found in Article IX, Section 10, in which a school district is described as a “ unit of local government.”

Public education thus enjoys special status under the state constitution and is the only public service so mandated by the constitution.

To carry out this mandate, the General Assembly created school districts and school boards in 1834. It conferred broad legal powers to the local boards, making them autonomous in many of their operations. Therefore, the school board is a political subdivision of the state for the purpose of convenient administration of the schools.

### **Legislative authority**

The General Assembly created the State Board of Education, the Department of Education, the intermediate unit structure and other state agencies. These agencies administer the state laws that control the state ' s public education system. There are, therefore, several governing influences upon a board of school directors.

The School Laws of Pennsylvania is the primary compilation of the statutes enacted by the legislature having direct and pertinent reference to public education, its programs, its operation and its management. In addition, rules and regulation of the State Board, guidelines of the Department of Education, opinions and interpretations of the state attorney general and court decrees all influence local board operation.

Effective school boards concentrate their time and energy on determining what it is the schools should accomplish and enacting policies to carry out these goals.

In Pennsylvania

- Public schools are a creation of the state constitution.
- Public schools are a responsibility of the General Assembly, the legislative branch of PA state government.
- School boards, created by the General Assembly, serve as local legislative bodies for the public schools within the framework of state laws.
- A school board's authority is applied through the collective decisions of the entire board acting as a governing body.

### **Board responsibility**

In essence, school boards have three functions: planning, setting policy and evaluating results.

- Planning -- Boards are required to engage in strategic planning by regulations of the State Board of Education. Appropriate reports of the results of such planning must be filed with the Department of Education.
- Setting policy -- The central responsibility of a board, both in theory and in law, is to be the policy-forming body. Policy means actions of the board that set written goals and objectives for the school and parameters for actions.
- Evaluating results -- The board must evaluate the results of planning. Evaluation “ completes the loop ” and, in fact, leads inevitably to more planning. Evaluation occurs all the time, both formally and informally. As a group, the board is not an administrative body; neither should it be a “ rubber stamp ” for professional educators. The selection of competent administrators who understand their role is to carry out public policies established by the board is one of the board ' s most important functions.

### **Job description**

- Devote the necessary time, thought and effort to the duties and responsibilities of the school board.
- Attend board meetings and board committee meetings unless detained by sickness or prevented by necessary absence from the school district.
- Have a general knowledge of the mission, goals and objectives of the school district.
- Become familiar with and act in accordance with relevant school laws and regulations as well as school board policies and procedures.

- Participate in appropriate school board member in-service education, training and other learning opportunities.
- Advocate for a thorough and efficient system of public education.
- Model responsible school governance and leadership.
- Adhere to the board's adopted code of conduct.
- Work with fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise.
- Vote and act in the board meetings impartially for the good of the school district.
- Accept the will of the majority vote in all cases and give support to the resulting resolution.
- Refer complaints to the proper school authorities and refrain from individual counsel and actions.
- Keep the superintendent and fellow board members advised of community reaction to school issues.
- File a Statement of Financial Interests form with the board secretary in accordance with state law.

### **Some required duties**

- Adopt courses of study in consultation with the superintendent.
- Establish the length of the school term.
- Adopt textbooks.
- Elect superintendents and hire necessary employees.
- Enter into written contracts with professional employees and into collective bargaining agreements.
- Adopt the annual budget.
- Levy taxes; appoint a tax collector under certain circumstances.
- Provide necessary grounds and school buildings.
- Prescribe, adopt and enforce reasonable rules and regulations regarding school activities, publications and organizations.
- Provide special education for children with mental or physical disabilities.

### **Some permissive functions**

- Elect and appoint assistant superintendents, pursuant to the superintendent's recommendations.
- Appoint a solicitor and other board employees.
- Purchase, receive or condemn land for school purposes as determined by the board.
- Sell unneeded lands and buildings.
- Enter into written agreements with boards, or other districts, for attendance and tuition of pupils in high school.
- Provide for food or milk for undernourished and poor children.
- Create or increase indebtedness within certain limitations. Authorize attendance of board members or of the superintendent or other employees at educational meetings, and pay necessary expenses.
- Enter into group insurance contracts. Provide for: insurance on school buildings and property; personal liability insurance for school employees against injury to pupils; accident insurance for pupils against injury in participation, or transportation to, athletic events.
- Suspend or expel pupils from school under certain conditions, or cause them to be brought before the juvenile court.

### **Some prohibited actions**

- May not authorize construction of schools without prior approval of plans and specifications by the departments of Education and Labor and Industry.
- May not hire 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, 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 on the basis of race, creed or color.

## **Board organization**

Officers of a school board include a president, vice president, treasurer and secretary. By law, all school boards organize 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 term of office is four years.

- The school fiscal calendar for the majority of public school districts is July 1-June 30. Districts of the first, first class A and second

class may, by majority vote, establish a fiscal year to coincide with the calendar year.

- Each school district is assigned to an intermediate unit, which is operated by a governing board composed of locally elected school directors from the school districts that make up the intermediate unit. IU board members serve three-year terms and may succeed themselves without limitation, as long as they remain local board members.

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