

The Responsibilities of the
School Board and its
Individual School Directors
GOV 125



Introduction

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Learning Objectives

- Overview of the responsibilities of boards of school directors
- Understanding the distinction between governing and managing
- Understanding the distinction between the authority of a school board and that of individual school directors

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Powers of School Boards

- School boards exercise powers delegated by General Assembly in furtherance of state constitutional duty to provide for a “thorough and efficient system of public education”
- Powers are given to the school board as a collective body

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Powers of School Boards

- Govern a unit of local government recognized in law as a “political subdivision”
- Delegated powers under the Public School Code of 1949 and other laws
- Board takes action as a collective body
- Limited power as individual director

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Broad Range of Legal Responsibilities

- To do their jobs, school boards must deal with a wide array of issues involving:
 - Taxes
 - Labor
 - Administration
 - General education policy
- Key functions of school boards include that of employer, strategic planner, policymaker and tax levying authority

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Some Delegated Powers and Responsibilities of School Boards

Establishing schools & departments
Curriculum & textbooks
Contracts
Taxation
Budget adoption
Employment decisions
Student discipline
Extracurricular Activities

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Highly Regulated Environment

Public school governance is carried out in a highly regulated environment, involving numerous mandates, restrictions and technicalities.

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Effective School Boards

- School boards are most effective when they concentrate time and energy on using their authority to govern at the strategic level:
 - Determining what it is the community's schools should accomplish
 - Enacting policies that implement those goals
 - Hiring the best professional staff to accomplish them
 - Allocating necessary resources

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Effective Boards

- Work with the Superintendent as a “team of ten”
 - Planning
 - Legislating (enacting policy)
 - Empowering professional staff
 - Evaluating results
- Closely linked governance loop
- Governing vs. managing

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Some School Board Functions 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

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Some School Board Functions Mandated By Law

- 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

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Some School Board Functions Mandated By Law

- Ensure that specialized instruction and accommodations are provided for children with cognitive or physical disabilities

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School board functions authorized by law but not mandated

- Appoint assistant superintendents, upon recommendation of the superintendent
- Make agreements with other schools or districts to provide for attendance and tuition of resident students in other schools or districts
- Terminate employees for misconduct, incompetence or neglect of duty

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School board functions authorized by law but not mandated

- Borrow funds within certain limitations
- Authorize attendance of board members or of the superintendent or other employees at educational meetings, and pay necessary expenses
- Purchase, receive or condemn land for school purposes as determined by the board
- Sell unneeded lands and buildings

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School board functions authorized by law but not mandated

- 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

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Actions Prohibited By Law

Shall not:

- Authorize construction of schools without prior approval of plans and specifications by the departments of Education and Labor and Industry
- Request or accept in any way a gift from a teacher or administrator
- Require religious or political tests of officers or employees

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Actions Prohibited By Law

Shall not:

- Hire near relatives of board members as a teacher, except by a majority vote of the board excluding the related board member
- Engage in illegal discrimination
- Direct work to be done, purchase materials or enter into contracts that will cause sums budgeted for specific purposes to be exceeded

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Special Majorities Required

- Some matters require recorded affirmative vote of majority of members in the following areas:
 - Financial- budget issues, levying taxes, etc.
 - Employment- hiring, firing and fixing salaries
 - Educational-Adopting textbooks and courses of study
 - Real Estate- purchasing, selling or condemning land

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Role of the Individual School Director

- Power is given by law is to the school board as a body
- Office of school director carries with it no inherent individual power or authority beyond voice and vote at board meetings
- Board can choose to empower individual board members with specific functions

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Role of the Individual School Director

- Instinct to want to take a hands-on, deep dive into the weeds can be understandable
- Much of the School Code provisions about board powers written before the Civil War
- Boards had to manage as well as govern, and often do hands-on tasks, because they had nobody to whom to delegate the managing and doing

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Role of the Individual School Director

- Board effort to focus on governing is hindered by mandates of archaic School Code provisions to act on management minutia:
 - Hiring and firing rank and file personnel
 - Approving budgets
 - Approving purchases and contracts
 - Paying the bills

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Role of the Individual School Director

- Even back when 19th century boards had to be hands on, school directors acted individually only by virtue of board authorization or delegation
- When individual school directors attempt, purely on their own initiative to direct activities of personnel or commit district to a course of action, likely to be acting outside their legal authority

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Role of the Individual School Director

Examples of frequent issues:

- Demanding information from or meetings with district staff
- Dropping in unannounced to observe classes
- Access to personnel files
- Investigating rumors of misconduct

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Role of the Individual School Director

More extreme (but real-life) examples:

- Directing cafeteria menu or recipe alterations
- Ordering changes in bus routes or boarding buses to record odometer readings
- Telling business office staff to change accounting procedures

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Role of the Individual School Director

It is important for boards to establish protocols providing opportunities for individual school directors to observe district operations in action:

- Obtain information about district functions
- Visit school buildings
- Get to know administrators and other staff
- Satisfy reasonable curiosity about why things are done in a particular way

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Individual Responsibilities of School Directors

- Attend and be prepared for meetings
- Study information provided in connection with agenda items
- Abide by district policies and rules adopted by the board
- Maintain confidentiality of executive session discussions

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Individual Responsibilities of School Directors

- Engage in ongoing professional development to keep up with current issues in education policy and law, best practices and resource availability
- Remember that while the school board is ultimately in charge, that is only when acting collectively as a governing body
- Focus on governing rather than managing

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