

POLICY BRIEF

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APPOINTED SCHOOL BOARD MEMBERS: A NON-STARTER?

One of the most talked about issues of late has been whether to expand the size of the Pittsburgh Public Schools (PPS) board by adding appointed members. Members of city council, Allegheny County's state legislative delegation, civic booster groups, and others have seized upon this plan as a way to quell disputes between the board and the superintendent and change the direction of the district.

One city council proposal has called for a change to the public school code to allow for the creation of a civic commission, comprised of experts in education, business, non-profits and other fields, to recommend four appointees who would then be nominated to the board by the mayor of Pittsburgh with advice and consent of council. The appointees, who must be residents of the city for one year prior to appointment, would serve four-year terms and could be reappointed once. They would serve alongside elected members as full-fledged directors. The proposal makes no mention of whether Mt. Oliver, the other municipality in the PPS, would control any appointments.

Recall that the PPS did have a 15-member board from 1911 until 1976. The Court of Common Pleas of Allegheny County appointed the members. After being petitioned by citizens of the school district, the General Assembly passed legislation that allowed for a local referendum and the appointed board was replaced with its current region plan. After this change, the only appointed board in Pennsylvania was in Philadelphia.

Since then, the City of Pittsburgh and Mt. Oliver have been partitioned into nine regions with one director elected from each. This is one of four methods of electing school directors in Pennsylvania. Members can be elected at-large, one member from each region, multiple members from each region, or a combination of at-large and by region. According to a 2001 survey of 314 school districts (62% of the state's total) by the Pennsylvania School Boards Association, 99 districts (31.5 % of the respondents) had an electoral arrangement similar to that of Pittsburgh.

While there is a movement afoot in many large cities to transform elected boards into wholly appointed ones (Chicago, Boston, Hartford, etc.), the majority of school board members across the nation are elected. There is little precedent for a board that is partially elected and partially appointed.

The only major cities that have a similar arrangement like the one proposed for Pittsburgh are Oakland, CA and Washington, D.C. Both cities adopted the newly arranged boards in 2000; both were subject to referendum, both passed narrowly (51% in D.C., 52% in Oakland), and both were intended to give the mayor more control over the schools, but not all the control. While Oakland grew the size of its board from seven members to ten (seven elected, three appointed), D.C.'s shrank from eleven members to nine (five elected, four appointed). Due to the short length of time since the changes, it is difficult to assess the impact, if any, of the new board structure on the district's performance.

Presumably appointed members on the PPS board would have a district-wide view that proponents of the change say the board seems to lack. Presumably they would also have voting power, including, among its more important duties, the power to dictate tax policy. These factors, proponents claim, could counter perceived parochialism on the board and get micromanagement out of the district.

But is such a plan constitutional? Article III, Section 31 of the Pennsylvania Constitution forbids the General Assembly from delegating the power to tax or perform any municipal function to "any special commission". Neither of the state's two appointed boards could directly levy taxes. The Pittsburgh board prior to 1976 had to petition the General Assembly for permission to increase taxes, which would then take appropriate action to allow the board to change tax rates. Funds for the Philadelphia school board came from city council appropriations. The inability of non-elected board members to vote on taxes means that a simple majority of elected members would be in charge of the purse strings, and thereby hold tremendous leverage over board decisions.

Back in 1976 when Pittsburgh was shifting from an appointed board to an elected one, a local editorial opined: "it is unfair to assume an elected board will have magic solutions to the deep problems facing the Pittsburgh schools". Twenty-six years later, that statement is as prophetic as it is tragic. It is doubtful that additional appointed members would change this fact. What is needed is a board that adopts a no excuses, taxpayer friendly approach to governing the schools. Unless or until that happens, this debate is an empty exercise.

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