

The Historic and Political Role of the School Board

The uniquely American tradition of free schools governed by elected or appointed lay citizens had its start in New England where the Puritans of the Massachusetts Bay Colony took the first steps toward establishing such a system in 1647. For the first time, the right of the State to require compulsory school for the young was established by law.

The townspeople gave their elected representatives, the selectmen, the responsibility for handling school affairs. They became the first representatives of the community, and they were charged with management of the schools. In 1721 the Boston selectmen nominated a permanent citizens' committee, delegating part of their control over the schools.

In 1826 Massachusetts took the final step in the evolution of a distinct school board by enacting a law requiring each town to elect a separate school committee. This law was the official beginning of the school committee, or school board, operating as the governing body for the public schools, separate from the governing body of a city or town. In time, this form of educational organization became general practice in America.

At the turn of the century, charges of political corruption and favoritism in the schools led to changes that established the basic administrative structure that we have today. Reformers of the time believed that education could be better managed if the power to operate the schools was centralized in a chief executive. The school board would delegate considerable authority to the chief executive and hold that person accountable for the overall performance of the schools. Enter the superintendent.

Since the turn of the century, there have been many changes in the way public schools operate, but the basic governance structure has stayed much the same: a local, nonpartisan school board, elected by the citizens of the community that support the schools. The board serves three functions: it legislates rules, it hears charges stemming from violations of those rules, it employs a superintendent and delegates the authority to administer the day-to-day operations of the schools to that person.

The legal authority that Illinois school boards operate under comes from the Illinois State Constitution. The laws governing schools are found in the Illinois Compiled Statutes. Many are contained in Chapter 105, which is commonly called "The School Code," but there are many other chapters that affect or regulate schools, both directly and indirectly. For example, elections are addressed in Chapter 10, labor matters are found in Chapter 115, and The Open Meetings Act is included in Chapter 5. The State Board of Education was created by the Illinois Constitution to "establish goals, determine policies, provide for planning and evaluating education programs and recommend financing" for the public schools of Illinois. Another duty of the State Board is to appoint a chief state educational officer, better known as the State Superintendent of Schools. The State Superintendent is in charge of the operations of the state's department of education, usually referred to in Illinois as simply "The State Board." The State Superintendent and the State Board's other administrative officers are charged with developing regulations designed to implement those statutes enacted by the Illinois General Assembly that affect school districts. This

The Historic and Political Role of the School Board

collection of regulations is known as Chapter 23 of the Illinois Administrative Code.

The Regional Offices of Education, also known as Educational Service Regions, are administered by Regional Superintendents of Schools elected by popular vote from all counties making up the educational service region. Regional Boards of School Trustees are elected groups of seven individuals, chosen from among the citizens of their Educational Service Region. Originally the Regional Boards had much the same relationship to the Regional Superintendents as the local board has to its superintendent; however, that relationship has changed over the years and no longer exists in any meaningful way. Numerous duties are assigned to the Regional Offices by statute. For example, the Regional Superintendent is the only one who may, by law, remove a seated school board member. Regional Boards of School Trustees are often involved in annexation questions.

While it is true that the U.S. Constitution does not mention education, and that the public schools are the responsibility of the State, since the 1960s the federal government has assumed a more aggressive role in the regulation of the schools by imposing requirements upon the states. Such federal laws as the Civil Rights Act of 1964, the Individuals with Disabilities Education Act, the Gun-Free Schools Act, and the Family Education Rights Privacy Act have had a great impact on schools. In addition to laws passed by federal and state legislators, schools are bound by case law. Case law is made up of the rulings of various courts as they interpret the laws in order to determine their applicability in a particular instance, their constitutionality, and their fairness.

Rulings of the United States Supreme Court are considered the “law of the land” in that they apply to the entire country. Rulings of the lower courts apply only to the geographical portion of the country over which they have jurisdiction.

The local school board is required to adopt and enforce all policies necessary for the management and government of the public schools of their district. These policies must be available for public inspection in the administrative office of the district and are contained in the Board Policy Manual. The superintendent is charged with developing administrative procedures designed to implement the board’s policies. These procedures may be contained in an Administrative Procedures Manual and must be available to the district staff.

Public education is no longer as simple as it was in colonial America. One wonders what the Puritan selectmen who ruled their village schools with no regulations or mandates from state or federal governmental bodies would think of today’s many-layered, complex system.