

PUBLIC SCHOOL GOVERNANCE AUTHORITY

Adopted by Convention Delegates May 2007

- WHEREAS, The Constitution of the State of California creates school governance separate from municipal government; and
- WHEREAS, The California State PTA believes that locally elected boards of education should be directly responsible for and accountable to their constituents; and
- WHEREAS, It has been proposed in some cities and school districts of California that there be a change in the public school governing structure by transferring the governance authority to municipal government; and
- WHEREAS, The California State PTA was instrumental in passing Proposition 3 in 1946 that amended Article IX of the California Constitution, which clearly established a separation of powers between municipal government and school district governance; and
- WHEREAS, The California State Constitution, Article IX, Section 6, clearly states “No school or college or any other part of the public school system shall be, directly or indirectly, transferred from the public school system or placed under the jurisdiction of any authority other than one included within the Public School System”; now therefore be it
- RESOLVED,** That the California State PTA, its units, councils, and districts, reaffirm and recommit themselves to the separation of powers between municipal government and local school district governance and to the constitutionally established independence of locally elected boards of education, directly accountable to the voters, taxpayers, communities, parents, and students of their district.

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Background Summary

In California a governance system that separates control of municipalities and school districts is evident from the earliest versions of the State Constitution and follows through several constitutional changes. Early versions of the Constitution refer to the duties of the County Superintendent of Schools as separate from those municipal governments.

The California State PTA in 1946 believed education reform was necessary due to population growth, a shortage of schools and teachers, and a history of municipal governments meddling in school district governance. To prepare for growth and to reaffirm the separation of schools and cities, PTA sponsored Proposition 3, a sweeping package of reform measures that among other provisions, prohibits transfer of any public school or college to any authority not under the public school system. Proposition 3 added Article IX, Section 14, to the State Constitution and states “The Legislature shall have power, by general law, to provide for the incorporation and organization of school districts, high school districts, and community college district, of every kind and class, and may classify such districts.” Proposition 3 was overwhelmingly approved by 74% of the voters.

The State requires independence of school boards from local municipal government, placing education in the hands of education professionals and elected school trustees to manage the district’s affairs. School trustees are readily accessible to parents, students and educators. Though *Serrano v. Priest* and Proposition 13 sorely tested this concept, even those challenges only served to ultimately buttress California’s commitment to public education as shown by the passage of Proposition 98, which created a formula for state funding of education.

The constitutional separation of powers has remained intact in California until recently when the mayors of Los Angeles, Fresno and other cities attempted to take over urban school districts through legislative action. After Assembly Bill 1381 was chaptered in 2006, legal action was taken in the Superior Court of California, County of Los Angeles. The court decreed that the defendants “refrain from enforcing or implementing AB 1381 in the execution of the course and scope of their official duties.” The ruling holds that AB 1381 violates State Constitution Article IX, Sections 5, 6, and 8.

To date there is no conclusive evidence that municipal governments could do a better job of educating our children. In a time when voters feel more and more disenfranchised and distant from their elected officials and public agencies, school boards remain close to those they serve. PTA believes our children are better served by an independent California public education system.