

**COMMONWEALTH OF PENNSYLVANIA  
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM**  
Telephone: (717) 720-4749, Fax: (717) 772-5372  
E-mail: jclay@state.pa.us

**DATE:** May 29, 2009

**SUBJECT:** Proposed Amendments to the Board's Election Procedures and Guidelines Policy

**TO:** Bylaws/Policy Committee JBC

**FROM:** Jeffrey B. Clay, Executive Director

---

At the last Bylaws/Policy Committee meeting on April 30, 2009, Chief Counsel Gerald Gornish presented his legal opinion pertaining to the eligibility of Charter School Board Members to vote in PSERS' triennial Board election of a representative from the members of Pennsylvania public school boards. The opinion, a copy of which is attached for your reference, confirmed the practice that has been followed by PSERS since the creation of charter schools by the General Assembly, i.e., that members of the governing boards of charter schools are not eligible to vote or be a candidate for PSERS' public school board member seat on the PSERS' Board of Trustees.

After a brief discussion, the Committee indicated its consensus with the opinion and requested Staff to revise the Board's existing Election Procedures and Guidelines Policy (Policy) to reflect the conclusions reached in the legal opinion. As a consequence, attached for your review and consideration at your Committee meeting on June 11, 2009 is both a redlined and clear copy of the Policy showing the recommended changes to comply with Counsel's legal analysis. Also attached is a proposed resolution recommending the revised Policy to the full Board.

If you have any questions concerning the above, please feel free to contact me at 717-720-4678.