

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 010532)

RESOLUTION

Proposing an amendment to the Educational Supplement to the Philadelphia Home Rule Charter which would establish a process which would authorize the privatization of the administration, operation, and management of the School District, and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Article II, Section 7 of the First Class City Public Education Home Rule Act (53 P.S. §13207), amendments to the Educational Supplement to the Philadelphia Home Rule Charter may be made in accordance with the procedures set forth in the First Class City Home Rule Act, Section 6 of which (53 P.S. §13106) provides that Charter amendments may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; and

WHEREAS, City Council, by the adoption of this Resolution, proposes an amendment to the Educational Supplement to the Philadelphia Home Rule Charter to authorize the privatization of the administration, operation, and management of the School District; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to Article XII of the Educational Supplement to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE XII PUBLIC EDUCATION

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CHAPTER 2 THE BOARD OF EDUCATION

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Section 12-200. The Board Created; Its Function. There shall be a Board of Education of the School District of Philadelphia which shall be charged with the administration, management and operation of the home rule school district. *Alternatively, the administration, management and operation of the School District may be privatized, in whole or in part, through a contract with a private, for-profit entity, provided: (i) Council approves a resolution proposing an amendment to this Educational Supplement to the Philadelphia Home Rule Charter which would specifically authorize such contract, a copy of which must be included as an exhibit to such resolution; (ii) the voters approve such amendment in accordance with the procedures set forth in the First Class City Public Education Home Rule Act; and (iii) that a majority of the parents of the school age children registered at any school shall have approved the privatization of each such school.*

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CHAPTER 3 THE BOARD OF EDUCATION; POWERS AND DUTIES

Section 12-300. General Powers. To enable it to administer, manage, and operate the School District of Philadelphia, the Board of Education shall have the powers and duties enumerated herein and any other powers and duties, not inconsistent with law, which are necessary to carry into effect the powers and duties conferred upon it in this Article, *or the Board may confer such powers and duties by contract upon a private, for-profit entity in order to privatize the administration, management and operation of the School District, provided such privatization has been approved pursuant to Section 12-200.* The Board shall succeed to, and shall possess all the powers, rights, and privileges, not inconsistent with law, formerly possessed by the Board of Public Education of Philadelphia.

Section 12-301. Appointment, Compensation and Term of the Superintendent of Schools. The Board of Education shall, by majority vote of all its members, elect and fix the compensation of the Superintendent of Schools, whose term shall be not more than six years, renewable at the discretion of the Board, *or, if there is a contract in place with a private, for-profit entity pursuant to Section 12-200, the Board may enter into an agreement with such private, for-profit entity to have such entity provide a person who*

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shall act as Superintendent of Schools under the terms and conditions set forth in such agreement

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CHAPTER 4 THE SUPERINTENDENT OF SCHOOLS; DUTIES AND POWERS

Section 12-400. General Powers. The Superintendent (*whether elected by the Board or whether provided by a private, for-profit entity under the provisions of Section 12-301*) shall be the chief administrative officer and chief instructional officer of the Board of Education and the School District, and shall be responsible for the execution of all actions of the Board, the administration and operation of the public school system subject to the policies of the Board, and the supervision of all matters pertaining to instruction in all the schools under the direction of the Board.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the thirteenth of September, 2001.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Nutter and Reynolds Brown

Sponsored by: Councilmembers Council President Verna, Ortiz, Kenney, DiCicco and Blackwell