



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

## RESOLUTION NO. 210240

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Introduced March 18, 2021

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Councilmember Oh

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Referred to the Committee on  
Law & Government

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## RESOLUTION

Proposing an amendment to the Educational Supplement to the Philadelphia Home Rule Charter relating to the eligibility, selection, and removal of the Members of the Board of Education; relating to the Board of Education's responsibility for the administration 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 adoption of this resolution, proposes an amendment to the Educational Supplement to the Philadelphia Home Rule Charter relating to the eligibility, selection and removal of the Members of the Board of Education; and the Board of Education's responsibility for the administration of the School District; now, therefore, be it

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:

~~Strikethrough~~ indicates matter deleted by these amendments.

***Bold italics*** indicates matter added by these amendments.

# City of Philadelphia

RESOLUTION NO. 210240 continued

## ARTICLE XII PUBLIC EDUCATION

### CHAPTER 1 THE HOME RULE SCHOOL DISTRICT

§ 12-100. The Home Rule School District.

A separate and independent home rule school district is hereby established and created to be known as "The School District of Philadelphia". The administration, management and operation of the School District of Philadelphia shall be the exclusive responsibility of the Board of Education established herein, and the School District of Philadelphia shall not be considered a department, board or commission of the City of Philadelphia.

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### CHAPTER 2 THE BOARD OF EDUCATION

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§ 12-201. Members of the Board; Method of Selection.

There shall be nine members of the Board of Education. ***Five members*** who shall be ***elected by the qualified voters of the City, and four members who shall be*** appointed by the Mayor, with the advice and consent of a majority of all the members of the Council after public hearing, from lists of names submitted to him by the Educational Nominating Panel and if enabling legislation is enacted by the General Assembly of the Commonwealth, elected on a non-partisan basis by the qualified voters of the city, all as more fully set forth in later sections of this Chapter. There shall also be a non-voting student advisory member of the Board of Education and alternate appointed by the Board from among the students enrolled in the Philadelphia public schools, whose selection and participation in meetings and other Board activities shall be subject to rules adopted by the Board.

***The elected members of the Board shall be chosen as follows:***

***(a) Five members shall be elected by region by the qualified voters of the City. Each elected member represents two adjacent Councilmanic Districts. The five regions are as follows:***

- 1. Northwest (Districts 8 and 4), Northeast (Districts 10 and 6), Central West (Districts 5 and 3), Central East (Districts 9 and 7), and South (Districts 1 and 2).***

§ 12-202. Eligibility for Board Membership.

# City of Philadelphia

RESOLUTION NO. 210240 continued

Members of the Board of Education shall be *residents* ~~registered voters~~ of the City. No person shall be eligible to be appointed or elected to more than three full terms. Persons who are nominated or appointed to the Board of Education should reflect the diversity of backgrounds, experience and training that is representative of the City, ~~including but not limited to~~ *such as*: being the parent(s) of a current or former public school student(s); having training or experience in the areas of business, finance, education, public housing, or community affairs; or, having any other such training or expertise relevant and beneficial to the operations and management of the public school system. ***Members of the board cannot be employees of the City or School District, hold public office or be an employee of an elected official, or affiliated with a partisan political organization, a union that directly represents the School district, or vendor engaged in a contractual relationship with the School District.***

§ 12-203. Terms of Board Members.

The terms of appointed members of the Board of Education shall be four years, commencing on May 1 of the year a Mayor's term of office begins.

If the General Assembly enacts legislation permitting the election of members of the Board on a non-partisan basis, then (1) the terms of elected members of the Board of Education shall begin on the first Monday in December and shall be ~~six~~ *four* years ~~except that of the first members elected, three shall be elected for terms of two years, three for terms of four years, and three for terms of six years;~~; and (2) the terms of all *elected* members shall expire on the first Monday of December immediately following the *next* municipal election at which ~~the first~~ elective Board ***Members are*** is elected.

§ 12-204. Removal of Members of the Board.

(a) Members of the Board of Education ***appointed by the Mayor*** shall serve at the pleasure of the Mayor, except that if later there be an elective Board, elected members may be removed as provided by law. Before removing any appointed member from the Board, the Mayor shall, at least ten (10) days before the date of removal, provide written notice to the Board member, with copies to the President of City Council and the Chief Clerk of City Council, that the Mayor intends to remove the member from the Board and providing the reasons therefor, which reasons shall be stated with specificity and demonstrate the member's unfitness to serve.

***(b) Elected members of the Board of Education shall be removed as provided by law.***

§ 12-205. Vacancies on the Board.

A vacancy in the office of member of the Board of Education shall be filled for the balance of the unexpired term in the same manner in which the member was selected who died, ~~or~~ resigned,

# City of Philadelphia

RESOLUTION NO. 210240 continued

*or was removed.* If a member of the Board is removed from office, the resulting vacancy shall be filled as provided by law.

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## CHAPTER 5 GENERAL POLICY; SEVERABILITY; REPEALER; EFFECTIVE DATE

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§ 12-503. Effective Date.

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*(d) The amendments to Sections 12-201, 12-202, 12-203, 12-204, and 12-205 shall become effective upon approval by the voters, and shall apply to all appointments or removals made on or after the effective date, including appointments to fill vacancies.*