

## Legislation Details (With Text)

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**Title:** Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of an independent Philadelphia Public School Performance and Accountability Board, to provide for certain actions by the Mayor relating to the work of such Board, and to provide for a process by which local control of the School District may be returned to the citizens of Philadelphia, and providing for the submission of the amendment to the electors of Philadelphia.

**Sponsors:** Councilmember Nutter, Councilmember Ortiz

**Indexes:** PUBLIC SCHOOL PERFORMANCE AND ACCOUNTABILITY BOARD

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
9/12/2002	0	CITY COUNCIL	Referred		
9/12/2002	0	CITY COUNCIL	Introduced	Pass	

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of an independent Philadelphia Public School Performance and Accountability Board, to provide for certain actions by the Mayor relating to the work of such Board, and to provide for a process by which local control of the School District may be returned to the citizens of Philadelphia, and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter 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; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment 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 III - EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

#### CHAPTER 1 OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

Section 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated. The executive and administrative work of the City shall be performed by:

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(e) The following independent boards and commissions, which, except for the Board of Trustees of the Free Library of Philadelphia, are hereby created:

City Planning Commission;

Commission on Human Relations;

Board of Trustees of the Free Library of Philadelphia;

Board of Pensions and Retirement;

Civil Service Commission;

*Philadelphia Public School Performance and Accountability Board.*

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CHAPTER 8  
INDEPENDENT BOARDS  
AND COMMISSIONS

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*SECTION 3-805. Philadelphia Public School Performance and Accountability Board. The Philadelphia Public School Performance and Accountability Board shall be composed of nine members. Four members shall be appointed by the Mayor with the advice and consent of a majority of all the members of the Council, and five members shall be appointed by the Council President. There shall also be a non-voting student advisory member of the Board and an 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.*

*(a) The Mayor shall make initial appointments to the Board within one hundred twenty days after it is first created. Appointments by the Mayor shall be for terms of four years.*

*(b) Of the members first appointed by the Council President, two shall be appointed for terms of four years, and three shall be appointed for terms of six years. Thereafter, all appointments shall be for terms of four years. The members initially appointed by the Council President shall be appointed in accordance with the following procedure: Within thirty days after the Board is first created, the Council President shall appoint a Nominating Committee consisting of five members of Council, not including the President, and no more than four of whom shall be members of the same party or political body. The Nominating Committee shall seek the advice of all members of Council concerning the names of persons qualified to serve as members of the Board. The Nominating Committee shall also invite business, civic, professional, faith-based, labor, and other organizations, as well as individuals situated or resident within the City, to submit for consideration by the Nominating Committee the names of persons qualified to serve as members of the Board. Within sixty days after its appointment by the Council President, the Nominating Committee shall submit to the Council President a list of at least ten but no more than fifteen persons it nominates for appointment to the Board. In devising such list, the Nominating Committee shall seek to include persons reflecting a diversity of backgrounds, experience and training that would be appropriate to the duties of the Board, including, but not limited to, representatives of the business, academic, and educational communities, parent associations, home and school*

associations or councils, child advocates, education advocates, faith-based organizations, and civil rights organizations. Within thirty days after receiving the list, the Council President shall make appointments from the list.

(c) Upon the expiration of a term or the occurrence of a vacancy, a successor shall be appointed by the appointing authority who originally appointed the member whose term has expired or whose seat has become vacant. An appointment to fill a vacancy shall be for the balance of the unexpired term. Successor appointments by the Mayor shall be made with the advice and consent of a majority of all the members of the Council. Successor appointments by the Council President shall be made in accordance with the procedures set forth in subsection (b), provided that the Council President shall appoint the Nominating Committee at least ninety days prior to the expiration of a term or within thirty days after a vacancy arises, as the case may be, and the Nominating Committee shall submit a list of at least two but no more than three persons for each appointment that is to be made.

(d) Members may be removed by their appointing authority prior to the expiration of a term only for cause. Before a member is removed, the member must be provided with a written statement of the reasons for removal, and shall be given the opportunity for a hearing before the appointing authority.

(e) No person shall be eligible to be appointed to more than two full terms, including an initial term.

(f) No member of the Board, while serving as a member, shall seek or hold a position as any other public official within the Commonwealth, or as an officer of a political party.

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ARTICLE IV  
EXECUTIVE AND ADMINISTRATIVE  
BRANCH POWERS AND DUTIES

The Mayor, The City Representative and  
Departments, Boards and Commissions under the Mayor

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CHAPTER 9  
PHILADELPHIA PUBLIC SCHOOL PERFORMANCE AND ACCOUNTABILITY BOARD

SECTION 4-900. Powers and Duties.

(a) The Philadelphia Public School Performance and Accountability Board shall establish accountability standards to monitor, measure and evaluate the academic, financial and operational performance of the School District of Philadelphia as a whole (including the performance of the Board of Education, the School Reform Commission or any other entity which exercises the powers of the board of school directors for the School District, the School District Office of Assessment, Accountability and Intervention or similar entity, or any Service Provider consultant to the School Reform Commission or the School District's Central Office) and of each public school within the School District regardless of how such schools are managed or operated, and including schools managed or operated by a for-profit or non-profit

provider or lead provider, charter schools, and community partnership schools, and the performance of any provider or education management organization who manages or operates one or more such schools. Such standards shall include, but are not limited to, educational achievement and proficiency-based outcomes, attendance and graduation rates, individual school budgets and expenditures, individual school safety assessments and incident reports, standardized or other performance-based test results, post-secondary education acceptance and attendance rates, and such other standards as the Board determines. The Board shall use state and nationally recognized academic, financial and operational performance indicators in developing such accountability standards.

(b) The Board shall itself, or by contract with one or more independent organizations nationally recognized as experts in relevant fields, including, but not limited to, the fields of education, scholastic assessment, curriculum development, student educational performance, safety and security, technology, school building upgrade and improvement planning, and financial accounting, conduct regular monitoring and annual assessments of such performance for each school year in accordance with the accountability standards established by the Board. As part of such assessments, the Board shall determine the extent to which the School District has achieved compliance with the accountability standards established by the Board, and it shall review and analyze such matters, documents, contracts, policies and procedures of the School District as are necessary to make such determination. Such assessments shall also include the Board's recommendations as to how the School District can achieve full compliance with the accountability standards established by the Board, how the academic, financial and operational performance of the School District may otherwise be improved, as well as a review and assessment of any academic performance and financial accountability standards established by the School District, the Board of Education, the School Reform Commission, the School District Office of Assessment, Accountability and Intervention or any other similar entities.

(c) The Board's annual assessments shall be published and made available in a user friendly and easily readable format to the public in the form of an Annual Report Card for the School District as a whole, an Annual Report Card for each school within the School District, and an Annual Report Card for each provider who manages or operates one or more schools. The Board shall send copies of such Annual Report Cards to the Board of Education, the School Reform Commission or any other entity which exercises the powers of the board of school directors for the School District, and to the Superintendent or Chief Executive Officer and the Chief Academic Officer of the School District. The Board shall also see to it that each parent of a child enrolled in a Philadelphia public school receives copies of the Annual Report Card for the School District as a whole, the Annual Report Card for the school which their child attends, and the Annual Report Card for the provider, if any, who manages or operates the school which their child attends. The Board shall also send copies of the Annual Report Cards to the Governor, the Secretary of Education for the Commonwealth of Pennsylvania, the President Pro Tempore of the Senate, the Majority and Minority Leader of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leader of the House of Representatives, the Mayor, the Council President and all members of Council, all other elected officials with Philadelphia constituents, and to all public libraries in the City, and shall see to it that copies are posted on the City's official Internet site. The Board shall publish and distribute the Annual Report Cards by the August 31st immediately following the end of the school year which the Annual Report Cards assess. The Board shall convene at least two public meetings during every school year in order to receive comment and input regarding the assessment reports of the Board and the performance of the School District of Philadelphia.

(d) The Board shall, as part of its Annual Report Card for the School District as a whole, establish annual financial, operational and educational outcome criteria and five year goals that the Board believes the School Reform Commission should follow in determining whether the School Reform Commission should take action by a majority vote, as provided under Section 696(n) of the Public School Code of 1949, as amended, to recommend to the Secretary of Education for the Commonwealth of Pennsylvania that the Secretary issue a

*declaration to dissolve the School Reform Commission, and return responsibility and oversight of the public schools to local control by the citizens of Philadelphia. The Board shall also, as part of such Annual Report Card, state whether it believes the School Reform Commission should recommend dissolution of the School Reform Commission based upon the outcome criteria and goals established by the Board. In accordance with subsection (c), the Board shall provide copies of its recommendation as to dissolution of the School Reform Commission, included as part of the Annual Report Card, to the Mayor, and within thirty days thereafter, the Mayor shall provide the Chairperson and each member of the School Reform Commission with a written response explaining in detail whether the Mayor believes the School Reform Commission should or should not recommend that the Secretary of Education for the Commonwealth of Pennsylvania issue a declaration to dissolve the School Reform Commission. The Mayor shall provide copies of such response to the Board, to the Council President and each member of Council, and to the Chief Clerk of Council, who shall make such response available for inspection by the public.*

*(e) The Board, at its discretion, may investigate and report upon any issue of public education at the request of the Board of Education, the School Reform Commission or similar entity, the Superintendent of Schools or Chief Executive Officer of the School District, or any elected official representing any resident of Philadelphia. Within ten days after receiving any such request, the Board shall notify the requesting party as to whether the Board will conduct such investigation and issue a report as to its findings.*

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