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Title: Proposing an amendment to the Philadelphia Home Rule Charter in preparation for a return to local Philadelphia control of the Philadelphia School District by providing for a new method and qualifications for appointing and electing the members of the Board of Education of the School District of Philadelphia and establishing new standards and policies to ensure academic excellence, financial responsibility, and efficient, economical, and effective operation and management of the School District of Philadelphia.

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Date	Ver.	Action By	Action	Result	Tally
1/21/2016	0	CITY COUNCIL	Introduced and Referred	Pass	

Proposing an amendment to the Philadelphia Home Rule Charter in preparation for a return to local Philadelphia control of the Philadelphia School District by providing for a new method and qualifications for appointing and electing the members of the Board of Education of the School District of Philadelphia and establishing new standards and policies to ensure academic excellence, financial responsibility, and efficient, economical, and effective operation and management of the School District of Philadelphia.

WHEREAS, The School District of Philadelphia has lacked an effective governance structure for providing financial responsibility, public accountability, transparency, and an overall management of the School District of Philadelphia that provides for a quality educational system; and

WHEREAS, Council's Committee on Education and Committee on Global Opportunities and the Creative/Innovative Economy have held extensive hearings to examine practices, policies, and reforms that contribute to providing a first-rate education both nationally and internationally, and their application to Philadelphia; and

WHEREAS, The future of public education is at stake and the need has never been greater to identify and adopt best practices that increase competitiveness, academic outcomes and equality for all children and families in Philadelphia; and

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,

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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 XII
PUBLIC EDUCATION

* * *

CHAPTER 2
THE BOARD OF EDUCATION

* * *

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

[There shall be nine members of the Board of Education who shall be appointed by the Mayor from lists of names submitted to him by the Educational Nominating Panel, or, 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 Board shall be composed of thirteen (13) members, appointed and elected as follows:

(a) Two members, one each of a corporate business leader and a higher education leader, shall be appointed by the Mayor;

(b) The public charter schools shall provide nominations for the Board from which the Mayor shall appoint one member of the Board;

(c) Two members shall be elected at large by the qualified voters of the City; and

(d) The Educational Nominating Panel shall provide nominations for eight members of the Board. The Mayor shall appoint 4 members with an advance degree and at least 10 years of experience in the profession. The City Council shall appoint 4 members by a majority vote.

(e) A President of the Board of Education shall be appointed by the Mayor.

* * *

§12-206. Educational Nominating Panel; Method of Selection.

(a) The Mayor shall appoint an Educational Nominating Panel consisting of [thirteen (13)] *seventeen (17)* members. Members of the Panel shall be registered voters of the City and shall serve for terms of four years from the dates of their appointment.

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(b) Nine members of the Educational Nominating Panel shall be the highest ranking officers of City-wide organizations or institutions which are, respectively:

(1) a labor union council or other organization of unions of workers and employees organized and operated for the benefit of such workers and employees,

(2) a council, chamber, or other organization established for the purpose of general improvement and benefit of commerce and industry,

(3) a public school parent-teachers association,

(4) a community organization of citizens established for the purpose of improvement of public education,

(5) a federation, council, or other organization of non-partisan neighborhood or community associations,

(6) a league, association, or other organization established for the purpose of improvement of human and inter-group relations,

(7) a non-partisan committee, league, council, or other organization established for the purpose of improvement of governmental, political, social, or economic conditions,

(8) a degree-granting institution of higher education whose principal educational facilities are located within Philadelphia, and

(9) a council, association, or other organization dedicated to community planning of health and welfare services or of the physical resources and environment of the City.

(c) In order to represent adequately the entire community, the four other members of the Educational Nominating Panel shall be appointed by the Mayor from the citizenry at large.

(d) The Mayor shall appoint four members of the Educational Nominating Panel who work in the field of education with significant research and policy experience.

[(d)] *e* In the event no organization as described in one of the clauses (1) through (9) of subsection (b) exists within the City, or in the event there is no such organization any one of whose officers is a registered voter of the City, the Mayor shall appoint the highest ranking officer who is a registered voter of the City from another organization or institution which qualifies under another clause of the subsection.

[(e)] *f* A vacancy in the office of member of the Educational Nominating Panel shall be filled with the balance of the unexpired term in the same manner in which the member was selected who died, resigned, or was removed.

[(f)] *g* The Educational Nominating Panel shall elect its own officers and adopt rules of procedure.

§ 12-207. The Educational Nominating Panel; Duties and Procedure.

* * *

(b) The Panel shall within forty (40) days submit to the Mayor three names of qualified persons for every

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place on the Board of Education which is to be filled *as specified in Section § 12-201 (d)*. If the Mayor wishes an additional list of names, the Mayor shall so notify the Panel within ten (10) days. Thereupon the Panel shall within ten (10) days send to the Mayor an additional list of three qualified persons for each place to be filled. The Mayor shall within twenty (20) days make an appointment or, as provided in the following sub-section, certify a nomination from either list for each place to be filled.

* * *

§ 12-208. Officers of the Board of Education; Their Duties.

(a) The officers of the Board of Education shall be a President, a Vice-President, [a Superintendent of Schools who shall be] *a* Secretary*,* and *a* Treasurer of the Board and such other officers as the Board may from time to determine and who shall have such duties as the Board shall prescribe.

(b) The Superintendent of Schools shall attend all meetings of the Board, and may attend all meetings of any Board committees, except those concerned with his own salary, benefits, or tenure. The Superintendent shall have the right to advise on any question or matter under consideration but shall have no right to vote.

[(c) As Secretary and Treasurer of the Board the Superintendent shall perform such duties pertaining to the business of the District as are required by law or as the Board may direct.]

§ 12-209. Organization and Procedures.

(a) The Board of Education shall hold an annual organization meeting on the first Monday of December and shall by a majority vote of all its members elect [a President and]*,* a Vice-President*, a Secretary, and a Treasurer* from among its members.

* * *

§ 12-210. School Auditors.

* * *

[(a) The Board of Education shall appoint the City Controller of the City as School Auditor for the purpose of conducting an annual post-audit of the finances of every department of the District, and of all persons handling the funds of the District, including the accounts of the receiver of school taxes, the Treasurer of the Board, school depositories, teachers' retirement funds, directors' association funds, sinking funds, and all other funds belonging to or controlled by the District. At the end of each fiscal year after conducting such audit the School Auditor shall certify to the Board that he has audited these accounts and report to the Board the result of such audit. A summary of the annual audit shall be published by the Board once a week for three successive weeks, beginning the first week after the audit has been furnished to the Board, in two newspapers of general circulation printed in the City. In addition to such publication, the Board shall make available to the public a reasonable number of copies of the complete audit report and shall, in its publication of the summary, state where copies may be obtained or inspected.

(b) The Board shall have the power to retain a competent and responsible firm of certified public accountants to conduct an annual objective and independent audit of the finances financial and performance audits of the School District and to review the audit reports of the School Auditor, and to report the results of such audit to the Board. The Board shall cause such report to be published in the same manner as the annual

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audit report of the School Auditor is required to be published.]

(a) The City Controller of the City, as School Auditor, shall audit at least annually the financial affairs of every department of the District, and of all persons handling the funds of the District, including the accounts of the receiver of school taxes, the Treasurer of the Board, school depositories, teachers' retirement funds, directors' association funds, sinking funds, all other funds belonging to or controlled by the District and, as far as may be necessary, the accounts of any other agency receiving funding from the District. An audit report shall be made on every audit.

Special audits of the affairs of any District department, unit, program, or function may be made whenever in the judgment of the City Controller they appear necessary, and shall be made whenever the District's governing body, the Mayor and / or City Council shall call upon the City Controller to make them.

Copies of all audit reports made by the School Auditor shall be submitted to the District, its governing body, the Mayor and to City Council.

(b) Recommendations. As the School Auditor, the City Controller of the City shall from time to time make recommendations to the District and its governing body or other agencies receiving funding from the District for the improved efficiency and economy of their operations involving the expenditure of District funds.

CHAPTER 3
THE BOARD OF EDUCATION; POWERS AND DUTIES

* * *

§ 12-301. Appointment, Compensation and Term of the Superintendent of Schools[.] and *the General Counsel, the Inspector General, the Chief Financial Officer, and the Chief Technology Officer.*

The Board of Education shall, by majority vote of all its members [, elect] *select* and fix the compensation of the Superintendent of Schools, *the General Counsel, the Inspector General, the Chief Financial Officer, the Chief Technology Officer, the Chief of Education, and the Chief of Vocational Education and Training,* whose term*s* shall be not more than six years, renewable at the discretion of the Board.

* * *

§ 12-309. Cooperative Agreements.

* * *

(b) Unless otherwise prohibited by law, the Board shall have the authority to extend to all children residing in the District any service, welfare benefit, or educational incentive provided by the District under programs sponsored by the District, or by any municipal, state, federal or non-profit private agency, and to admit any such child to any course or program which the Board shall determine to be the subject of a dual enrollment program *or a Vocational Education and Training Apprenticeship Program*. The Board shall have the authority to enter into such agreements or arrangements with any public*, private,* or non-profit agency as are necessary or proper to the effectuation of this section.

* * *

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§ 12-311. Education Policies.

The Board of Education within six months following the effective date of this legislation shall adopt a strategic plan for improving the overall quality of education. The strategic plan shall include the following: application of evidenced-based educational practice: redesign school funding systems to create equal access to stable educational resources; support a strong profession of teaching; and focus resources and investments that will have the greatest impact in student learning, including but not limited to, early childhood education, summer learning, technology, vocational education, including, Vocational Education and Training, quality curriculum, and well-qualified teachers.

CHAPTER 4
THE SUPERINTENDENT OF SCHOOLS; DUTIES AND POWERS

* * *

§ 12-404. Annual State of the Philadelphia School District Address.

The Superintendent shall deliver an annual state of the School District Address in City Council.

§ 12-405. Quarterly Meetings.

The Superintendent shall meet quarterly with the Mayor, Council Leadership, Chair of Council's Committee on Education, and Chief Education Advisor.

* * *

CHAPTER 5
THE INSPECTOR GENERAL OF SCHOOLS; APPOINTMENT, DUTIES AND POWERS

§ 12-500. Appointment.

The Board of Education shall appoint the Inspector General of Schools with the approval of Philadelphia City Council. The Inspector General of Schools' compensation and budget shall be set by the Board of Education.

§ 12-501. Duties and Powers.

The Inspector General of Schools shall investigate allegations of corruption, and conducts audits and reviews of Philadelphia School District operations, contracts, policies, and procedures that may violate law or Philadelphia School District policy. Reports shall be made to the Superintendent of Schools, the Philadelphia City Controller, and Philadelphia City Council.

CHAPTER 6
NON-PROFIT FUND

§ 12-600. A non-profit fund shall be established by the School District for use by each public school to allow

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the principal of each school to open an account to be used solely for the purpose of raising and spending funds to supplement the school's educational and other activities. There shall be no interference or fees assessed to the account outside of reimbursement for returned checks.

§ 12-601. The principal shall provide a monthly report of all financial activities, including income and expenditure, to the administrator of the non-profit fund.

CHAPTER [5] *7*
GENERAL POLICY; SEVERABILITY; REPEALER; EFFECTIVE DATE

[§ 12-500] *§ 12-700.* School District to be Part of the Public School System of Pennsylvania.

The School District of Philadelphia is and shall continue to be a part of the system of public education of the Commonwealth of Pennsylvania, and it shall be subject to all laws relating to school matters which are of statewide application, and to all rules and regulations promulgated by the Commonwealth's Department of Public Instruction under authority of such laws.

[§ 12-501] *§ 12-701.* Severability.

It is the intention of the electors of Philadelphia that if this Supplement to the Philadelphia Home Rule Charter cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any part or parts thereof, the remaining parts of this Supplement shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

[§ 12-502] *§ 12-702.* Repealer.

(a) The foregoing charter provisions shall supersede the following Acts or parts of Acts of Assembly, insofar as they apply to school districts of the first class but not to all classes of school districts:

Sections 302, 315, 401, 402, 403, 607, 631, 651, 653, 654, 657, 664, 665, 666, 1071, 1342, 2102, 2103, 2104, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2121, 2122, 2123, 2124, 2129, 2130, 2131, 2401(1) and 2421 of the Act of March 10, 1949, P.L. 30, as amended, and, in addition, Sections 632, 636 and 637 of the Act of March 10, 1949, P.L. 30, as amended, so far as they relate to the aggregate limit of debt which may be incurred by the District, but not so far as they relate to the temporary debt limits which may be incurred by the District or to the requirement of voter approval for an increase of indebtedness.

(b) To avoid any misapprehension, the voters of Philadelphia hereby declare that the following Acts or parts of Acts of Assembly, as amended, are not superseded by these charter provisions, notwithstanding the fact that they relate only to school districts of the first class:
Sections 229, 439, 603, 652, 655, 655.1, 656, 658, 659, 660, 661, 662, 707(4), 807, 1194, 1341, 1351, 1371, 1412, 1422, 1844(d), 2105, 2125, 2126, 2127, 2128, 2132, 2201, 2202, 2203, 2204, 2513 and 2525 of the Act of March 10, 1949, P.L. 30;
Act of May 10, 1951, P.L. 237; Act of May 10, 1951, P.L. 265; Act of May 29, 1951, P.L. 493; Act of July 8, 1957, P.L. 548; Act of November 19, 1959, P.L. 1552; Act of July 16, 1963, P.L. 254; Act of August 8, 1963, P.L. 591; Act of August 8, 1963, P.L. 592.

(c) The following Sections of the Philadelphia Home Rule Charter shall not apply to the Board of Education or to The School District of Philadelphia:

Sections 2-308 <http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:'HRC-2-308'%5d$jumplink_md=target-id=JD_HRC-2-308>, 3-306 <http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:'HRC-3-306'%5d$jumplink_md=target-id=JD_HRC-3-306>, 4-300 <http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:'HRC-4-300'%5d$jumplink_md=target-id=JD_HRC-4-300>, 4-400 <http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:'HRC-4-400'%5d$jumplink_md=target-id=JD_HRC-4-400>, Chapter 1 of Article 6, 6-500, 6-600, 6-601, 7-100, 7-102, 7-201, 7-300, 7-301, 7-302, 7-400, 7-401, 8-101, 8-103, Chapter 2 of Article 8, 8-406, 8-407 and 8-410. In all other respects the Philadelphia Home Rule Charter so far as pertinent shall apply to the Board and to the District.

[§ 12-503] *§ 12-703.* Effective Date.

(a) These charter provisions shall become effective on the first Monday of December, 1965, except that the provisions relating to the selection of the members of the Board of Education shall become effective immediately.

(b) The amendments to Sections 12-201, 12-202, 12-203, 12-204, 12-206 and 12-207, relating to the method of selection and term of office of members of the Board of Education, and relating to the Educational Nominating Panel, shall become effective on the first Monday of January, 2000. Members of the Board of Education who hold office on December 31, 1999 shall continue to hold office until their successors are appointed pursuant to the provisions of Section 12-201, as amended.

(c) A person who serves as a member of the Board of Education prior to the amendment of Section 12-201 may be appointed to the Board pursuant to the provisions of Section 12-201, as amended, provided that any person who served as a Board member for ten or more years shall not be eligible for further appointment to the Board.

(d) These amendments to this Charter shall take effect January 1, 2017.

Explanation:
[Brackets] indicate matter deleted.
Italics indicate new matter added.

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