

PROPOSED AMENDMENTS TO RESOLUTION NO. 180112

Note:

Bold indicates matter added to the resolution by these amendments.

[Brackets] indicate matter deleted from the resolution by these amendments.

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, creating a Parent and Community Advisory Council, 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 public hearings and the selection and removal of the Members of the Board of Education; 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:

ARTICLE XII PUBLIC EDUCATION

CHAPTER 1 THE HOME RULE SCHOOL DISTRICT

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§ 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 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, 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.

§ 12-202. Eligibility for Board Membership.

Members of the Board of Education shall *be residents of the City and meet any other applicable requirements of State law* ~~be 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: 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.

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

[Members of the Board of Education *may be removed by the Mayor for cause, including, but not limited to, neglect of duty, misconduct in office, conflicts of interest, inability to discharge the powers or duties of office, or serious violations of law. shall serve at the pleasure of the Mayor, except that if* 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.]

Members of the Board of Education 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.

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

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(b) The Panel shall within forty (40) days submit to the Mayor three names of qualified persons for every place on the Board of Education which is to be filled. 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 *by providing to Council, for its advice and consent, a name from the list* or, as provided in the following sub-section, certify a nomination from either list for each place to be filled.

(c) If the General Assembly of the Commonwealth shall have previously enacted enabling legislation permitting members of the Board of Education to be elected on a non-partisan basis, not later than September fifteenth of the odd-numbered year in which the legislation was enacted or the ensuing odd-numbered year, the Mayor shall select nine names from either one or two lists of 27 names submitted by the Educational Nominating Panel according to the procedure set forth in subsection (b) and, *subject to the advice and consent of Council*, shall certify those nine names to the county board of elections as his nominations for members of the Board of Education. In certifying the names of his nominees to the county board of elections the Mayor shall designate three of his nominees as candidates for terms of two years, three for terms of four years and three for terms of six years. The ballots or ballot labels shall not contain any party designation for any of the candidates nominated by the Mayor, and under each name there will be a space permitting the voter to write in the name of any other person. In every instance the Mayor's candidate will be elected if, but only if, he receives more votes than any other candidate whose name is written in. In every subsequent odd-numbered year, three members of the Board shall be nominated by the Mayor from names submitted to him by the Educational Nominating Panel and elected in the same manner provided by this subsection, and whenever a vacancy occurs the procedure for filling it shall be similar whether the vacancy be filled at a special election proclaimed by the Mayor or at a municipal election.

(d) The Educational Nominating Panel shall invite business, civic, professional, labor, and other organizations, as well as individuals, situated or resident within the City to submit for consideration by the Panel the names of persons qualified to serve as members of the Board of Education. *The Panel shall take appropriate steps to publicize the invitation and the selection process, including by advertising at least to the same extent as the City is required to advertise invitations to bid on City contracts pursuant to Section 8-200(2) of the Philadelphia Home Rule Charter.*

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CHAPTER 3

THE BOARD OF EDUCATION; POWERS AND DUTIES

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§ 12-311. Parent and Community Advisory Council

The Board of Education shall convene at least twice-yearly a Parent and Community Advisory Council comprised of stakeholders from across the City to consult on issues pertaining to educational policy and family and community engagement in schools.

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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 and 12-207 relating to the method of selection of the Board of Education and relating to the Educational Nominating Panel shall become effective upon approval by the voters of these amendments, and shall apply to all appointments made on or after the effective date, including appointments to fill vacancies.]

(d) The amendments to Sections 12-100, 12-201, 12-202, 12-204, and 12-207, and the amendment adding a new Section 12-311, all as set forth in Resolution No. 180112, approved March __, 2018, 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.

Explanation:

~~Strikethrough~~ indicates matter deleted.

Italics indicate new matter added.