

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: EMPLOYEES  
TITLE: Employment of District Staff  
ADOPTED: April 27, 1981  
REVISED: February 16, 2017

## 304 EMPLOYMENT OF DISTRICT STAFF

### Authority

The School Reform Commission places substantial responsibility for the effective management and operation of district schools and the quality of the educational program with its professional employees, as defined in the School Code, for administrative and support employees. [\[1\]](#)

In its dedication to excellence in education, the SRC is committed to the employment of staff who best meet the qualifications and requirements of the position.

The SRC shall, by a majority vote of all members, approve the employment and set the compensation for each administrative, professional and support employee employed by the district. The district shall take all reasonable measures to attract and maintain excellent and diverse candidates for all positions. [\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

No employee shall be required to reside within the City of Philadelphia as a condition of appointment or continued employment. [\[5\]](#)

No teacher or any other employee shall be employed who is related to any member of the SRC unless such employee receives the affirmative vote of a majority of all members of the SRC other than the member related to the applicant, who shall not vote. No teacher or other employee shall be supervised directly or indirectly by a relative, without explicit disclosure to the SRC and the approval of a majority of the members of the SRC. For purposes of this policy, relative shall be defined as father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle, or aunt. [\[10\]](#)

The SRC authorizes the limited use of administrative, professional and support employees prior to SRC approval when circumstances make it necessary to maintain the continuity of the educational program and services relating to instruction, safety, legal compliance, or school operations. Ratifications and any offers of employment or employment letters made through this

limited exception without approval by the SRC shall state clearly that continued employment is subject to SRC approval. Retroactive employment shall be recommended to the SRC at the next regular meeting.

The district shall use the standard application for professional and support positions. The district may establish and implement additional application requirements for administrative and professional employees.[\[11\]](#)

An employee's omission or misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the SRC.

Authorized appointments to positions subject to a collective bargaining agreement, or subject to mandated procedures, shall be considered and made consistent with such requirements.

### Pre-Employment Requirements

A candidate for employment in the district shall not receive a recommendation for employment without evidence of his/her certification when such certification is required.[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)

The district may apply for Emergency Permits for permanent or temporary openings for professional employees if the district is unable to locate a fully qualified individual who holds a valid and active teaching certificate in the appropriate subject area. The District makes Emergency Permit applications to the Pennsylvania Department of Education pursuant to its published regulations and guidance.<sup>1</sup>

The SRC may, however, employ professional and senior management employees who do not hold state certification if the SRC has approved the qualifications of the candidate at an established salary.[\[3\]](#)

If the Superintendent and SRC determine that the supply of certified teachers is inadequate to meet the educational needs of the district's language minority student population or would cause the interruption of suitable and essential programs of instruction for students, the district may hire otherwise qualified persons without current teaching certificates, other than an emergency permit, provided that individuals so employed shall enroll in a teacher certification program and successfully meet requirements to obtain an emergency permit each school year in which they are employed. [\[16\]](#)

The District may enter into an employment agreement with an individual as a temporary professional employee if:

- 1) within six months of the date of expected graduation from an approved Pennsylvania

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<sup>1</sup> 22 PA Code 49.31; Pa. Dept. of Educ. CSPG No. 13, available at:  
[http://www.education.pa.gov/Teachers%20-%20Administrators/Certifications/Pages/Certification-Policies-\(CSPGs\).aspx#tab-1](http://www.education.pa.gov/Teachers%20-%20Administrators/Certifications/Pages/Certification-Policies-(CSPGs).aspx#tab-1)

- college or university, the individual presents a letter verifying enrollment in an approved teacher preparation program in that institution; and
- 2) the individual will complete all requirements for the conferring of a bachelor's degree on a date certain as specified in the agreement;
  - 3) provided the individual is conferred a bachelor's degree prior to commencement of employment and the individual has obtained a valid teaching certificate from the Commonwealth of Pennsylvania as specified in the agreement. [\[12\]](#)<sup>2</sup>

The district shall conduct an employment history review in compliance with state law prior to issuing an offer of employment to a candidate. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate to civil and criminal penalties. The district may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law. [\[17\]](#)

A candidate shall not be employed or otherwise be placed in a school until s/he has complied with the mandatory background check requirements for criminal history and child abuse and the district has evaluated the results of that screening process. In order to ensure that district operations continue without interruption, the Superintendent or designee may make a determination that a thirty (30) day waiver of this requirement may be issued on a case-by-case basis, in accordance with law and prescribed procedures. Job offers made with a thirty (30) day waiver are contingent offers pending receipt of acceptable clearances. [\[18\]](#)[\[19\]](#)

The district may not consider candidates with certain criminal convictions for employment. [\[18\]](#) Under limited circumstances, when the nature of a particular offense does not raise any concerns that the candidate poses a danger specifically to school students or is otherwise unsuitable for school employment a [school official] may undertake a case-by-case due diligence investigation of the facts surrounding the offense. If the [school official] determines, in consultation with the OGC, that the nature of the offense as it relates to student safety should not preclude the candidate's employment, then the district may employ the candidate. When the district makes this limited exception to the Public School Code, it shall document the process used to come to the determination, the findings of the due diligence investigation and the analysis of School Code and applicable case law that justify the exception. The OGC shall support the [school official's] decision with a written opinion. The paramount consideration for the district in this analysis is student safety. Other factors include:

1. The time period that has elapsed since the offense.
2. Whether the offense was an isolated single event or was repeated.
3. The presence or absence of a subsequent criminal history.
4. The nature of the person's current position and whether the offense bears a relationship to the current position.
5. Whether the person was employed at a school when the crime occurred.

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<sup>2</sup> [24 P.S. 1109.1](#)

6. Whether the conduct occurred on the property of a school.
7. The employee's employment record with the school.
8. Any evidence of rehabilitation provided by the employee or prospective employee since the conviction for the applicable offense. [\[18\]](#)

Each candidate shall report, on the designated form, arrests and convictions of crimes. Candidates shall likewise report arrests and convictions of crimes that occur subsequent to initially submitting the form. Failure to accurately report such occurrences may subject the individual to disciplinary action, up to and including denial of employment, termination if already hired, and/or criminal prosecution.[\[18\]](#) [\[19\]](#)

### **Delegation of Responsibility**

The Superintendent or designee shall develop administrative procedures for recruiting, screening, testing, evaluating, and recommending candidates for employment, in accordance with SRC policy and federal, state and municipal laws and regulations.[\[20\]](#)

The Superintendent or designee shall apply necessary screening procedures to determine a candidate's ability to perform the job functions of the position for which a candidate is being considered.[\[21\]](#)

The Superintendent or designee may seek recommendations from former employers and others in assessing the candidate's qualifications. Recommendations and references shall be retained confidentially and for official use only.

The Superintendent or designee shall report annually to the SRC all assignments, including job titles and salaries, of employees made during the school year, all appointments exempt from SRC policies, and on any subjects as the SRC may deem necessary and proper.[\[22\]](#)

Each certificated administrative and professional employee employed by the district shall be responsible for maintaining a valid certificate when such certificate is required by law.[\[12\]](#)[\[13\]](#)[\[15\]](#)

### **Mandatory Regulatory Procedures**

#### **Special Education Paraprofessionals**

All instructional paraprofessionals hired by the district, who work under the direction of a certificated staff member to support and assist in providing instructional programs and services to students with disabilities or eligible students, shall have a secondary school diploma and one (1) of the following:[\[23\]](#)[\[24\]](#)

1. At least two (2) years of postsecondary study.
2. Associate's or higher degree.
3. Evidence of meeting a rigorous standard of quality through a state or local assessment.

Instructional paraprofessionals shall provide evidence of twenty (20) hours of staff development activities related to their assignment each school year.[\[23\]](#)

#### Personal Care Assistants

A personal care assistant provides one-to-one support and assistance to a student, including support and assistance in the use of medical equipment.[\[23\]](#)

Personal care assistants shall provide evidence of twenty (20) hours of staff development activities related to their assignment each school year. The twenty (20) hours of training may include training required by the School-Based Access Program.

#### Educational Interpreters

An educational interpreter is an individual who provides students who are deaf or hard of hearing with interpreting or transliterating services in an educational setting. To serve as an educational interpreter, an individual shall meet the qualifications set forth in law and regulations.[\[23\]](#)

#### Head Start Program Staff

The recruitment and selection of individuals, including district employees, who will work primarily for the Prekindergarten Head Start program, shall be in accordance with the policies and procedures approved by the Prekindergarten Head Start Policy Council and the SRC.[\[26\]\[27\]\[28\]](#)

#### **Exemptions**

This policy exempts the following, unless application of the policy provision is required by federal, state or municipal laws and regulations:[\[25\]](#)

1. Deputy Superintendents, Associate Superintendents, Assistant Superintendents, Regional Superintendents, directors of departments responsible directly to the Superintendent or

any Deputy Superintendent, and such personal assistants as the Superintendent may require.

2. Persons employed by contract to perform special services for the district where the Superintendent certifies that such services cannot be performed at the same level by district employees, or would be more cost-effective and not prohibited by law.
3. Persons temporarily appointed or designated to make or conduct a special inquiry or study, or to perform a special service of a unique character which cannot or should not be performed by district employees.
4. In addition, The Superintendent, with SRC approval, may exempt no more than five percent (5%) of district professional employees.

The Superintendent shall report annually to the SRC all appointments of professional employees that were exempted from SRC policies and administrative procedures, including the titles of the positions to which such assignments are made, the duties and responsibilities assigned, and the salaries and benefits received by the appointee(s).[\[22\]](#)

**Legal References:**

1. 24 P.S. 1101
2. 24 P.S. 406
3. 24 P.S. 696
4. 24 P.S. 1089
5. 24 P.S. 1106
6. 24 P.S. 1107
7. 24 P.S. 1142-1152
8. 22 PA Code 4.4
9. Pol. 328 - Compensation Plans/Salary Schedules
10. 24 P.S. 1111
11. 24 P.S. 1204.1
12. 24 P.S. 1109
13. 24 P.S. 1201
14. 24 P.S. 2070.2
15. 22 PA Code 49.1 et seq
16. 24 P.S. 1109.1
17. 24 P.S. 111.1
18. 24 P.S. 111
19. 23 Pa. C.S.A. 6344

20. Pol. 104 - Nondiscrimination in Employment Practices
21. 42 U.S.C. 12112
22. Philadelphia Home Rule Charter - 12-401
23. 22 PA Code 14.105
24. Pol. 113 - Special Education
25. Philadelphia Home Rule Charter - 12-308
26. 42 U.S.C. 9837
27. 45 CFR 1301.31
28. 45 CFR 1304.50
29. 22 PA Code 49.31

**Related Information:**

24 P.S. 108

24 P.S. 1109.2

22 PA Code 8.1 et seq

22 PA Code 403.2

22 PA Code 403.4

22 PA Code 403.5

18 Pa. C.S.A. 9125

23 Pa. C.S.A. 6301 et seq

42 U.S.C. 12101 et seq

Pol. 317 - Conduct/Disciplinary Procedures

*Johnson v. Allegheny Intermediate Unit*, 59 A.3d 10, 2012 Pa. Commw. LEXIS 329, 2012 WL 6200630 (Pa. Commw. Ct. 2012); *Jones v. Penn Delco Sch. Dist.*, 2012 PA. Cmmw. Unpub. LEXIS 955, 2012 WL 8668277; *Croll v. Harrisburg Sch. Dist.*, 2012 Pa. Cmmw. Unpub LEXIS 957, 2012 WL 8668130.