

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 000

SECTION: Board

Procedures/Bylaws

TITLE: Foundations & Basic
Commitments

ADOPTED: August 16, 2018

REVISED:

000. FOUNDATIONS & BASIC COMMITMENTS

Purpose

A school board is a legal entity for providing a system of public education within each school district in the Commonwealth of Pennsylvania. [1][2][3]

The Board of Education (“The Board”) is the governing body responsible for overseeing all policies and budgetary decisions of the School District of Philadelphia (“The District”). Additionally, the Board serves as the authorizer for all charter schools in Philadelphia. The Board is made up of nine Board Members who serve collectively in the best interest of every student in Philadelphia. [1][2][3][4][6]

Definitions

Administrative Procedures - written documents based on policy that outline and describe the means by which a policy should be implemented, specific responsibilities or action steps, consequences for violations, and could include sample forms or guides.

Board Policies - general written statement by the Board defining its expectations or position on a particular matter and authorizing or delegating responsibilities to implement appropriate actions to govern those expectations. Board policies authorize a framework within which the Superintendent and staff can implement assigned duties with positive direction. Policies are broad principles adopted by the Board to chart a course of action. Policies are guides for action by the administration, who then sets the rules and regulations to provide specific directions to school district personnel through administrative procedures.

Authority

The Board shall have all of the powers and duties granted to it by the Public School Code of 1949 as amended, Article III of the Pennsylvania Constitution, Article XII of the Philadelphia Home Rule Charter and applicable federal and state laws and regulations. [1][2][3][4][5]

The Board, in accordance with its statutory mandate, shall adopt policies for its own operation and the guidance of the Superintendent in the operation of the school district in a Policy Manual. Board policies shall be consistent with law, have a rational and substantial relationship to a

legitimate purpose of the Board, and be directed towards the maintenance and support of a thorough and efficient system of public education in this district.[1][3][4][5]

The Board shall establish and approve such schools, District and charter, as are required for the education of every student residing in Philadelphia between the ages of six (6) and twenty-one (21) years who may attend school. [1][4][5]

Collective authority is granted to The Board to represent the residents of Philadelphia in matters of public education. It shall establish educational goals and academic standards for District schools and govern an educational program designed to meet those goals and standards to support student achievement. The Board shall provide direction for establishing, maintaining and evaluating educational programs in public schools, and for enforcing mandatory laws and regulations through the maintenance of a Policy Manual.[1][3][4][5]

The powers of the Board are not vested in the individual Member or Officer(s). No such individual is authorized to act on behalf of the Board to carry out any of the Board's authorized powers, except for those acts stated in law.[1]

The Board shall adopt policies to manage its own operations and set a clear, positive direction for the Superintendent in operation of the school district. Policies shall be periodically amended by the Board, pursuant to statutory mandates, in keeping with applicable laws. Board policies shall be consistent with law, have a rational and substantial relationship to a legitimate purpose of the Board, and be directed towards the maintenance and support of a thorough and efficient system of public education in this district.[1]

As applicable, all members of the school community are expected to comply with both Board policy and administrative procedures, subject to stated limitations and exceptions. However, failure of the Board or the Administration to comply with policy or administrative procedures shall not invalidate any lawful action taken.[1][5]

Delegation of Responsibility

The composition, organization, duties, and powers of the Board are prescribed by the Public School Code of 1949, Home Rule Charter, and other applicable law. The Board shall exercise its collective authority in public meetings through a majority vote. [1][2][3][4][5]

As a collective body, the Board shall set clear, aligned goals that drive decision-making and policy-making to foster strategic planning and investments in support of student achievement.

In carrying out their duties as the governing body, the Board shall:

1. Adopt operating and capital budgets;
2. Approve investments that align with the Board's priorities;
3. Appoint and evaluate the Superintendent of Schools;
4. Consider the values and voice of all stakeholders;
5. Evaluate progress towards the District's goals;
6. Communicate to the public the Board's priorities, goals, policies, and accomplishments;
and
7. Establish and communicate a process by which to seek public input.

As individual members and public officials, it is the duty of Board Members to build public confidence in their management of the School District and operate under the highest ethical standards.

In carrying out their duties as a member of the Board, a Board Member shall:

1. Participate in Board meetings and follow parliamentary procedures;
2. Govern by adopting Board policies; and
3. Act in a reasonable manner in the best interest of the Philadelphia's public school students.

The Board may include language within each policy to delegate responsibilities to the Superintendent or designee to create, implement, and review administrative procedures. Administrative procedures are not part of Board policy and may be altered by the administration without formal action by the Board. Administrative procedures shall not conflict with Board policy or with applicable law.

Limitations

Board policies and administrative procedures are not intended and shall not be construed to supersede or preempt any applicable law. All Board policies and administrative procedures shall be interpreted and administered consistent with applicable law. The Board shall make the final interpretation of its policies, and the administration shall make the final interpretation of its procedures, subject to any review as determined by the Board.

Board policies and administrative procedures are not intended to create a cause of action not independently established in law.

Board policies and administrative procedures shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employees, residents or others within the school community beyond those established by law.

Rules Of Construction

In ascertaining the intent of the Board in adopting a policy of the Administration in establishing a procedure, the following presumptions, among other legally applicable presumptions, may be used:

- a. That neither the Board nor the administration intends a result that is absurd, impossible to execute, or unreasonable.
- b. That neither the Board nor the administration intends to violate federal or state Constitutions, Home Rule Charter or any other applicable law.
- c. That the Board and the administration intend that the language used be interpreted using its ordinary meaning unless the policy or procedure explicitly defines the language otherwise.

If any policy or administrative procedure can be given multiple interpretations, the Board and the

administration intend that only constitutional and lawful interpretations shall be valid, and that neither an unconstitutional nor an unlawful interpretation was intended.

Legal References:

1. [Public School Code](#) – 24 P.S. Secs. 211, 407, 501, 502, 502.1, 503, 510, 511, 693, 696, 801, 803, 1301, 1717-A, 1844
2. [Pennsylvania Constitution](#) – PA Const. Art. III Sec. 14
3. [Home Rule Charter](#) – Secs. 12-209, 12-300, 12-308, 12-200, 12-209, 12-300, 12-305, 12-308, 12-500
4. [First Class City Public Education Home Rule Act](#) – 53 P.S. Sec. 13201 et seq.
5. [State Board of Education Regulations](#) – 22 PA Code Sec. 4.13
6. Board Policy – 000, 001, 002

Related Information:

1. Pa Sunshine Act
2. Public Official and Employee Ethics Act