

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: Board
Procedures/Bylaws
TITLE: Employment of
Superintendent
ADOPTED: June 27, 1994
REVISED: August 16, 2018

002.2 EMPLOYMENT OF SUPERINTENDENT

Purpose

The Board of Education places the primary responsibility and authority for the administration of the district in the Superintendent. Therefore, selection of a Superintendent is critical to the effective leadership and management of the district.[1]

The Superintendent shall be the chief administrative and instructional officer of the district and shall be responsible for the implementation of all actions of the Board, the administration and operation of the schools subject to the policies of the Board, and the supervision of all matters pertaining to instruction in all programs under the direction of the Board.[18]

Authority

During the last year of the Superintendent's term or any other time the position of Superintendent becomes vacant, the Board shall meet to appoint, by a majority vote of all members of the Board, a properly qualified district Superintendent.[2][3][24]

The Board shall set the compensation and term of office for the Superintendent. The term shall be three to five years from the first day of July next following the appointment, renewable at the discretion of the Board.[3][24]

Whenever the Board finds it impossible or impractical to immediately fill a vacancy in the office of Superintendent, the Board may appoint an acting Superintendent to serve not longer than one (1) year from the time of appointment.[4]

In the event the Board appoints an acting Superintendent, the Board shall approve and document the recruitment and assessment procedures to be used to permanently fill such vacancy in accordance with Board policy.

Mandatory Regulatory Procedures:

Recruitment and Assessment of Candidates

The Board shall actively seek candidates who meet the qualifications and requirements for the position of Superintendent. It may be aided in this task by a committee of Board members and/or the services of professional consultants.

When undertaking a search to fill the position of Superintendent, recruitment procedures shall be prepared and may include the following:

1. Preparation of a job description for the position, written in accordance with the requirements of federal and state laws and regulations.[5]
2. Preparation of written qualifications, in addition to applicable state requirements, for all applicants.[6][7][8][9][10]
3. Preparation of informative materials describing the school district, the Superintendent position, and the district's educational goals.
4. Opportunity for selected applicants to visit the district schools, meet with internal staff and external stakeholders at the Board's invitation.

Recruitment, screening and evaluation of candidates shall be conducted in accordance with Board policy, Board established leadership criteria and state and federal law.[5]

The Board shall determine prior to interviewing finalists which expenses associated with such interviews will be reimbursed by the school district.

A candidate's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

Pre-Employment Requirements

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.[11]

A candidate shall not be employed until the individual 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.[12][13]

Each candidate shall report, on the designated form, all arrests and convictions as specified on the form. Candidates shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, termination if already hired, and/or criminal prosecution.[13]

Before entering the duties of the office, the Superintendent shall take and subscribe to the oath of office prescribed by law.[14]

After receiving a conditional offer of employment but prior to beginning employment, the candidate shall undergo medical examinations, as required by law and as the Board may require.[15]

Employment Contracts

An individual shall not be employed as Superintendent unless s/he has signed an employment contract expressly stating the terms and conditions of employment. The written contract shall:[3]

1. Contain the mutual and complete agreement between the Superintendent and the Board with respect to the terms and conditions of employment.
2. Consistent with state certification requirements, specify the duties, responsibilities, job description and performance expectations, including performance standards and assessments as required by law.[16][17][18]
3. Incorporate all provisions relating to compensation and benefits to be paid to or on behalf of the Superintendent.[19]
4. Specify the term of employment and state that the contract shall terminate immediately, except as otherwise provided by law, upon the expiration of the term unless the contract is allowed to renew automatically as required by law.[3]
5. Specify the termination, buyout and severance provisions, including all post employment compensation and the period of time in which the compensation shall be provided. Termination, buyout and severance provisions may not be modified during the course of the contract or in the event a contract is terminated prematurely.
6. Contain provisions relating to outside work that may be performed, if any.[20][21]
7. State that any modification to the contract must be in writing.
8. State that the contract shall be governed by the laws of the Commonwealth.
9. Specify postretirement benefits and the period of time in which the benefits shall be provided.

Renewal

In order to renew the contract of a Superintendent, the Board shall notify the Superintendent of its intent to retain him/her for a further term through a majority vote of the Board at a regular meeting of the Board occurring at least ninety (90) days prior to the expiration date of the Superintendent's term of office. In the event that the Board fails to take such action, the Superintendent shall continue in office for a further term of one (1) year. Upon the conclusion of

this year, the Superintendent's term of office shall terminate unless the Board has taken action, in accordance with this policy, to retain the Superintendent. [3]

Removal/Severance

A Superintendent may be removed from office and have his/her contract terminated, after a hearing, by a majority vote of all members of the Board and in accordance with law. The Board shall publicly disclose at the next regularly scheduled meeting the removal from office of a Superintendent. [22][23]

Any negotiated severance of employment prior to the end of the term of the Superintendent's specified contract term shall be limited to either: [3]

1. The equivalent of one (1) year's compensation and benefits due under the contract, if the severance agreement takes effect two (2) or more years prior to the end of the contract term; or
2. The equivalent of one-half (1/2) of the total compensation and benefits due under the contract for the remainder of the term, if the severance agreement takes effect less than two (2) years prior to the end of the contract term.

Legal References:

1. 24 P.S. 1001
2. 24 P.S. 1071
3. 24 P.S. 1073
4. 24 P.S. 1079
5. Pol. 104 - Nondiscrimination in Employment Practices
6. 24 P.S. 1002
7. 24 P.S. 1003
8. 24 P.S. 1078
9. 22 PA Code 49.41
10. 22 PA Code 49.42
11. 11. 24 P.S. 111.1
12. 23 Pa. C.S.A. 6344
13. 24 P.S. 111
14. 24 P.S. 1004
15. Pol. 314 - Physical Examinations
16. 24 P.S. 1073.1
17. 24 P.S. 1081
18. Pol. 002 - Functions

- 19. 20. 24 P.S. 1075
- 20. 24 P.S. 1007
- 21. 24 P.S. 1008
- 22. 2 Pa. C.S.A. 551 et seq
- 23. 24 P.S. 1080
- 24. Philadelphia Home Rule Charter - 12-301

Related Information:

- 24 P.S. 108
- 24 P.S. 696
- 24 P.S. 1418
- 22 PA Code 8.1 et seq
- 22 PA Code 49.171
- 22 PA Code 49.172
- 28 PA Code 23.43
- 28 PA Code 23.44
- 28 PA Code 23.45
- 18 Pa. C.S.A. 9125
- 23 Pa. C.S.A. 6301 et seq
- 42 U.S.C. 12101 et seq
- Philadelphia Home Rule Charter - 12-400