

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 002

SECTION: Board Bylaws

TITLE: Authority and Power

ADOPTED: August 16, 2018¹

REVISED: October 19, 2023

002 AUTHORITY AND POWER

Purpose

The Board of Education (“Board”) provides a system of public education within the City of Philadelphia. This policy sets forth generally the Board’s authority, powers, and core duties of the Board and individual Board Members.

Authority

The Board is the collective body constituted to: (1) serve as the governing body responsible for overseeing all policies and budgetary decisions of the District; (2) appoint, manage, direct, and evaluate the Superintendent; and (3) authorize all charter schools in Philadelphia. [1][2][3][4][5]

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][6][7][8][9][10][11][12][13][14][15][16][17]

The Board shall establish and/or approve such schools, District and charter, as are required for the education of every eligible student residing in the City of Philadelphia who may attend school; and shall adopt rules and regulations for the management of school affairs and the conduct and department of employees and students; and shall levy and collect taxes as may be necessary, in addition to the annual state appropriation, for the exercise of aforesaid powers. [2][4][11][12][13][15][17][18][19][20][21][22][23][24][25][26][27][28]

The Board represents 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 District schools, and for enforcing mandatory laws and regulations. Pursuant to this authority, the Board has authorized Goals and Guardrails, its governance framework, as a tool to align and prioritize District resources to support student achievement. [3][4][7][8][9][11][12][13][14][18][23][27][29]

The powers of the Board are not vested in the individual Board 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

¹ This policy was originally adopted as Policy 000: Foundations and Basic Commitments

powers, except for those acts stated in law. [3][4][6][7]

The Board shall adopt and memorialize policies in a Policy Manual to manage its own operations and to guide the Superintendent in the operation of the District that, where applicable, align to the Board's Goals and Guardrails. [18][30]

Failure of the Board or the Administration to comply with policy, Board Operating Guidelines, or administrative procedures shall not invalidate any lawful action taken. [3][4][6][7][12][13][18]

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

1. Adopt operating and capital budgets; [31]
2. Approve investments that align with the Board's Goals and Guardrails; [14]
3. Appoint and evaluate the Superintendent of Schools; [32]
4. Adopt policies for its own operation and for the guidance of the Superintendent in the operation of the District; [31]
5. Consider the values and interests of all stakeholders;
6. Evaluate and audit progress towards the District's goals; [14]
7. Communicate to the public the Board's, Goals and Guardrails, policies, and accomplishments; [33]
8. Serve as authorizer of Philadelphia Charter Schools pursuant to the Charter School law; [34]
9. Serve as Board of Directors for Intermediate Unit 26; [35]
10. Establish and communicate a process by which to seek public input; [34]
11. Establish and maintain non-voting Student Representatives; [29][36] and
12. Establish and maintain a Parent and Community Advisory Council. [37][38]

As individual members and public officials, it is the duty of Board Members to build public confidence in their management of the District and operate under the highest ethical standards. [39]

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;
3. Act in a reasonable manner in the best interest of the Philadelphia's public school students; and
4. Follow the Board's Principles of Governance and Leadership. [40]

Legal References:

1. [PA Const. Art. III Sec. 14](#)
2. [Home Rule Charter](#) §12-100 et seq.
3. [24 P.S.](#) §2-211
4. [24 P.S.](#) §3-301
5. [Home Rule Charter](#) §12-301
6. [24 P.S.](#) §4-407
7. [24 P.S.](#) §5-510
8. [Home Rule Charter](#) §12-209
9. [Home Rule Charter](#) §12-300
10. [Home Rule Charter](#) §12-303

11. [First Class City Public Education Home Rule Act](#) – 53 P.S. § 13201 et seq.
12. [State Board of Education Regulations](#) – 22 PA Code §4.12
13. [State Board of Education Regulations](#) – 22 PA Code §4.13
14. [Policy](#) 003.1 - Goals and Guardrails
15. [24 P.S.](#) §5-503
16. [24 P.S.](#) §5-507
17. [24 P.S.](#) §5-501
18. [24 P.S.](#) §5-502
19. [Home Rule Charter](#) §12-201
20. [Home Rule Charter](#) §12-305
21. [24 P.S.](#) §5-502.1
22. [24 P.S.](#) §5-511
23. [24 P.S.](#) §8-801
24. [24 P.S.](#) §8-803
25. [24 P.S.](#) §13-1301
26. [24 P.S.](#) §13-1302
27. [24 P.S.](#) §14-1411
28. [24 P.S.](#) §18-1844
29. [Home Rule Charter](#) §12-200
30. [Policy](#) 003.2 - Policy Setting
31. [Policy](#) 604 - Budget Adoption
32. [Policy](#) 003.3 - Employment of the Superintendent
33. [Policy](#) 007 - Public Engagement
34. [24 P.S.](#) §17-1717A
35. [24 P.S.](#) §9-902A
36. [Policy](#) 004.1 - Non-Voting Student Board Representatives
37. [Policy](#) 004.2 - Parent and Community Advisory Council
38. [Home Rule Charter](#) §12-311
39. [Policy](#) 008 - Ethics Policy
40. [Policy](#) 009 - Principles of Governance and Leadership

Related Information:

1. [Pennsylvania Sunshine Act](#)
2. [Public Official and Employee Ethics Act](#)