

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 003

SECTION: Board Bylaws

TITLE: Functions

ADOPTED: August 16, 2018¹

REVISED: October 19, 2023

003 FUNCTIONS

Purpose

The Board of Education (“Board”) shall govern The School District of Philadelphia (“District”) and conduct its duties as Philadelphia’s charter authorizer by performing the functions and key responsibilities set forth within this policy.

Authority

The Pennsylvania Public School Code and Philadelphia Home Rule Charter permit the Board to adopt and enforce reasonable rules and regulations as it may deem necessary and proper for its governance as well as the management of the affairs of The School District of Philadelphia (“District”) and its operations. [1][2][3]

Legislative Responsibility

The Board is the policy making body for the District. The Board shall establish, review, and adopt policies for the organization and operation of the District. Board policies must be maintained in a Policy Manual which is accessible to the public, employees, students, family members, community members, and Philadelphia residents.

[2][3][4][5][6][7][8][9][10][11][15][16][18][19]

Fiduciary Responsibilities

The Board shall exercise its fiduciary responsibilities and duties as required by applicable law, including but not limited to the following: [20][21][22][23][24][25][26]

- Review of budgets, financial statements, and accounting practices;
- Ensure proper internal controls, compliance, safeguarding of assets; and
- Authorize the District’s budgetary and financial decisions.

Executive Responsibility

The Board shall exercise its governance responsibility by the appointment of a District Superintendent, who shall enforce the statutes of the Commonwealth, Board policies, and all applicable laws and regulations. The Superintendent shall be appointed and annually evaluated by

¹ This policy was originally adopted as Policy 002: Functions

the Board in accordance with established Board Operating Guidelines and evaluation criteria. [2][3][4][5][7][8][12][13][14][15][16][17][27][28][29]

The Superintendent shall be responsible for implementing Board policies and establishing Administrative Procedures for the operation of the District. Administrative Procedures shall not be inconsistent with state and federal statutes or regulations and Board policies. The Board reserves the right to review and to direct revisions of Administrative Procedures when it considers the procedures to be inconsistent with Board policy or District practices. However, the Board shall not adopt Administrative Procedures unless required by law or requested by the Superintendent. [3][15][16][17]

The Board delegates authority to the Superintendent to take necessary action in circumstances not provided for in Board policy. The Superintendent shall promptly inform the Board of such actions and the Superintendent's decision may be subject to review by the Board.

The Superintendent shall implement a procedure to inform Board Members and designated employees of their responsibility under the Ethics Law. [30]

Whenever responsibility is delegated to the Superintendent, the Superintendent may designate a representative to act on their behalf.

The Board establishes and oversees the Office of the Board of Education and delegates administrative operations of this office to the Board Chief of Staff.

The Board shall receive direct support from the General Counsel who dual reports to the Board and Superintendent.

The Board also establishes and oversees the Charter Schools Office, Office of Auditing Services, and the Office of Inspector General. [31][32][33]

Review

The Board may exercise jurisdiction over controversies or disputes arising within the District. The Board's jurisdiction may be conveyed by statute or reserved by the Board through contract or Board policy. [2][3][4][5][6][7][10][11][15][20][21]

Pursuant to its jurisdiction and in furtherance of its adjudicatory function, the Board may hold hearings in accordance with law which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter. [34]

The Board shall comply with and adhere to the necessary requirements of due process. Hearings may vary in form and content. To the extent permitted by law, the Board may delegate the responsibility of conducting hearings to a hearing officer, while still retaining legal obligations for final adjudication of the dispute. [34]

Legal References:

1. [24 P.S.](#) §5-505
2. [24 P.S.](#) - §5-510

3. [Home Rule Charter](#) - §12-209
4. [Public School Code](#) – 24 P.S. §4-407
5. [Public School Code](#) – 24 P.S. §5-508
6. [Public School Code](#) – 24 P.S. §5-511
7. [Public School Code](#) – 24 P.S. §5-514
8. [Public School Code](#) – 24 P.S. §6-696
9. [Public School Code](#) – 24 P.S. §11-1106
10. [Public School Code](#) – 24 P.S. §17-1717-A
11. [Public School Code](#) – 24 P.S. §17-1729-A
12. [Public School Code](#) – 24 P.S. §10-1001
13. [Public School Code](#) – 24 P.S. §10-1081
14. [Public School Code](#) – 24 P.S. §17-1715-A
15. [Home Rule Charter](#) – §12-300
16. [Home Rule Charter](#) – §12-301
17. [Home Rule Charter](#) – §12-400
18. [65 P.S. §67.701](#)
19. [Policy](#) 003.2 - Policy Setting
20. [Home Rule Charter](#) – §12-303
21. [Home Rule Charter](#) – §12-304
22. [Policy](#) 007 - Public Engagement
23. [Policy](#) 602 - Budget Planning
24. [Policy](#) 603 - Budget Preparation
25. [Policy](#) 604 - Budget Adoption
26. [Policy](#) 616 - Payment of Bills
27. [Policy](#) 003.3 - Employment of the Superintendent
28. [Policy](#) 003.1 - Goals and Guardrails
29. [Action Item 28](#) from December 10, 2020 meeting
30. [Public Officials and Employee Ethics Act](#) – 65 Pa. C.S.A. Sec. 1101 et seq.
31. [Policy](#) 400 - Charter School Monitoring Structures
32. [Policy](#) 1100 - Office of Auditing Services
33. [Policy](#) 1200 - Office of Inspector General
34. [Local Agency Law](#) – 2 Pa. C.S.A. Sec. 551 et seq.