

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 003.3

SECTION: Board Bylaws

TITLE: Employment of
Superintendent

ADOPTED: June 27, 1994¹

REVISED: October 19, 2023

003.3 EMPLOYMENT OF SUPERINTENDENT

Purpose

This policy sets forth the Board of Education's ("Board") recruitment, pre-employment, employment, renewal, removal/severance, and succession/transition planning policies for the Superintendent of The School District of Philadelphia ("District").

Authority

The Public School Code and Home Rule Charter authorize the Board, by majority vote of all its members, to elect and fix the compensation of the Superintendent of Schools, whose term shall be not more than six years, renewable at the discretion of the Board.

[1][2][3][4][5]

Whenever the Board finds it impossible or impractical to immediately fill a vacancy in the office of Superintendent, the Board is authorized to appoint an acting Superintendent to serve not longer than one (1) year from the time of appointment. [6]

Core Requirements

Search Preparation

The Board shall engage the larger Philadelphia community when developing the job specifications for recruiting, hiring, and on-boarding a new Superintendent. This public engagement shall include, but not be limited to: community listening sessions and the development of a Superintendent Search Advisory Committee. The Board may procure the services of a search firm to assist with search preparation. [7][8][9]

Recruitment and Assessment of Candidates

The Board shall actively seek candidates who meet the qualifications and requirements for the position of Superintendent as established by the Public School Code Pennsylvania Department of Education regulations, and the Board. It may be aided in this task by a work group of Board Members and/or the services of a search firm. [8][9]

When undertaking a search to fill the position of Superintendent, recruitment procedures shall be

¹ This policy was originally adopted as Policy 002.2: Employment of the Superintendent

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 and in alignment to the Board's Goals and Guardrails. [10][11]
2. Preparation of written qualifications, in addition to applicable state requirements, for all applicants. [12][13][14][15][16]
3. Preparation of informative materials describing the District, the Superintendent position, and the District's educational goals.
4. Opportunity for selected applicants to visit District schools and 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 local, state and federal law. [10]

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

A candidate's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board either before or after hiring, in accordance with law.

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 also 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 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. [18][19][20]

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. [19][20]

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. [21][22][23]

Before entering the duties of the office, the Superintendent shall meet state requirements and take and subscribe to the oath of office prescribed by law. [24]

Employment Contracts

An individual shall not be employed as Superintendent unless they have signed an employment contract expressly stating the terms and conditions of employment. The written contract shall: [4]

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. [25][26]
3. Incorporate all provisions relating to compensation and benefits to be paid to or on behalf of the Superintendent. [27]
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. [4]
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. [28][29]
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.

Transition and On-Boarding Planning

To ensure proper continuity of leadership, the Superintendent shall always have at least two (2) other executives on their leadership team sufficiently familiar with the Board and District matters and processes to enable either or both in combination to take over with reasonable proficiency as an acting Superintendent. Upon request by the Board, the Superintendent shall provide this succession plan to the Board in writing. If necessary, the Board, not the outgoing Superintendent, shall appoint an acting Superintendent to serve not longer than one (1) year from the time of their appointment. [6]

To identify a new Superintendent, the Board may authorize the use of a search firm. In on-boarding a new Superintendent the Board may also authorize internal and/or external transition support necessary to prepare the incoming Superintendent to assume and carry out their official duties. These can include but may not be limited to:

1. office space
2. expert or consultant services
3. travel, relocation, and/or legal expenses
4. communication services
5. equipment and supplies
6. printing and binding expenses
7. shipping and mail
8. briefings, workshops, or other orientation activities

To procure the aforementioned search firm and/or transition supports, the Board may waive, to the

extent permitted by law, any requirements of Policy 610, Purchases Subject To Competitive Process. [8][9]

Evaluation of the Superintendent

On an annual basis, the Board shall evaluate the performance of the Superintendent in accordance with the Board's Goals and Guardrails Policy. [11][25]

Renewal

In order to renew the contract of a Superintendent, the Board shall notify the Superintendent of its intent to retain or not retain them for a further term through a majority vote of the Board at a regular public 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 subject to the same terms of their expiring contract. Upon the conclusion of this additional year, the Superintendent's term of office shall terminate unless the Board has taken action, in accordance with this policy, to retain the Superintendent. [4]

Removal/Severance

A Superintendent may be removed from office and have their 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. [30][31]

Legal References:

1. [24 P.S.](#) §5-505
2. [24 P.S.](#) §5-510
3. [Philadelphia Home Rule Charter](#) - §12-209
4. [24 P.S.](#) §10-1073
5. [Philadelphia Home Rule Charter](#) - §12-301
6. [24 P.S.](#) §10-1079
7. [Policy](#) 007 - Public Engagement
8. [Policy](#) 610 - Purchases Subject To Competitive Process
9. [Policy](#) 611 - Exception to Purchases Subject to a Competitive Process
10. [Policy](#) 348 - Harassment and Discrimination - Employees
11. [Policy](#) 003.1 - Goals and Guardrails
12. [24 P.S.](#) §10-1002
13. [24 P.S.](#) §10-1003
14. [24 P.S.](#) §10-1078
15. [22 PA Code](#) §49.41
16. [22 PA Code](#) §49.42
17. [24 P.S.](#) §11-111.1
18. [23 Pa.](#) C.S.A. §6344
19. [24 P.S.](#) §11-1111
20. [Policy](#) 304 - Employment of District Staff

21. [24 P.S.](#) §14-1418
22. [22 Pa. Code](#) §23.43
23. [22 Pa. Code](#) §23.44
24. [24 P.S.](#) §10-1004
25. [24 P.S.](#) §10-10073.1
26. [24 P.S.](#) §10-1081
27. [24 P.S.](#) §10-10075
28. [24 P.S.](#) §10-1007
29. [24 P.S.](#) §10-1008
30. [2 Pa. C.S.A.](#) 551 et seq
31. [24 P.S.](#) §10-1080

Related Information:

1. [24 P.S.](#) 108
2. [24 P.S.](#) 696
3. [24 P.S.](#) 1418
4. [22 PA Code 8.1 et seq](#)
5. [22 PA Code 49.171](#)
6. [22 PA Code 49.172](#)
7. [28 PA Code 23.43](#)
8. [28 PA Code 23.44](#)
9. [28 PA Code 23.45](#)
10. [18 Pa. C.S.A. 9125](#)
11. [23 Pa. C.S.A. 6301 et seq](#)
12. [42 U.S.C. 12101 et seq](#)
13. [Philadelphia Home Rule Charter - 12-400](#)
14. [State Superintendent PK-12 Letter Requirements](#)
15. [003.3 Employment of the Superintendent](#) Board Operating Guidelines
16. [Procurement Manual](#)