

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 006

SECTION: Board Bylaws

TITLE: Meetings

ADOPTED: August 16, 2018<sup>1</sup>

REVISED: October 19, 2023

## 006 MEETINGS

### **Purpose**

This policy sets forth the conduct and order of business for all Board of Education (“Board”) meetings. The Board reaffirms the right of the public to be present at all public regularly scheduled and special meetings of the Board. The Board also reaffirms the right of the public to have a reasonable opportunity to comment on matters of concern, matters being considered for official action of the Board, and matters that are or may come before the Board. [1][2][3][4][5][6][7][8][9][10]

The Board encourages the public to attend Board meetings and to participate in public comment opportunities, and believes the public’s involvement in education issues is critical to the academic success of The School District of Philadelphia’s (“District”) students.

### **Authority**

The Public School Code and Philadelphia Home Rule Charter permit the Board to adopt and enforce such reasonable rules and regulations as it may deem necessary and proper for its governance as well as the management of the affairs of the District and its operations.[10][11][12][13][14]

### **Core Requirements**

#### *Parliamentary Authority*

All Board meetings shall be conducted in an orderly and business-like manner. A parliamentary procedure based on Robert’s Rules of Order shall govern the Board in its deliberations in all cases where it is not inconsistent with applicable law or other Board policy. The Board’s General Counsel shall function as the parliamentarian for the Board.

#### *Quorum*

A quorum of the Board shall be a majority of the Board Members appointed. No business shall be transacted at a meeting without a quorum of the Board present, but the Board Members present at such a meeting may adjourn to another time. [2]

#### *Presiding Officer*

The Board President shall preside over all Board meetings. In the absence, disability, or disqualification of the Board President, the Vice-President shall act instead. If neither person is

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<sup>1</sup> This policy was originally adopted as Policy 005: Meetings

present, a Board Member shall be elected President pro tempore by a majority of those present and voting to preside at that meeting only. Where no such majority is achieved on the first vote, a second vote shall be cast for the two (2) candidates who received the greatest number of votes. The acts of any person so designated shall be legal and binding. [15][16]

### *Meeting Notifications*

Notice of all open public Board meetings, including committee meetings, shall be given by publication of the date, place, and time of such meetings in the newspaper of general circulation designated by the Board and the posting of such notice at the administrative offices of the Board. [9][10][17]

1. Notice of regular meetings shall be given by publication and posting of a schedule showing the date, place and time of all regular meetings for the calendar year at least three (3) days prior to the time of the first regular meeting.
2. Notice of all special meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting, except that such notice shall be waived when a special meeting is called to deal with an actual emergency involving a clear and present danger to life or property.
3. Notice of all rescheduled meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting.
4. Notice of all recessed or reconvened meetings shall be given by posting a notice of the place, date and time of meeting and sending copies of such notice to interested parties as required by the Sunshine Act.
5. Notice of all public meetings shall be given to any newspaper circulating in Philadelphia County, radio, or television station which so requests.
6. Notice of all public meetings shall be given to any individual who so requests and provides a stamped, addressed envelope for such notification.

Written notice of all regular and special Board meetings shall be given to Board Members not later than twenty-four (24) hours prior to the time of the meeting. [1][3][10][17]

Notice of executive sessions, if not previously announced, shall be provided in writing to Board Members at least twenty-four (24) hours prior to the executive session. [4]

### *Agenda Notifications*

The agenda for all open meetings of the Board or Board committees at which deliberation or official action may take place shall be posted no later than twenty-four (24) hours prior to the time of the meeting, as follows: [17]

1. On the Board's website.
2. At the location of the meeting.
3. At the District's administrative office.

The posted agenda shall list each matter of agency business that will or may be the subject of deliberation or official action at the meeting. [17]

### *Additions to the Agenda*

The Board may take official action on matters not included in a posted agenda only under the following circumstances: [18]

*Emergencies* – The matter of business relates to a real or potential emergency involving a clear and

present danger to life or property. [18][19]

*Business Arising Within Twenty-Four (24) Hours Prior to the Meeting* – The matter of business has arisen within twenty-four (24) hours prior to the meeting, is de minimis (minor) in nature, and does not involve the expenditure of funds or entering into a contract or agreement. [18]

*Business Raised by Residents or Taxpayers During the Meeting* – When a matter of Board business is raised by a resident or taxpayer during a meeting: [18]

1. The Board may take official action to refer the matter to staff, if applicable, to conduct research and include on a future Board meeting agenda; or
2. If the matter is de minimis (minor) in nature and does not involve the expenditure of funds or entering into a contract or agreement, the Board may take official action on the matter.

*Majority Vote* – During a meeting, the Board may add a matter of business to the posted agenda by a majority vote of the Board Members present and voting. The reason for adding an item to the posted agenda must be announced at the meeting before conducting the vote. Once announced and approved by majority vote, the Board may take official action on the item of business. The agenda shall be amended to reflect the new item of business and the amended agenda shall be posted to the Board's website and the Board Office no later than the first business day following the meeting at which the agenda was amended. [18]

The public posting of agenda requirements and rules for adding items to a posted agenda apply to both regular and special open meetings of the Board. These requirements and rules do not apply to: [17][18][20]

1. Conference sessions.
2. Executive sessions.

### *Action Meetings*

Action meetings are regular meetings of the full Board which shall be public and shall be held at specific locations in accordance with the schedule established by the Board for the calendar year, which shall include at least one (1) Board meeting every two (2) months. [8]

The order of business for all Action meetings shall be set out in an agenda that is made available to the public in advance of the meeting, and in accordance with law. The Board President in coordination with the Superintendent or their designee shall determine the agenda for all Action meetings. The order of business for Action meetings shall be as outlined in the Board Operating Guidelines, unless altered by the Board President. [10]

The agenda, together with all relevant reports, shall be provided to each Board Member before the meeting.

### *Special Meetings*

Special meetings may be called after the Board's regular schedule of meetings has been established to address either general or specific issues and shall be open to the public except when conducted as an executive session for purposes authorized by law. The Board President shall call for a special meeting upon receiving written requests for a special meeting from three (3) Board Members. Upon the Board President's failure or refusal to call a special meeting, such meeting may be called at any time by a

majority of the Board members. [1][3][4][5][20]

The Board President may also call for special meetings at their discretion and as necessary to conduct District business. [5][21]

The Board President shall determine the agenda for all special meetings. The order of business for special meetings shall be determined according to the stated purpose of the special meeting.

No business may be conducted at a special meeting except for that named in the call sent to Board Members for such special meeting, provided that meetings may be called for general purposes. [3]

### *Emergency Meetings*

The Board President may call for an emergency meeting when there is a real or potential emergency involving a clear and present danger to life or property. Although public notice of emergency meetings is not required by law, reasonable efforts shall be made to inform the public in a timely fashion when an emergency meeting is called. [17][18]

### *Committee Meetings*

The Board has the authority to approve Board committees. The Board shall establish its committee structure during an organization meeting. The Board may revise this committee structure throughout the year as needed.

All committee meetings shall be open to the public unless the committee meets in executive session or in conference as provided by the Pennsylvania Sunshine Act. [4][20][21]

Board committees authorized by the Board to take official action or render advice on District business shall operate in accordance with the applicable provisions of the Sunshine Act. [10]

Board Members who are not appointed to a committee may attend any meeting of the committee but are not eligible to vote.

Each Board committee shall be convened by the Chairperson or one of the co-Chairpersons, who shall be designated as such by the Board President and shall lead and report for the committee. Board committees shall also be assigned a District staff liaison, who is appointed by the Superintendent or designee.

Reasonable opportunity for public participation including written and spoken comment shall be included as part of the agenda of each committee meeting in accordance with this policy.

The Board is free to accept or reject recommendations or reports from committees.

Board standing committees shall be authorized by the Board to meet periodically throughout the school year. Board standing committees shall also be listed in the Board Operating Guidelines of this policy. The Board may also authorize the creation of ad hoc committees to meet on an as-needed basis. Dates, times, and agendas for committee meetings shall be posted publicly on the Board's website and in accordance with the Sunshine Act. [10]

### *Board/Mayor/City Council Meetings*

The Board, Mayor, and City Council shall meet publicly at least twice during the school year in City Council chambers to review and discuss the administration, management, operations, and finances of the District in order to develop and adopt plans to coordinate their activities for the improvement and benefit of public education in Philadelphia. [8][9]

### *Public Participation*

The Board reaffirms the right of the public to deliver comments, both written and verbally, to the Board on matters of general concern, of official actions of the Board, or on deliberations regarding matters that are or may be before the Board prior to the Board taking official action. [22]

When addressing the Board, speakers must comply with law, as well as the Board policies and Board Operating Guidelines posted on the Board's website.

By speaking at meetings or by submitting written testimony in advance of meetings, members of the public acknowledge that their name, comments, and written testimony are part of the public record and may be made available within the minutes of each meeting.

### *Voting*

All motions shall require for adoption a majority vote of the Board, except as provided by statute or Board policy. [2][7][8]

All votes on motions, action items, and resolutions shall be by an oral roll call vote unless a voice vote is requested by the Board President and the minutes are not required to reflect how each Board Member voted on that item. [7][8]

The Board President shall establish the consent agenda for voting on resolutions or action items at regular meetings or special meetings. The Board President shall establish a process for Board Members to request items be removed from the consent agenda. Upon consideration of these requests and in advance of the meeting, the Board President will communicate to Board Members which items are on the consent agenda and which items have been separated out from the consent agenda. During the meeting, any Board Member may make a motion to remove an item from the consent agenda to be acted upon separately during the meeting.

### *Abstention from Voting*

A Board Member shall be required to abstain from voting when the issue involves either one of the following:

1. Conflict of interest under the Ethics Act. [23][24]
2. Relative recommended for appointment to or dismissal from a teaching position. [25][26]

Prior to the vote being taken, the Board Member shall verbally disclose the nature of the conflict in public and a written memorandum stating the nature of the conflict shall be attached to the Board minutes as a public record. [23]

In accordance with the Board's Ethics Policy, Board Members shall seek the guidance of General Counsel for questions related to conflicts of interest. Board Members may also seek guidance from the State Ethics

Commission. [23]

### *Minutes*

The Board shall cause to be made, and shall retain as a permanent record of the District, minutes of all public Board meetings, including committee meetings. Said minutes shall be comprehensible and complete and shall include: [27][28][29]

- Date, place, and time of the meeting.
- Names of Board Members present.
- Presiding officer.
- Substance of all official actions taken.
- Record by individual Board Member of the roll call votes taken.
- Names of all residents who appeared officially and the subject of their testimony.
- Any matter added to a posted agenda, including the substance of the matter, the announced reason and the recorded vote, where applicable.

Each Board Member shall be provided with a copy of the minutes of the last meeting prior to the next regular meeting. The minutes of Board meetings shall be approved at the next succeeding meeting and signed by the Secretary. [2]

Notations and any audio or video recordings shall not be the official record of a public Board meeting but may be available for public access, upon request, in accordance with Board policy. Any notations and/or audiovisual recordings of a Board meeting shall be retained and disposed of in accordance with law. [29]

### *Recess/Reconvene*

The Board may at any time recess or reconvene to a reconvened meeting at a specified date and place, upon the majority vote of those present. The reconvened meeting shall immediately take up its business at the point in the agenda where the motion to recess was acted upon. Notice of the reconvened meeting shall be given in accordance with law and Board policy. [17][19]

### *Executive Session*

The Board may hold an executive session, which is not a public meeting, before, during, at the conclusion of a public meeting, or at some other time. [4][19][20][30]

The Board may discuss the following matters in executive session:

1. Employment issues.
2. Labor relations.
3. Purchase or lease of real estate.
4. Consultation with an attorney or other professional advisor regarding potential litigation or identifiable complaints that may lead to litigation.
5. Matters that must be conducted in private to protect a lawful privilege or confidentiality, including quasi-judicial deliberations.
6. School safety and security, of a nature that if conducted in public, would:
  - Be reasonably likely to impair the effectiveness of school safety measures.
  - Create a reasonable likelihood of jeopardizing the safety or security of an individual or a

school, including a building, public utility, resource, infrastructure, facility or information storage system.

The General Counsel shall announce the reason for holding the executive session; the announcement can be made at the public meeting prior to or subsequent to the executive session.

When the Board holds an executive session regarding litigation or issues on which identifiable complaints in litigation are expected to be filed:

1. As it regards litigation matters not yet formally commenced, the General Counsel or their designee will announce the nature of any such complaint (but not the identity of the complainant) discussed at the executive session;
2. As it regards litigation matters that have been filed, the General Counsel or their designee shall disclose the names of the parties, the docket numbers and the court in which the litigation has been filed. The General Counsel or their designee will make available a written list of the name(s) of the parties, the court and the docket numbers of the litigation at the beginning of the public meeting at which the executive session was announced or shortly after the beginning of the public meeting.

Official action on discussions held in executive session shall be taken at a public meeting. [20]

#### **Legal References:**

1. [24 P.S.](#) §4-421
2. [24 P.S.](#) §4-422
3. [24 P.S.](#) §4-423
4. [24 P.S.](#) §4-425
5. [24 P.S.](#) §4-426
6. [24 P.S.](#) §4-433
7. [24 P.S.](#) §5-508
8. [Home Rule Charter](#) §12-209
9. [Home Rule Charter](#) §12-310
10. [PA Sunshine Act](#) – 65 Pa. C.S.A. §701 et seq.
11. [24 P.S.](#) §4-407
12. [24 P.S.](#) §5-510
13. [Home Rule Charter](#) §12-200
14. [Home Rule Charter](#) §12-300
15. [24 P.S.](#) §4-405
16. [24 P.S.](#) §4-426
17. [PA Sunshine Act](#) – 65 Pa. C.S.A. §709
18. [PA Sunshine Act](#) – 65 Pa. C.S.A. §712.1
19. [PA Sunshine Act](#) – 65 Pa. C.S.A. §703
20. [PA Sunshine Act](#) – 65 Pa. C.S.A. §707
21. [Policy 005](#) - Organization
22. [PA Sunshine Act](#) – 65 Pa. C.S.A. §710.1
23. [Policy 008](#) - Ethics Policy
24. [Ethics Act](#) - 65 Pa. C.S. 1101 et seq.
25. [24 P.S.](#) §11-1111
26. [24 P.S.](#) §11-1129
27. [24 P.S.](#) §5-518
28. [PA Sunshine Act](#) – 65 Pa. C.S.A. §706
29. [PA Sunshine Act](#) – 65 Pa. C.S.A. §711

30. [PA Sunshine Act](#) – 65 Pa. C.S.A. §708

**Related Information:**

1. [006 Meetings](#) Board Operating Guidelines