

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300
 TITLE: Employment of
 Superintendent
 ADOPTED: June 27, 1994
 REVISED: August 17, 2017

302 EMPLOYMENT OF SUPERINTENDENT

Purpose

The School Reform Commission 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 SRC, the administration and operation of the schools subject to the policies of the SRC, and the supervision of all matters pertaining to instruction in all programs under the direction of the SRC.[\[18\]](#)

Authority

During the last year of the Superintendent's term or any other time the position of Superintendent becomes vacant, the SRC shall meet to appoint, by a majority vote of all members of the SRC, a properly qualified district Superintendent.[\[25\]](#)[\[2\]](#)[\[3\]](#)

The SRC shall set the compensation and term of office for the Superintendent which shall not be more than six (6) years, renewable at the discretion of the SRC.[\[25\]](#)

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

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

Mandatory Regulatory Procedures:

Recruitment and Assessment of Candidates

The SRC 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 SRC 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.[10][6][7][8][9]
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 SRC's invitation.

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

The SRC 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 SRC.

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 SRC 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 SRC 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][19]
3. Incorporate all provisions relating to compensation and benefits to be paid to or on behalf of the Superintendent.[20]_____
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 postemployment 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.[21][22]_____
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. Limit compensation for unused sick leave in employment contracts for Superintendents who have no prior experience as a district superintendent or assistant superintendent to the maximum compensation for unused sick leave under the school district's administrative compensation plan in effect at the time of the contract.
10. Limit transferred sick leave from previous employment to not more than thirty (30) days for Superintendents who have no prior experience as a district superintendent or assistant superintendent.
11. Specify postretirement benefits and the period of time in which the benefits shall be provided.

Removal/Severance

A Superintendent may be removed from office and have their contracts terminated, after a hearing, by a majority vote of all members of the SRC and in accordance with law. The SRC shall publicly disclose at the next regularly scheduled meeting the removal from office of a Superintendent. [23][24] _____

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. 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. 003 - Functions
- 19. Pol. 312 - Performance Assessment of Superintendent
- 20. 24 P.S. 1075
- 21. 24 P.S. 1007
- 22. 24 P.S. 1008
- 23. 2 Pa. C.S.A. 551 et seq
- 24. 24 P.S. 1080
- 25. 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