

Educational Nominating Panel Convening Meeting

FEBRUARY 1, 2024

Legal Requirements for Membership on the Board of Education

RENEE GARCIA, ACTING CITY SOLICITOR

Before we begin . . .

- 1) Law Department advises City boards and panels.
- 2) Contact us at any time if you need legal advice.
- 3) This presentation is designed as an overview only.
- 4) Feel free to ask questions at any time.

Sources of Law

- 1) Philadelphia Home Rule Charter (Public Education Supplement)
- 2) State law (Public School Code)

Philadelphia Home Rule Charter

Public Education Supplement, Section 12-202

- Section 12-202 sets out the Charter's eligibility requirements for Board membership.
- Board members as a group should reflect diversity of backgrounds, experience, and training that is representative of the City.
- Examples from the Charter:
 - Current or former public school parent
 - Training or experience in:
 - Business
 - Finance
 - Education
 - Public housing
 - Community affairs
 - Other training or experience relevant to operating and managing a public school system

Legal Requirements For Board Membership

Board members **must** be:

- 1) Citizens of the Commonwealth;
- 2) Of good moral character;
- 3) At least 18 years of age; and
- 4) Residents of the City for at least 1 year prior to appointment.

Prohibitions on Board Appointment

Board members **cannot**:

- 1) Hold any office or position of profit under City Government.
- 2) Be employed by the School District of Philadelphia.
- 3) Hold certain types of public office listed in state law.*

**Consult with Law Department if potential nominee holds public office.*

Prohibitions on Board Appointments (cont.)

Board members **cannot**:

- 4) Serve on the board of trustees of a charter school located in the City.
- 5) Do business with the School District or receive pay for services
- 6) Have already served on the Board of Education for 3 full terms.
- 7) Have been removed from public office for malfeasance.

Prohibitions on Board Appointments (cont.)

NOTE 1

- These are appointment prohibitions only.
- Once appointed, Board members will be subject to other conflict of interest and ethical rules that are not covered here, such as the Board of Education's **Code of Ethics** and the Public Official and Employees Ethics Act (sometimes called the "State Ethics Act").
- The School District's Office of General Counsel will provide training and guidance to Board members.

NOTE 2

- Items 1 through 5 are curable.
- For example, candidate could resign from prohibited position or end candidate's business relationship with the School District in order to be eligible for appointment.

Non-Voting Student Advisory Member

- The Charter also provides for a non-voting student advisory member and alternate
- The Panel does not have any role in selecting the student member
- The Board of Education:
 - Selects the student
 - Manages the student's participation

If you have questions . . .

- Don't hesitate to reach out to the Law Department for guidance.

Duties and Qualities of Board of Education Members

VANESSA GARRETT HARLEY,
DIRECTOR OF THE OFFICE OF CHILDREN AND FAMILIES

Duties of Board of Education Members

- Charged with the administration, management, and operation of the School District of Philadelphia
- Work collectively to oversee all major policy, budgetary, and financial decisions for the School District
- Appoint and evaluate the Superintendent of Schools
- Adopt the annual operating and capital budgets
- Authorizes the receiving or expending of funds
- Authorize contracts
- Authorize, renew and revoke charter schools

Expectations of Board of Education Members

- Attend regular monthly meetings
 - Public Action Meeting (4-6 hours during the evening)
 - Executive Session (3-4 hours during the day)
 - Committee Meeting (3 hours during the day)
- Meet with the Mayor and City Council in Council Chambers to discuss the administration, management, operations and finances of the School District (at least twice per school year)
- Budget and charter school hearings (3-6 hours during the evening)
- Finance and issue briefings (approximately 4 hours a month during the day)
- Meeting preparation (approximately 5 hours a month of reading)
- Weekly school visits (3 hours each)
- Community meetings (regularly throughout the year)

Qualities of Board of Education Members

- Commitment to education and ensuring Philadelphia has quality schools in every neighborhood
- Understands the challenges of urban education
- Collaborative with colleagues and stakeholders
- Ability to deal with conflict
- Demonstrated integrity
- Dedicated to all aspects of diversity and inclusion
- Previously attended a Philadelphia District-run or public charter school
- Has (or had) a child/children attend a District-run or public charter school
- Reflects the diversity of the City of Philadelphia

Educational Nominating Panel Process

JOHN DOLAN, DEPUTY DIRECTOR OF INTERGOVERNMENTAL AFFAIRS

§ 12-207. The Educational Nominating Panel; Duties and Procedure.

(a) The Mayor shall appoint and convene the Educational Nominating Panel (1) as soon as practicable after the Mayor's term of office begins . . . and (2) whenever a vacancy occurs in the membership of the Board of Education.

(b) The Panel shall within forty (40) days submit to the Mayor three names of qualified persons for every place on the Board of Education which is to be filled. If the Mayor wishes an additional list of names, the Mayor shall so notify the Panel within ten (10) days. Thereupon the Panel shall within ten (10) days send to the Mayor an additional list of three qualified persons for each place to be filled. The Mayor shall within twenty (20) days make an appointment by providing to Council, for its advice and consent, a name from the list or, as provided in the following sub-section, certify a nomination from either list for each place to be filled.* * *

(d) The Educational Nominating Panel shall invite business, civic, professional, labor, and other organizations, as well as individuals, situated or resident within the City to submit for consideration by the Panel the names of persons qualified to serve as members of the Board of Education. The Panel shall take appropriate steps to publicize the invitation and the selection process, including by advertising at least to the same extent as the City is required to advertise invitations to bid on City contracts pursuant to Section 8-200(2) of the Philadelphia Home Rule Charter.

General Overview

- The Panel serves a 4-year term, concurrent with the Mayor's term of office.
- If a vacancy occurs on the Board of Education at any time during the Mayor's term in office, this Educational Nominating Panel will reconvene and select three names of qualified persons for every vacancy on the Board which is to be filled.

General Overview

- Role of the Educational Nominating Panel is to recruit candidates, review applications, conduct interviews if needed, and recommend at least three qualified Board of Education candidates for every vacancy for the Mayor's consideration
- You have up to forty (40) days to submit the names of these candidates to the Mayor for his review
- **Final date for submission of names is Tuesday, March 12, 2024**
- If the Mayor wants additional names, he must ask within 10 days and you will have another 10 days to submit those names
- Mayor must submit appointees to City Council for confirmation

Recruiting Board of Education Candidates

- Panel members are free to recruit and propose potential candidates as they see fit
- Per Charter Section 12-207(d), the Panel must advertise the invitation and selection process “at least to the same extent as the City is required to advertise invitations to bid on City contracts pursuant to Section 8-200(2) of the Philadelphia Home Rule Charter”
- This means advertising once a week for two weeks in designated newspapers
- The Procurement Department handles advertising for City contracts and will assist the Panel in satisfying the advertising requirements
- There will be an application available online and there will also be paper applications made available to the public as well
- The application will be open from February 1st through February 15th

Application Review Process for Board of Education Candidates

- The Panel is free to review and evaluate applications however it sees fit
- The Administration will deliver applications to the Panel for review and track recommendations
- The Administration is available to provide any other administrative assistance needed

Interview Process for Board of Education Candidates

- Following the review of applications, the Educational Nominating Panel may conduct interviews with potential candidates
- If needed, interviews will include at least three members of the Educational Nominating Panel per interview
- The Administration will support the Panel in scheduling and in administration of the interviews

As necessary, the Panel may come together in Executive Session to review potential candidates, but must hold a second public meeting in order to vote on a final recommendation of names to be submitted to the Mayor.

Vetting Process for Board of Education Candidates

- At the Nominating Panel's request, the Administration can determine what level of background vetting can be done before recommendation of candidates to the Mayor
- The Administration will conduct a thorough background check on the Mayor's appointments which also include obtaining school clearances for all members (criminal, FBI and child abuse background checks)

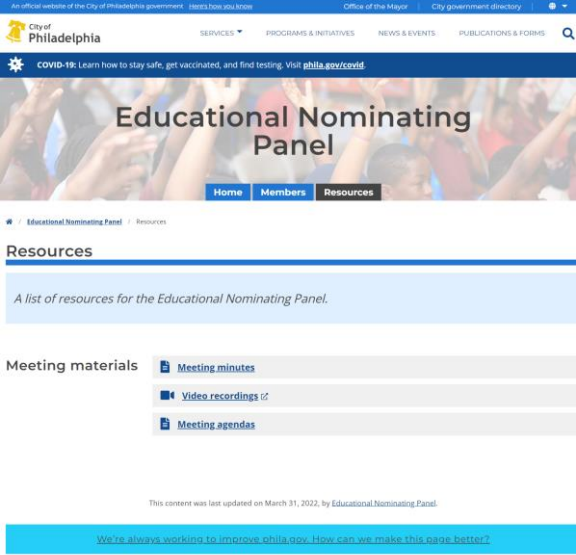
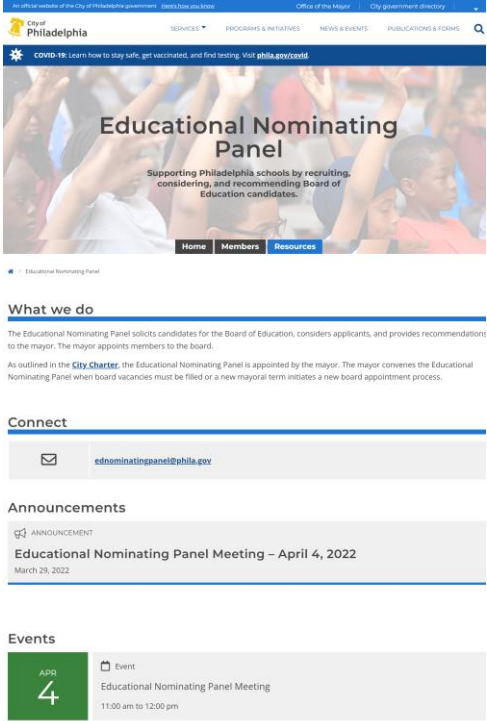
Educational Nominating Panel Website

Features:

- Meeting notices, agendas, and minutes
- Member bios
- Press releases
- Access to recording of public meetings

Adding today:

- Board of Education job description
- Online and printable application



www.phila.gov/educational-nominating-panel