

51. The Board of Education will consider a proposed agreement between The School District of Philadelphia and the United States Department of Justice with respect to an ongoing investigation of District asbestos management practices - Added 6.26.2025

Action Item - 51

Board of Education Meeting Date: 6/26/2025

Title: The Board of Education will consider a proposed agreement between The School District of Philadelphia and the United States Department of Justice with respect to an ongoing investigation of District asbestos management practices - Added 6.26.2025

Description:

WHEREAS, The School District of Philadelphia (District) owns or operates approximately 300 District-owned and/or District-operated buildings.

WHEREAS, due to the age of the District's buildings, the majority were constructed using asbestos-containing building materials.

WHEREAS, the Asbestos Hazard Emergency Response Act (AHERA) establishes requirements for maintaining asbestos-containing building materials in all public schools across the United States.

WHEREAS, under AHERA, the District is required to inspect each of its buildings twice each year.

WHEREAS, the District has experienced significant underfunding.

WHEREAS, the District was deficient in comprehensively supporting the AHERA program as required.

WHEREAS, the Board of Education has been briefed on an investigation conducted by the United States Attorney's Office for the Eastern District of Pennsylvania and the Department of Justice's Environmental Crimes Section regarding the District's asbestos management practices, with which the District has been cooperating.

WHEREAS, during the course of this investigation, which began in 2020 and illuminated gaps and areas of improvement for the District's asbestos management program, new funding has been invested by the District resulting in substantial improvements to the AHERA program. The District already has taken the following steps to improve its AHERA program.

- Publicly posted on the District website all inspection reports, including room-by-room logs of each facility, with the location and condition of asbestos materials at the time of their last inspection.
- Increased principal communications and school-based meetings to discuss asbestos management.

- Increased the annual budget for environmental management from \$10.2 million in FY2021 to \$55.7 million in FY2025.
- Increased Office of Environmental Management & Services staff from 21 to 39.
- Improved software to better manage environmental data and standardized data.
- Contracted with outside experts with deep expertise in reforming programs to meet AHERA requirements.
- Implemented a swing space plan to create safe, flexible, alternative learning settings for when environmental conditions, capital projects, and other unforeseen circumstances impact the regular school setting.

WHEREAS, all District-owned school buildings now are inspected twice per year and the District publicly posts AHERA inspection reports on its website for all buildings.

WHEREAS, the Department of Justice (DOJ) has offered to resolve this matter through a Deferred Prosecution Agreement (DPA) acceptable to the District and to the United States, which will be submitted to the United States District Court of the Eastern District of Pennsylvania.

WHEREAS, in accordance with the terms of the DPA, the District memorializes its commitment to sustaining its progress to comply with AHERA.

NOW BE IT RESOLVED that the Board of Education of The School District of Philadelphia authorizes and directs the Superintendent to execute and oversee the performance of the DPA negotiated with DOJ regarding the District's AHERA program; and

BE IT FURTHER RESOLVED that the Superintendent, the Deputy Superintendent for Operations, and/or the Superintendent's designee are authorized and directed to take all actions necessary to effectuate compliance with the DPA including, as necessary, making court appearances, entering into agreements in accordance with Board Policy, and signing all documents appropriate and necessary to carry out the terms of the DPA.

Office Originating Request:
Board of Education

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