

In Support of the Proposed Amendment to the Home Rule Charter Educational Supplement

What is the amendment about? City voters will decide on May 15 whether the so-called Educational Supplement to the Home Rule Charter dealing with the public school system will be amended in various parts. These changes would impact the nomination, appointment and removal process for Board of Education members and create a Parent and Community Advisory Council charged with “consult[ing] on issues pertaining to educational policy and family and community engagement in schools.”

Where is the SRC going? The School Reform Commission (SRC) currently governing the School District of Philadelphia is scheduled to dissolve on June 30, at which point a nine-member Board of Education will officially take over. This transition was triggered by a majority of the SRC’s five members voting on November 16, 2017 to disband, a resolution that was then approved by PA Secretary of Education Pedro Rivera. The move is bringing to an end the controversial five-member Commission (consisting of three gubernatorial and two mayoral appointees) created by then-Governor Mark Schweiker in 2001 amidst a funding crisis. (For more: [Overview by the Public School Notebook.](#))

Who picks the new Board of Education? The Mayor appoints all nine members of the board from a list of 27 names submitted by a nominating panel, the 13 members of which are also selected by the Mayor, albeit according to certain conditions. He or she has the option to request additional names, which Mayor Jim Kenney [exercised in March 2018](#) to broaden the pool of nominees. (For more: [Board of Education primer from Philly.com.](#)) This process comes from Article XII of the [Home Rule Charter](#) describing the structure and duties of the school board (e.g. appointing the superintendent, issuing debt, adopting budgets) in addition to the responsibilities of the superintendent. It’s this section that City Council has proposed amending by submitting a ballot question to voters.

What happens if the ballot question is approved? The proposed Charter amendment makes the following changes regarding the Board of Education:

- **Eligibility:** Members must be city residents and “meet any other applicable requirements of State law.” The previous requirement that members be registered voters is removed.
- **Nomination:** The current nominating panel requirement to promote the selection process and solicit names of potential Board members must also meet, at a minimum, the advertising rules for bidding out city contracts.
- **Appointment:** A majority of City Council (9 of 17 members) must approve each mayoral appointee after public hearing, sharing the power to select the Board of Education between the executive and legislative branches of City government. This change is significant but reasonable, given City Council is responsible for the local taxes that support the school district.
- **Member removal:** The Mayor must state specific reasons demonstrating a member’s “unfitness to serve” in the event a member is removed. Previously, no such explanation was legally required.

The Board of Education also becomes responsible for convening a Parent and Community Advisory Council that must meet at least twice a year and “consult on issues pertaining to educational policy and family and community engagement in schools.”

The Committee of Seventy supports the changes included in this amendment. We also support the larger shift to local control initiated by the School Reform Commission and approved by Education Secretary Rivera. The transition is historic and comes with both opportunities and risks. Therefore, Seventy urges the public, our elected officials and new Board of Education to bear in mind the following:

1) Shifting back to a mayoral-appointed Board of Education is a move in the right direction, but better educational outcomes are not guaranteed.

Although best known for its work around elections, campaign finance and government ethics, Seventy has long weighed in on major governance questions facing the city, including the creation of the 1919 and 1951 Charters. By the 1980s and '90s, Seventy had also issued a pair of reports on the Philadelphia School District, recommending reforms that centralized accountability with the Mayor. We still believe mayoral control is the best option for Philadelphia's large, complex school district. Changing the system's governing body, however, will not on its own lead to gains in student achievement. (See: [2016 Pew](#); [2013 Center for American Progress](#))

It is essential in any governing arrangement that lines of accountability are clear and stability is maintained. For the Philadelphia School District, this must include not only the **Board of Education** but the district **superintendent**, the **Mayor's Office**, **City Council** and our **delegations to Harrisburg and Washington D.C.** All share responsibility in advocating for the education policy and funding that is critical to students' opportunity to reach their potential.

2) The new Board of Education must be disciplined in fulfilling its role as an oversight and governing body, rather than an operational one.

The 2018-19 school year will inevitably have a steep learning curve for the new Board, but during this time its members must develop a coherent plan for governing. This will require consistent focus on long-term goals, setting district-wide policy and monitoring progress, in addition to establishing clear expectations for its own responsibilities and limitations. Key duties include reviewing and voting on: operational and capital budgets, issuing bonds and charter school applications; the Board is also responsible for evaluating the superintendent. The Board – and individual members – should meanwhile refrain, to the extent possible, from becoming involved in the minutiae of district operations or specific schools. However, this is not to say that Board members should not take every opportunity to educate themselves about the inner workings of the district. To the contrary, such intensive study is worthwhile – but should be used to inform their view on the aforementioned goals and policy.

Working with the Mayor and Superintendent to define and move towards a promising vision for the School District of Philadelphia and its 200,000 children will be the Board's overarching charge.

Governing such an immensely complicated system while ensuring meaningful engagement with communities across the city will only make this task more challenging.

3) The transition in governance offers a unique opportunity to reset on community engagement and build trust.

One of the greatest tests for the Board of Education will be to engage with thousands of students, parents, teachers and various other stakeholders across Philadelphia. The School Reform Commission

failed in this; although to be fair, its origin overshadowed every genuine effort by commissioners and staff. Board members would do well to heed this truism of government: Public hearings are hardly public, and little hearing usually takes place.

So what can be done? First: Redesign public meetings to ensure the best use of time for Board members, staff and the attending public. This includes, for example, consolidating minor agenda items requiring a vote and streamlining the process for collecting public comment. **Second: Take the show on the road.** The full Board, its sub-committees and individual members should seek every appropriate opportunity to leave 440 N. Broad St. and meet people in their communities. **Third: Develop a plan and commit to it.** The public meetings required by law must be part of a larger plan that utilizes best practices in meaningful community interaction. Every tactic available – from online surveys to School Advisory Councils – should be organized under a set of strategies to hear, understand and respond. This work is time consuming, resource-intensive and personally exhausting, but it’s necessary.

4) Enormous fiscal issues still loom over the School District and the City.

The departure of the SRC and creation of a new School Board do not impact the financial position of the School District or the factors driving up costs every year. Pennsylvania’s system of education funding, often identified as one of the most inequitable in the country, has changed little. The formula enacted in 2016 on the recommendation of a bipartisan commission applies only to new dollars (about 6 percent of nearly \$6 billion in state education funding). Pension obligations are estimated to increase 500 percent through 2023 along with health care costs. And state reimbursements to help the district manage fixed costs as charter school enrollments increase were eliminated in 2011.

There are no simple answers. A pending lawsuit targeting the state’s funding scheme could redefine the General Assembly’s constitutional responsibility for “a thorough and efficient system of public education.” Regardless of how the litigation plays out, generating additional revenue will challenge our largely stagnant Commonwealth. Meanwhile, city residents have shouldered repeated property tax increases – and the creation of entirely new levies – to help fill school district budget gaps.

The levers to address these issues are not moved easily. But the changeover in governance offers an opportunity to re-examine the roster of challenges and determine the steps needed to ensure long-term health of the system. This begins with the Mayor of Philadelphia and extends to every public official with a duty to support the schools – from City Council to our state representatives to our new School Board. The Committee of Seventy is hopeful our leaders are up to the task and looks forward to working with them in the months and years to come.