

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, February 28, 2018
10:20 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILWOMAN HELEN GYM
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 180098 - An ordinance providing for the submission to the qualified electors of the City of Philadelphia of an amendment to the Educational Supplement to the Philadelphia Home Rule Charter, relating to the eligibility, selection and removal of the Members of the Board of Education...

RESOLUTION 180112 - Resolution proposing an amendment to the Educational Supplement to the Philadelphia Home Rule Charter relating to the eligibility, selection and removal of the Members of the Board of Education...

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2 COUNCILMAN GREENLEE: Good
3 morning, everyone. This is the Committee
4 on Law and Government. We have a quorum
5 consisting of Councilman Oh, Council
6 President Clarke, and Councilwoman
7 Blackwell, who is the Chair of the
8 Education Committee and has been
9 appointed today to the Committee on Law
10 and Government.

11 Ms. Marconi, will you please
12 read the title of the bill and resolution
13 before us today, please.

14 THE CLERK: Bill No. 180098, an
15 ordinance providing for the submission to
16 the qualified electors of the City of
17 Philadelphia of an amendment to the
18 Educational Supplement to the
19 Philadelphia Home Rule Charter, relating
20 to the eligibility, selection and removal
21 of the Members of the Board of Education,
22 relating to the Board of Education's
23 responsibility for the administration of
24 the School District, creating a Parent
25 and Community Advisory Council, as

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2 approved by Resolution of the City
3 Council; fixing the date of a special
4 election for such purpose; prescribing
5 the form of ballot question to be voted
6 on; and authorizing the appropriate
7 officers to publish notice and to make
8 arrangements for the special election;
9 and

10 Resolution 180112, resolution
11 proposing an amendment to the Educational
12 Supplement to the Philadelphia Home Rule
13 Charter relating to the eligibility,
14 selection and removal of the Members of
15 the Board of Education, relating to the
16 Board of Education's responsibility for
17 the administration of the School
18 District, creating a Parent and Community
19 Advisory Council, and providing for the
20 submission of the amendment to the
21 electors of Philadelphia.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Just for the record, this bill
25 and resolution, the ballot question, very

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2 similar to the one that we have
3 previously approved back in December with
4 just a few changes just to make sure that
5 it meets all legal requirements here.

6 If there's any comments by the
7 Committee. If not, Ms. Marconi, why
8 don't you call -- I think we have three
9 people who wanted to speak.

10 THE CLERK: Lynda Rubin, Lisa
11 Haver, and Novilette Jones.

12 COUNCILMAN GREENLEE: Thank
13 you. While they are approaching, I just
14 wanted for the record, we have a written
15 statement from Jane Slusser, Chief of
16 Staff of the Mayor, in essence repeating
17 what I just said, which is this is very
18 similar to our previous bill and
19 resolution, and the Administration is in
20 favor of the bill and resolution today.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN GREENLEE: Who would
24 like to go first? Please identify
25 yourself and proceed.

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2 MS. RUBIN: Hi. My name is
3 Lynda Rubin. I'm a member of APPS, the
4 Alliance for Philadelphia Public Schools.
5 I taught for three years at Walton
6 Elementary in North Philadelphia and was
7 a school counselor for 38 years at D.
8 Newlin Fell Elementary in South
9 Philadelphia. During my 41 years of
10 service, in addition to my school duties
11 I served on schoolwide discipline and
12 safety committees formed by Mayor
13 Street's Transition Team and CEO Phil
14 Goldsmith. I worked with City and
15 District personnel about approving
16 attendance procedures, was an activist
17 for children's behavioral health
18 improvements both with local agencies and
19 courts throughout the decades. I wasn't
20 alone. The School District had avenues
21 for us to work more cohesively with and
22 for our children and families.

23 I believe in public education,
24 not as a charity or a city or state
25 burden, nor as a money-making machine for

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2 supposed non-profits. Frankly, in the
3 last 17 years, we've lost sight of our
4 mission.

5 As we emerge from a
6 non-transparent and non-accountable SRC,
7 I urge us all to pay close attention to
8 getting it right this time, to provide a
9 process that has some independence from
10 politics and well-heeled donors who have
11 a financial and political stake in who
12 controls the Philadelphia School Board.

13 To be honest, I and APPS
14 support a democratically elected School
15 Board accountable to the people, as are
16 the Mayor and City Council, and had hoped
17 for an interim system to transition us to
18 democratic local control. In the
19 interim, however, I can live with a Mayor
20 and Council collaboration for School
21 Board approval. However, the Board must
22 be independent and removal from the Board
23 requires some cause and procedure other
24 than just politics.

25 The current nominating process

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2 and panel makeup is insufficient, to say
3 the least. Besides the closed-door
4 policy, experienced public school
5 educators who could contribute the
6 front-line perspective as well as the
7 management perspective were few. There
8 was a time when our administrators came
9 from the ranks, who understood the
10 culture of teaching inner city students
11 in Philadelphia, its stresses and its
12 rewards.

13 As for the selected nominees,
14 those with school experience were
15 weighted more heavily from charter and
16 even private schools than public schools.
17 Where were the parents from South, North,
18 and Northeast Philadelphia? I attended
19 yesterday's Nominating Panel meeting.
20 There were several parents nominated from
21 children who attend Penn Alexander
22 School. No offense, but Penn Alexander
23 hardly represents the typical student
24 body and has the luxury of getting
25 resources from Penn that neighborhood

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2 schools just don't get. What experience
3 do these parents bring to the table?
4 Where were the public school advocates,
5 for that matter?

6 I understand the Board is
7 managerial, but successful public
8 education has a heart and soul necessary
9 to growing children as well as a business
10 model.

11 School Board applications
12 should be made public. The public is
13 entitled to know the educational
14 philosophy of the applicants, any
15 conflict of interests, and their reasons
16 for wanting to serve.

17 Frankly, I believe the public
18 education system has been the cornerstone
19 of our democracy and may be its best
20 defender. To do that, however, it must
21 be rooted in a fully democratic process.

22 Thank you. And I include some
23 links to some op-eds that were in the
24 paper.

25 COUNCILMAN GREENLEE: Thank you

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2 very much.

3 Who else would like to speak?

4 Please identify yourself and proceed.

5 MS. JONES: Good morning. My
6 name is Novilette Jones. I am a parent
7 and a most recent activist within the
8 past year. I am a proud product of
9 Philadelphia public schools. I am also a
10 mother of three children who attend
11 School District and charter-run public
12 schools. Thank you for taking the
13 opportunity to listen to my testimony
14 today.

15 Today's students -- sorry.
16 It's kind of big, so I'm trying to move
17 on.

18 Today's students have only
19 known a School District governed by the
20 School Reform Commission, a state-run
21 body that was supposed to bring funding
22 and equity back to the Philadelphia
23 schools. Unfortunately, the promises
24 made in 2001 never materialized and an
25 entire K through 12 cohort of

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2 Philadelphia's schoolchildren suffered as
3 a result.

4 Despite students', parents',
5 and teachers' persistent advocacy for
6 more resources and stronger schools, our
7 efforts were slowed and frustrated,
8 because ultimately nobody was liable for
9 what was happening in the classrooms
10 across the City. The SRC's appointment
11 structure diffused that responsibility
12 between state and city leadership and
13 provided political cover for nearly two
14 decades of instability, inadequate
15 funding, and under-performance.

16 Thankfully the SRC is poised to
17 dissolve in July, but this unfortunate
18 chapter in our city's educational history
19 will not end if we fail to replace the
20 SRC with a governance structure that
21 truly holds someone accountable for the
22 new School Board's effectiveness.

23 Under the Educational
24 Supplement of the Philadelphia Home Rule
25 Charter, the accountability would rest

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2 with Mayor Kenney, who will appoint the
3 new Board of Education members in March.
4 Mayor Kenney recognizes that the success
5 of our schools weighs highly on the
6 future of our city and is willing to
7 answer for both in order for local
8 control to succeed. After 17 years of
9 the SRC, I applaud an elected official
10 who is asking to be held accountable by
11 the public and promises to do what's in
12 the best interest of our children.

13 But for the Mayor to be truly
14 accountable, he must responsibly -- be
15 responsible for maintaining an effective
16 School Board beyond the appointed
17 process. We should not limit the Mayor's
18 authority to remove ineffective Board
19 members. Doing so would be to return our
20 schools to a no accountability governance
21 structure, much like what we just finally
22 are moving away from.

23 It is not enough for a Mayor to
24 appoint the Board. If, for example, an
25 appointee's effectiveness as a Board

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2 member were to wane because they took a
3 new job or their spouse assumed a new
4 role that creates a conflict of interest
5 for the Board member, change would be
6 needed. The public must be able to
7 pressure the Mayor to replace that
8 person. Why would we want to weaken our
9 own leverage? If a Mayor can simply
10 blame bureaucracy for the status quo,
11 then we will not have made any progress
12 since the days of SRC.

13 I believe responsibility for
14 the Board should rest solely with Mayor
15 Kenney and future mayors of whom the
16 voters of Philadelphia elect into office.
17 In other cities with mayor-appointed
18 school boards, studies link success to
19 strong accountability. If we've learned
20 anything from the SRC, it's that shared
21 accountability adds up to no
22 accountability at all.

23 Thank you for your time.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 Ms. Haver, before you speak,
3 please let the record reflect Councilman
4 Jones, a member of the Committee, is
5 present.

6 Is there anyone else here that
7 wants to testify on this bill or
8 resolution?

9 (No response.)

10 COUNCILMAN GREENLEE: Okay.
11 Ms. Haver, you'll be the last witness.
12 Please identify yourself and proceed.

13 MS. HAVER: My name is Lisa
14 Haver. I am a retired Philadelphia
15 school teacher and education activist,
16 co-founder of the Alliance for
17 Philadelphia Public Schools. Good
18 morning, Council President and
19 Councilmembers. Thank you for this
20 opportunity.

21 I want to repeat what Lynda
22 said. We really believe that a strong
23 public school system is the foundation of
24 democracy, and if we are living in a
25 democracy and you as elected officials

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2 know how important democracy is, there
3 has to be some kind of democratic
4 process, not just for choosing the Board
5 but for any possible removal of Board
6 members cannot be strictly political
7 whim.

8 You probably know our
9 organization attends all SRC meetings,
10 even policy committee meetings, which
11 there's one tomorrow. We'll be there.
12 We attend all charter approval hearings,
13 charter amendment hearings. We really
14 keep a close eye on the SRC, and I think
15 many of you receive our reports, Ears on
16 the SRC, Eyes on the SRC.

17 So we really do see why it's so
18 important, as Ms. Jones said. We've
19 lived through 17 years of very little
20 accountability, and it's been a very
21 difficult time for the children. And I
22 think when you look at the 27 people who
23 have been nominated, I think that
24 reflects a very flawed process, and if
25 you read the op-ed that I had in the

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2 paper and two of our other members had in
3 the paper, what we're saying is given the
4 fact that we do not have an elected
5 School Board in a democratic society,
6 there has to be some kind of checks and
7 balances. You cannot just have one
8 person rule. And when you look at the
9 fact that the Nominating Panel is chosen
10 by the Mayor and those people choose
11 people who are chosen by the Mayor, at
12 some point there has to be some kind of
13 check, and the only check that we can see
14 is that if somebody needs to be removed,
15 it has to be a reason why that person is
16 removed.

17 It's really important. I mean,
18 we were there. I was there with Ms.
19 Rubin and we saw this all go down, and it
20 was kind of shocking. I didn't recognize
21 most of the names, and I thought how do I
22 not know most of these 27 people? I've
23 been a teacher, I've been an activist, I
24 go to -- who are these people? So I
25 can't comment on the diversity of --

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2 racial makeup or economic makeup, but I'm
3 thinking where are the people who are on
4 the scene advocating here in City Council
5 or advocating at the SRC, where are those
6 people? I do not know who these people
7 are. I know a couple people.

8 So I think that when we do
9 this, we're reacting after 17 years of
10 non-accountability, but we have a chance
11 now to change things. And I don't know
12 exactly what your plan is and what the
13 chronology is, but I really would say if
14 there's time, to take a look at the
15 makeup of the Nominating Panel. There's
16 really not any educators, as it doesn't
17 allow for people who are part of the
18 system, not even that many parents. So
19 if there's a way now to look and see can
20 we, now that we have the chance, and
21 Charter changes don't come along too
22 often, now that we have a chance, can we
23 see how we can make this a more
24 accountable process.

25 We actually, "we" as the

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2 Alliance, communicated with the
3 Nominating Panel. We said these meetings
4 cannot be closed to the public. It's a
5 violation of the Sunshine Act. You
6 cannot tell people they can't come. We
7 did not win that battle, so there was no
8 public input into the process.

9 We had serious questions about
10 whether or not that Nominating Panel was
11 acting independently, and the fact that
12 the Assistant Secretary of the Panel is a
13 member of the Mayor's staff, I don't see
14 how that's an independent board if
15 somebody from the legislative staff of
16 the Mayor's Office is serving as
17 Assistant Secretary on a panel on what
18 she actually does not serve.

19 So if we have time -- and I'd
20 say this is the time -- to really look at
21 can we make sure this is an open process,
22 can we look at the way that the makeup of
23 the Nominating Panel is constructed? Do
24 we say you can't just say, oh, these are
25 all an executive session, you can't come

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2 in, and then we end up with these names.

3 And if I say, well, I have a problem with
4 these names, where?

5 Some people are saying, well,
6 there's not enough charter people.

7 There's too many charter people. I don't
8 think that's the issue. I think the
9 issue is do people believe in public
10 education and do people believe that all
11 schools, including charter schools, have
12 to be accountable. So if you have a
13 failing public school, District school,
14 what are you doing to make that a better
15 school? What kind of resources is the
16 District putting into that school?

17 If you have a charter school
18 that has academic problems, financial
19 problems, organizational problems, what
20 is the District doing to rectify that? I
21 think people even who send their children
22 to charter schools believe that there has
23 to be accountability, and we can't
24 operate schools that are not functioning.

25 So I think this is really an

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2 important time, and we shouldn't rush
3 this and we should really take the
4 opportunity to say what is the best way,
5 in the absence of an elected School
6 Board, to make this process open to the
7 people of the City.

8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Council President Clarke.

12 COUNCIL PRESIDENT CLARKE:
13 Thank you, Mr. Chairman.

14 Thank you all so much for
15 coming down this morning. We hear you
16 and, believe me, there was a significant
17 amount of debate among the members in
18 terms of what this legislation would
19 ultimately be. I must say the first
20 version was a lot more aggressive in
21 terms of, quote/unquote, checks and
22 balances. All aspects, the Nominating
23 Panel process, there were some
24 suggestions that there should be public
25 hearings on all of the nominees. There

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2 were questions with respect to the
3 termination of a member's tenure on the
4 Board, about how we should move forward
5 on that. But at the end of the day when
6 you talk about a process that involves
7 legislators and the executive branch and
8 the people, particularly those advocates,
9 you have to work out something that
10 probably most people don't like in its
11 entirety and then you probably think you
12 hit the sweet spot. That's just the way
13 I've seen, because if we did everything
14 one way where you guys were in here, hey,
15 great, awesome, awesome, there will
16 probably be some members on this panel
17 within the Council that, I don't
18 necessarily like that, and some members
19 in the Administration I know would say, I
20 don't necessarily like that. But when
21 you have some concerns -- and this is
22 just my little mindset in terms of how I
23 tend to do things -- that everybody has a
24 little issue with what you do, but most
25 people agree, particularly as it relates

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2 to the concept and most of the large
3 issues, like having a more open,
4 transparent process -- you remember
5 originally this thing was, Mayor said I'm
6 doing this, this, this, thank you very
7 much, have a nice day. Right? Now you
8 have a situation -- in the earlier part
9 that you talked about the nominating
10 process, the Mayor does, the executive
11 branch has flexibility on how they
12 establish that process. This particular
13 one was chosen this particular way, but
14 that doesn't mean that there can't be
15 some changes in that process as they move
16 forward.

17 With respect to the nominees,
18 you remember -- and I'm telling you for
19 the public's purposes, there was no
20 confirmation process in prior
21 legislation. There is that in there.
22 That's that check and balance that you
23 talked about. Those individuals that are
24 nominated must come and they're going to
25 sit right here, and I suspect that you

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2 all people will be able to testify on
3 those nominees and those nominees will be
4 asked questions by the members of
5 Council, and I'm sure you all are going
6 to give us some questions to ask them,
7 and hopefully that process, one, I know
8 will be transparent. Two, hopefully it
9 will be of benefit to the process.

10 Then with respect to the
11 termination of a member from the
12 committee, we've worked out language. We
13 put early language out. There were some
14 concerns by members of the Administration
15 and some members of Council and the whole
16 nine yards, and we think we crafted a
17 reasonable compromise as it relates to
18 that.

19 So while the process is not
20 perfect, and I'm not saying that you
21 suggested that it be, at the end of the
22 day when you have this kind of a
23 government, you got to work things out.
24 And I think that ultimately as we move
25 ahead, I think the people will be proud

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2 of what we do. Clearly -- and I promised
3 the Chairman I'm not going to belabor the
4 point. I'm going to shut up after this.
5 Clearly, this is Phase 1. Phase 2, okay,
6 we got it, it's ours, what are we going
7 to do with it, and that relates to making
8 sure that the appropriate resources are
9 there. That particularly relates to
10 making sure that the School District
11 functions in a way that meets the primary
12 goal, which is educating young people.

13 There are going to be some
14 things that members of the School Board
15 may not necessarily like with respect to
16 operations, because I know a number of us
17 think that things can be done in a much
18 more efficient manner. This whole issue
19 charters versus public and traditional
20 schools, they're all public schools, and
21 at the end of the day the State
22 Legislature chose -- well, the Governor,
23 former Governor, chose not to give us the
24 appropriate reimbursement on charter
25 schools. That's the cost driver here.

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2 We have to figure that out, how do we
3 replace those resources.

4 So there's a lot of work we got
5 to do, but I just believe -- and this is
6 clearly my perspective -- that we've put
7 together what we think is a reasonable
8 approach to moving ahead. Then we got to
9 work on the bigger picture, because we
10 really have to figure out a way to make
11 this work, because all eyes are on us
12 now.

13 So I just want to -- thank you,
14 Mr. Chairman.

15 MS. HAVER: Can I ask a
16 question about something that you raised?
17 Will there be hearings on this current
18 group of nominees?

19 COUNCILMAN GREENLEE: There
20 will be a hearing on the nine that the
21 Mayor sends over.

22 COUNCIL PRESIDENT CLARKE:
23 Well, no, that's not necessarily the
24 case. Well, the acceleration of the
25 selection process in terms of getting the

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2 nominees on board technically will
3 probably happen before the Charter
4 passes, because you remember the
5 confirmation process. It's not valid
6 until it gets actually certified by the
7 City Commissioners, and that's going to
8 be maybe two, three weeks. So we're
9 looking at June before we're technically
10 in a position to confirm.

11 There is some discussion about
12 a public process on the nominees, and
13 we're trying to work that out, because we
14 believe in transparency and we're
15 actually forced to do that based on our
16 legislative body. We're still trying to
17 figure out how to deal with that, but
18 technically legally they are not required
19 to have confirmation for this first set,
20 but two years comes up quick on the next
21 or this Mayor's inauguration. They will
22 have to confirm -- I mean nominate an
23 additional nine people.

24 MS. HAVER: Okay. I mean, if
25 there's anything that this body can do so

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2 that the people have something to say
3 about who is going to be that first
4 School Board, that would be a really good
5 thing.

6 COUNCIL PRESIDENT CLARKE:

7 Well, I know one of my colleagues in
8 particular -- I'm not going to say who,
9 right -- is looking at some possible
10 process. But we took that in mind, that
11 the timing is a little different than we
12 originally anticipated, but we wanted to
13 have some transition timeframe. So we're
14 working on that.

15 MS. HAVER: Thank you.

16 COUNCIL PRESIDENT CLARKE:

17 You're welcome.

18 COUNCILMAN GREENLEE: Thank
19 you, Mr. President.

20 Thank you all for your
21 comments.

22 MS. HAVER: Thank you.

23 COUNCILMAN GREENLEE: If
24 there's no one else here to testify on
25 this bill or resolution, that concludes

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2 the hearing of the Committee on Law and
3 Government.

4 We will now go into our public
5 meeting, and the Chair recognizes
6 Councilwoman Blackwell for an amendment
7 on Bill No. 180098.

8 COUNCILWOMAN BLACKWELL: Thank
9 you, Mr. Chairman. I move that the
10 amendment to Bill No. 180098 be adopted.

11 (Duly seconded.)

12 COUNCILMAN GREENLEE: It's been
13 moved and seconded.

14 All in favor?

15 (Aye.)

16 COUNCILMAN GREENLEE: Opposed?

17 (No response.)

18 COUNCILMAN GREENLEE: Hearing
19 none, the amendment to Bill No. 180098 is
20 approved.

21 Councilwoman Blackwell on the
22 amended bill.

23 COUNCILWOMAN BLACKWELL: Thank
24 you, Mr. Chairman. I move that Bill No.
25 180098, as amended, be reported out of

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2 Committee with a favorable recommendation
3 and also a recommendation for a
4 suspension of the rules so as to permit
5 first reading at our next session of
6 Council.

7 (Duly seconded.)

8 COUNCILMAN GREENLEE: It's been
9 moved and seconded.

10 All in favor?

11 (Aye.)

12 COUNCILMAN GREENLEE: Opposed?

13 (No response.)

14 COUNCILMAN GREENLEE: Hearing
15 none, Bill No. 180098, as amended, is
16 reported out of this Committee favorably
17 with a rules suspension.

18 The Chair recognizes
19 Councilwoman Blackwell on the amendment
20 to Resolution No. 180112.

21 THE CLERK: Thank you,
22 Mr. Chairman. I move that the amendment
23 to Resolution 180112 be adopted.

24 (Duly seconded.)

25 COUNCILMAN GREENLEE: It's been

1 2/28/18 - LAW & GOV. - BILL 180098, ETC.

2 moved and seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN GREENLEE: Opposed?

6 (No response.)

7 COUNCILMAN GREENLEE: Hearing
8 none, the amendment is approved.

9 Councilwoman Blackwell on the
10 amended resolution.

11 COUNCILWOMAN BLACKWELL: Thank
12 you, Mr. Chairman. I move that
13 Resolution 180112 be reported out of
14 Committee, as amended. Thank you.

15 (Duly seconded.)

16 COUNCILMAN GREENLEE: It's been
17 moved and seconded.

18 All in favor?

19 (Aye.)

20 COUNCILMAN GREENLEE: Opposed?

21 (No response.)

22 COUNCILMAN GREENLEE: Hearing
23 none, Resolution 180112, as amended, is
24 reported out of this Committee with a
25 favorable recommendation.

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2 That concludes the business of
3 the Committee on Law and Government
4 today. Thank you all for your
5 participation.

6 (Committee on Law and
7 Government concluded at 10:45 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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