

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 010751)

RESOLUTION

Authorizing the City Council, under the direction and supervision of Committee on Law and Government, to hire outside counsel to bring a lawsuit on its behalf against the Commonwealth of Pennsylvania, the Governor of the Commonwealth, the Secretary of Education, the members of any Board or Commission appointed pursuant to Act 46, Edison Schools, Inc., and all other appropriate parties, to reverse and nullify any action of the Commonwealth to appoint a so-called "School Reform Commission" to take over the School District of Philadelphia or to contract with Edison, or any other educational management company for its services, until and unless such action is approved by the Council and the voters of Philadelphia pursuant to the provisions of law.

WHEREAS, Governor Schweiker has announced his intention to appoint a so-called "School Reform Commission" over the Philadelphia School District and contract with Edison Schools, Inc., a private for-profit company to provide a variety of services; and

WHEREAS, Upon execution of this contract, Edison will be in a position to substantially direct, influence and/or control the operation of the District, and be paid over \$100 million for doing so; and

WHEREAS, This plan will totally strip away the duties and powers of the duly appointed Board of Education, sharply reduce, if not eliminate, the influence and control over School District matters that parents and voters now enjoy, and abrogate many, if not all, the provisions of the School District Supplement to the Home Rule Charter; and

WHEREAS, Under the provisions of the School District Home Rule Enabling Act, no such changes may be made without approval of the City Council and of the voters of Philadelphia, by referendum; and

WHEREAS, The Commonwealth, is making this radical move based upon a tainted study for which it paid Edison Schools, Inc., \$2.7 million to produce; and

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WHEREAS, According to a survey of state test scores commissioned by U.S. Representative Chaka Fattah, Edison's record in educating children is an abysmal failure. When the standard that the State and Edison applied to evaluate the Philadelphia public schools was applied to the Edison schools, over 88% of them performed "substantially below standard levels"; and

WHEREAS, Many of the most difficult challenges in the School District are in its high schools; yet Edison admitted in a September 26, 2001, SEC filing that it has "limited experience operating high schools" and that their "high school curriculum, school design and operating plan are not fully tested."

WHEREAS, The Council of Great City Schools, a national organization founded in 1956, composed of sixty of the country's largest urban public school districts, has analyzed the Edison Study of the Philadelphia School District and concluded that the study is "fatally flawed"; and

WHEREAS, The Great City Schools analysis found contradictions, methodology flaws, and lack of substantiation and justification for most of Edison's findings; and

WHEREAS, By taking this action, the Commonwealth seeks to distract attention from the main problem facing the School District, the State's continuous underfunding of the District since repeal of the Equalized Subsidy for Basic Education (ESBE) allocation formula in 1991, resulting in the cumulative loss to the District of hundreds of millions of dollars; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That Council is hereby authorized to hire outside counsel to bring a lawsuit on its behalf against the Commonwealth of Pennsylvania, the Governor of the Commonwealth, the Secretary of Education, the members of any Board or Commission appointed pursuant to Act 46, Edison Schools, Inc., and all other appropriate parties, to reverse and nullify any action of the Commonwealth to appoint a so-called "School Reform Commission" to take over the School District of Philadelphia or to contract with Edison, or any other educational management company for its services, until and unless such action is approved by the Council and the voters of Philadelphia pursuant to the provisions of law.

BE IT FURTHER RESOLVED, That the Council Committee on Law and Government, which under Council's Rules has jurisdiction over all matters concerning the Home Rule Charter, be authorized to direct and supervise the aforesaid legal action.

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CERTIFICATION: This is a true and correct copy of the original Resolution,
Adopted by the Council of the City of Philadelphia on the

Anna C. Verna
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Cohen and Ortiz

Sponsored by: Councilmembers Miller, Goode, Nutter, Kenney, DiCicco,
Blackwell, Tasco, Council President Verna, Krajewski, Clarke
and Reynolds Brown

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