

Legislation Text

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Urging Governor Wolf to make appointments to the Pennsylvania Charter Appeal Board, and calling for a moratorium on its proceedings until all board members are duly appointed and confirmed by the Pennsylvania Senate to serve in four-year unexpired terms.

WHEREAS, The 1997 Pennsylvania Charter School law established the Charter School Appeal Board (CAB). The CAB is the only entity with the authority over a school district's decision to deny, renew, or revoke a charter application; and

WHEREAS, Members of the CAB are appointed by the Governor, and must be confirmed by the State Senate. The Board consists of the Pennsylvania Secretary of Education, and six members: a parent of a school-aged child, a member of a school board, a public school teacher, a member of the faculty or administration of a higher education institutions, a member of the State Board of Education, and a business community representative; and

WHEREAS, All five sitting members of the CAB are serving expired terms. Two sitting members' terms expired as long ago as June 2015. According to *The Philadelphia Public School Notebook*, each of these CAB members, who were appointed by former Governor Tom Corbett, have direct connections to charter and Catholic, but not public, schools in the Commonwealth. There is also one vacancy on the Board; and

WHEREAS, These serving Board members reflect the priorities and values of former Governor Corbett, who cut funding for public education by over \$1 billion. Governor Wolf does have the authority to reappoint these CAB members if he so chooses. Nevertheless, the Governor must ensure that CAB members are serving unexpired terms, and that these members reflect the educational priorities and values of his administration; and

WHEREAS, The Governor and the State Senate make approximately 800 appointments to over 100 board and commissions. While Governor Wolf has successfully made hundreds of these appointments, no CAB nominees have been proposed since he took office in January 2015; and

WHEREAS, Of Pennsylvania's 155 brick-and-mortar charter schools, 87 are in the City of Philadelphia, serving approximately 70,000 students. As such, the CAB's decisions disproportionately impact Philadelphia's public school landscape; and

WHEREAS, Given that Philadelphia now has regained local control of its schools, the need for a CAB with representation of individuals that can reflect the needs of public schools is paramount; and

WHEREAS, Education research and advocacy organizations have called on Governor Wolf to take action. Public Citizens for Children and Youth, which is spearheading a petition calling for a moratorium on CAB proceedings until all Board members are serving unexpired terms and the vacancy is filled, notes that "the one vacancy combined with the fact that all sitting members are serving in expired terms and that they all reflect the perspective of the former governor calls into question the fairness and balance exercised by the board"; and

WHEREAS, Education Law Center, which authored a February 2019 report entitled “Safeguarding Educational Equity: Protecting Philadelphia Students’ Civil Rights Through Charter Oversight,” has also called for prompt reappointment or replacement of CAB members, and for the Board vacancy to be filled. Education Law Center Executive Director Deborah Gordon Klehr has urged that appointees must, “Have a demonstrated commitment to educational equity, as they play a critical role in ensuring that charter schools respect the civil rights of historically underserved students”; and

WHEREAS, The Pennsylvania Association of School Administrators recommends that CAB members “be selected in a bipartisan manner to ensure that the CAB is as nonpartisan as possible and the process is fair and equitable for both parties”. The CAB, like any board, must reflect the diverse needs of Pennsylvania students and represents the interests of all school models. Given a Democratic Governor and Republican-controlled State Senate, the CAB appointment process has the potential to represent a bipartisan approach to ensuring that the accountability placed on charter schools and school boards is fair; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Urges Governor Wolf to make appointments to the Pennsylvania Charter Appeal Board, and calls for a moratorium on its proceedings until all board members are duly appointed and confirmed by the Pennsylvania Senate to serve in four-year unexpired terms.