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ANALYSIS: DO PHILADELPHIANS STILL HAVE A VOICE AT THE SCHOOL DISTRICT? UNDERSTANDING THE STATE TAKEOVER OF PHILADELPHIA'S SCHOOLS

Len Rieser

On December 23, 2001, Philadelphians awoke to the startling news that their schools were now -- as the *Philadelphia Inquirer* put it -- "the property and problem of the Commonwealth of Pennsylvania."

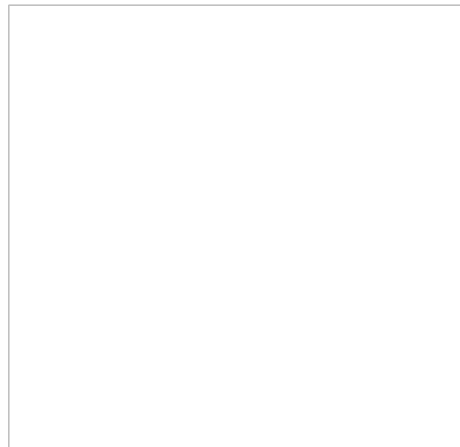
The transfer of control, which was reported to have occurred at precisely 12:01 a.m., seemed to plunge the city's children into uncertainty. "We're in [Governor] Schweiker's hands now," a *Daily News* columnist wrote, with evident apprehension.

So what does it all mean? Over a year later, the Commonwealth does not seem especially involved in District affairs. There is little evidence that Harrisburg views the Philadelphia schools as its "property" -- or its problem. Most of the decision-making seems to be occurring where it always did: in the School District administration building at 21st and the Parkway.

Did the takeover, one might ask, really happen?

The answer is easy. It did, and it's still in effect. But the question of what the takeover will mean for Philadelphia children isn't as simple.

That's because the takeover law, while drastic, has also turned out to have some flexibility. And city residents have found that, when there is a grass roots protest or pressure is applied, even points that seemed to be certainties may be open to negotiation.



A less drastic shift

The best-known aspect of the takeover was the transfer of power from school board to School Reform Commission (SRC). Previously, the mayor appointed the school board, whereas under the state takeover law, the governor was given the power to appoint a decisive majority -- four out of the five members -- of the SRC.

But while that's what the law allowed, it isn't quite what happened. Presumably in response to pressure from Philadelphia, ex-Governor Schweiker agreed to allow the mayor to appoint two SRC members rather than one. Schweiker described the power-sharing arrangement between the state and city as a "full partnership." When one of the mayor's two SRC appointees left this year, newly elected Governor Rendell again allowed Mayor Street to fill it.

While some had feared Schweiker's appointees would be a collection of hostile outsiders unfamiliar with Philadelphia's needs, two Schweiker appointees (as well as both of the mayor's) are Philadelphia residents. The one exception (James Nevels, the chair) is from nearby Swarthmore. Complaints of anti-Philadelphia bias on the part of the SRC have been relatively infrequent.

Still, the majority of the SRC are the former Republican governor's appointees. And they may be there for a long time: two have terms that run until 2008, while the term of the third expires in 2006. Under the law, even Governor Rendell can't replace them before their terms end, unless they resign or commit serious violations.

But might an SRC member resign at some point? And if so, might Governor Rendell consider the wishes of city residents in

choosing a replacement? It seems possible that the makeup of the SRC will change as time goes on, and perhaps in ways that lead it toward greater local control.

What about the CEO, Paul Vallas? Clearly, his boss is the SRC, which hired him. Does this mean that Vallas is actually working for the state? Yes; but he's working for the Street appointees too, and in any event the "state" includes a range of powers and points of view (Governor Rendell, Speaker Perzel, and any number of others).

It also seems likely that the degree of support that Vallas receives from Philadelphia citizens may influence how long he stays in office. Here again, there are multiple forces at work.

Privatization scaled back

Another aspect of the takeover involved "privatization" of District schools and services. And here too, there are shades of gray.

On the one hand, the law authorized wholesale privatization, and that's exactly what Governor Schweiker proposed -- both for schools and the central office. But then came the community outcry, with the result that the governor's proposals were drastically scaled back -- and so far, privatization remains limited to 45 schools and follows a "thin management" model.

Less known, because they have not yet come into play, are the takeover law's provisions concerning union contracts. Under the law, certain issues were declared "out of bounds" for collective bargaining. These include such matters as privatization agreements, as well as "staffing patterns and assignments, class schedules ... and teacher preparation time."

Thus, when the PFT contract comes up for renewal next year, these issues will apparently not be on the table. Instead, they will be left to the SRC to decide. Also, so long as the District is under SRC control, strikes by school employees -- which are permitted, within certain limits, everywhere else in the Commonwealth -- are illegal.

It sounds drastic, but here again, political forces are likely to come into play, for example, the unions may be able to influence SRC decisions even on bargaining issues.

More chapters to come

Remarkably, the SRC itself was given the power to decide, by majority vote, when the takeover will end. Thus, the takeover could go on for years -- even if the Governor, not to mention the citizens of Philadelphia, believed that it should end. But whether that is really likely is another question.

The courts could also intervene to end the takeover, but so far, they haven't. Early on, the PFT and others filed suit to block the takeover on the ground that it violated the Pennsylvania Constitution. The state Supreme Court rejected the suit.

Another suit, arguing that the takeover illegally deprived Philadelphians of their right to home rule, was dismissed by a federal court. And a third case, contending that Edison Schools had illegally benefited from its own study recommending the hiring of outside management organizations, also failed.

But even here, things aren't completely settled. As the takeover unfolds, issues may arise that the courts will be willing to consider. It's also possible that, if the political pressure were there, Pennsylvania's General Assembly might amend or even repeal the takeover law.

Clearly, there are more chapters ahead in this saga. And Philadelphians, many of whom feared that they had lost all say concerning their schools, may continue to find opportunities to exert their influence.

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