



# Governing Urban Schools in the Future: What's Facing Philadelphia and Pennsylvania

## Overview

In 2001, the state of Pennsylvania took over the School District of Philadelphia. The move, which came with the consent of the city's mayor and included an increase in state and city funds for the schools, followed years of turmoil during which the district twice sued the state over funding, the superintendent resigned in frustration, and state officials pushed to have a private company manage Philadelphia's schools. The School Reform Commission (SRC), which was created as part of the takeover, runs the district, with three members appointed by the governor and two by the mayor. That arrangement has been the subject of continuing debate, with education advocates calling for a return to local control—and Pennsylvania Governor Tom Wolf and former Philadelphia Mayor Michael Nutter also advocating an end to the state takeover of the city's schools.<sup>1</sup>

Given that debate, The Pew Charitable Trusts commissioned an analysis comparing key elements of Philadelphia's school governance system with those of 15 other major urban districts. The districts—serving Atlanta, Baltimore, Boston, Chicago, Cleveland, Denver, Detroit, Houston, Indianapolis, Los Angeles, Miami-Dade, Milwaukee, Newark (NJ), New York, and St. Paul (MN)—were chosen for their size and their demographic and economic similarities to Philadelphia.

Three key findings emerged:

- Ten of the 15 districts studied and more than 90 percent of those in the U.S. are run by elected school boards; those in Baltimore, Boston, Chicago, Cleveland, and New York are not. The School District of Philadelphia has never had an elected board.
- Of the 15 districts, only Baltimore, Boston, and New York lack the authority to raise revenue on their own—relying instead on city government for the entire local share of the school system’s operating funds. This has always been the case in Philadelphia, even before the state takeover. While the absence of taxing power is rare among districts nationally, it is not uncommon in large northeastern cities.
- In all of the districts studied that have experienced some form of state intervention, the governance change has been long-lasting; in Philadelphia, it is entering its 15th year in 2016.

There is no consensus among researchers about whether any particular form of school governance—including state takeovers, mayoral control, or elected local boards—leads to better student performance or fiscal management. Experts say that too many other factors are involved, such as funding levels, the demographics of the student body, and the quality of leadership in state and city governments, in the school districts, and in individual schools. But there is strong agreement that any governance system must avoid uncertainty about responsibility and accountability in order for schools to make progress.

Since the 1990s, states have played an active role in local school governance in many parts of urban America, hoping to address financial difficulties, mismanagement, and/or poor academic performance, and often supplanting local school boards. In some cases, such as in Boston, Chicago, Cleveland, and New York, state intervention has resulted in mayors assuming full responsibility for managing the schools. In others, including Philadelphia, Baltimore, Detroit, and Newark, the state has exercised varying degrees of control.

If and when state control of the School District of Philadelphia comes to an end, policymakers will have to decide how to govern the city’s schools. This brief is intended to inform those decisions.

## **An unelected school board**

The School District of Philadelphia has never had an elected school board, even though every other district in Pennsylvania does.<sup>2</sup> The city’s common pleas court judges chose the members of the district’s first board, which was created in 1905. That system lasted until 1965, when the new education supplement to the city charter gave the mayor the power to name board members.<sup>3</sup> As in most of the districts studied, members’ four-year terms were staggered—so for several years, an incoming mayor often had to deal with a board appointed by his predecessor.

In 1999, Philadelphia voters changed the charter, making the tenure of all board members coterminous with the mayor’s, increasing the mayor’s control and accountability.<sup>4</sup> That system had been in effect for less than two years when the state takeover occurred, and it could be reinstated if control is put back in the hands of a local board.

Of the other urban districts studied for this report, 10 have elected school boards and five do not. Among the five appointed boards, the mayor selects the board members in Boston, Chicago, and Cleveland. In Baltimore, the mayor and governor choose all nine adult members jointly, plus one student member with voting power on some issues. In New York City, the mayor selects eight of the 13 members, and the five borough presidents pick one each. (See Table 1.)

Table 1

## Characteristics of School Governing Bodies in Selected Large U.S. Cities

Listed by number of members

City	Elected or appointed	Number of members	Name	Selection details
Philadelphia	Appointed	5	School Reform Commission	Three appointed by governor, two by mayor
<b>Boston</b>	Appointed	7	School Committee	All appointed by mayor from list drawn up by Citizens Nominating Panel
<b>Chicago</b>	Appointed	7	Board of Education	All appointed by mayor
<b>Denver</b>	Elected	7	Board of Education	Two elected at large, five by district
<b>Indianapolis</b>	Elected	7	Board of School Commissioners	Two elected at large, five by district
<b>Los Angeles</b>	Elected	7	Board of Education	All elected by district
<b>St. Paul</b>	Elected	7	Board of Education	All elected at large
<b>Atlanta</b>	Elected	9	Board of Education	Three elected at large, six by district
<b>Baltimore</b>	Appointed	9*	Board of School Commissioners	All jointly appointed by mayor and governor
<b>Cleveland</b>	Appointed	9	Board of Education	All appointed by mayor from list drawn up by local nominating panel
<b>Houston</b>	Elected	9	Board of Education	All elected by district
<b>Miami-Dade</b>	Elected	9	School Board	All elected by district
<b>Milwaukee</b>	Elected	9	Board of School Directors	One elected at large, eight by district
<b>Newark</b>	Elected	9*	Schools Advisory Board	All elected at large
<b>Detroit</b>	Elected	11	Board of Education	Four elected at large, seven by district
<b>New York</b>	Appointed	13	Panel for Educational Policy	Eight appointed by mayor, one each by five borough presidents; schools chancellor is a nonvoting member.

\* The boards in Baltimore and Newark each have a student as a 10th member.

Sources: Individual districts

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Prior to the state takeover and creation of the SRC, Philadelphia’s school board had nine members, which is about average in size among the districts studied and the required number for school boards in Pennsylvania. The SRC, with only five members, is the smallest governing body among the districts studied; the largest is New York City’s.

There has been considerable debate over whether an elected board is necessary or desirable in Philadelphia and other major cities.

Advocates say elected bodies are inherently more accountable than appointed ones and that elections open board membership to a broad range of candidates, while appointed boards tend to consist of members with personal or institutional connections with political decision-makers.

Opponents say that elected board members tend to be less willing to make needed but potentially unpopular decisions and that big-city board elections tend to have low voter turnout, making them susceptible to domination by political machines, labor unions, and other organized groups.

## Powers of the local district and its governing body

In most school districts across the country, the local governing body can impose taxes, usually on property, to generate revenue. The School District of Philadelphia has no taxing power and is dependent on city government for the local share of its revenue.

Twelve of the districts studied have taxing powers, although the Los Angeles Unified School District is difficult to categorize: Like other school districts in California, L.A. Unified can raise a limited amount of revenue—beyond the funding received from the state and a share of the property tax from local government—but only by putting a measure directly to voters. (See Table 2.)

Table 2  
Sources of Local Revenue for Selected Urban School Districts

Funds allocated by city government	Baltimore	New York
	Boston	<b>Philadelphia</b>
Property taxes imposed by district	Atlanta	Indianapolis
	Chicago	Los Angeles*
	Cleveland	Miami-Dade
	Denver	Milwaukee
	Detroit	Newark
	Houston	St. Paul

\* School districts in California receive a portion of the local property tax and have limited authority to generate additional revenue with voter approval.  
Sources: Individual districts  
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Urban districts with taxing power usually have elected school boards, making those board members, like most government officials with taxing authority, directly accountable to voters. Among the districts studied, only Chicago and Cleveland have taxing power without elected boards. In a February 2015 nonbinding ballot question in 37 of Chicago's 50 wards, nearly 90 percent of voters favored moving to an elected board.<sup>5</sup> Mayor Rahm Emanuel, who is responsible for running the district, opposes a change.

In most U.S. school districts, the board selects the superintendent. In Philadelphia, the SRC has that power, as do 11 of the 15 boards in the districts studied. The exceptions are Chicago and New York, where the mayor makes the choice, and Detroit and Newark, where state officials do.

## State interventions

State interventions in the governance of local school districts, particularly in big cities, have been commonplace since the early 1990s—and long-lasting. They have come in a number of widely varying forms. In urban districts, most have fallen into three categories:

- Authorizing the mayor to take over schools, as is currently the case in Boston, Chicago, Cleveland, and New York.<sup>6</sup> The usual justification for such a move has been that management of the schools will improve if responsibility lies with the city's top elected leader, who can be held accountable by voters.
- Putting a state-appointed official in charge; among the districts studied, only Detroit falls into this category. State takeovers offer some assurance to legislators, who provide a large share of school funding, that the officials running a district will be directly accountable to them, if not to school district residents.
- Creating a mix of state and local control, with the state generally having the upper hand, such as in Philadelphia, Baltimore, and Newark. (See Table 3.)

The interventions often have been justified by concerns over district finances, with student performance also sometimes cited. The circumstances for ending the interventions frequently are not specified in the accompanying legislation.

Nationally, several districts not included in this study have had state takeovers lasting less than a decade. For instance, Alabama's takeover of the Birmingham school district ended in 2015 after three years;<sup>7</sup> and California ran the Oakland district for six years, ending in 2009.<sup>8</sup> But Philadelphia's experience appears to be closer to the norm.

The 2001 takeover agreement did not stipulate how long the new governance system would last nor under which circumstances it would end. The agreement gave the authority to dissolve the School Reform Commission to the SRC itself. Commission members receive five-year terms, meaning they might remain in place after the elected official who appointed them—either the governor or the mayor—leaves office.

Gov. Wolf has pledged to replace the SRC with an elected school board, and Nutter, who served as mayor from 2008 through 2015, proposed that the district be controlled by an appointed board with the mayor selecting all nine members, four of them from a list created by City Council. Jim Kenney, who became mayor in 2016, has said he fears that pushing to eliminate the commission might result in less funding from the state.<sup>9</sup> In a nonbinding question on the May 2015 ballot, Philadelphia voters overwhelmingly favored eliminating the SRC and returning the district to local control. In a 2015 survey conducted by Pew, 64 percent of city residents said local school board members should be elected, 11 percent said they should be appointed, and the rest had no opinion.

Table 3

## State Involvement in Governance of Selected Urban School Systems

No state involvement	Atlanta	Los Angeles
	Denver	Miami-Dade
	Houston	Milwaukee
	Indianapolis**	St. Paul
State-authorized mayoral control	Boston	Cleveland
	Chicago	New York
Direct state involvement*	Baltimore	Newark
	Detroit	<b>Philadelphia</b>

\* The level of state involvement varies among these four districts, with a state-appointed official in charge in Detroit and lesser and varying levels of state control in the other three.

\*\* The mayor of Indianapolis has state-granted authority to authorize creation of charter schools.

Sources: Individual districts

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### Three cases: The state plays a prominent role

Among the districts studied, Baltimore, Detroit, and Newark are most like Philadelphia, with some form of state involvement in school governance for more than a decade.<sup>10</sup>

#### Baltimore

Since 1997, a city-state partnership has operated the Baltimore City Public Schools. The arrangement resulted from a lawsuit brought by the American Civil Liberties Union and the city of Baltimore against the state of Maryland over inadequate school aid. As part of the litigation's settlement, Baltimore's mayor agreed to share the power to appoint local board members with the governor in exchange for more state funding. The two officials select members from a list compiled by Maryland's Board of Education.

The partnership has had rocky moments. In 2004, the schools almost ran out of money. In 2005, there was talk of a full state takeover. By the following year, the state announced plans to take control of 11 Baltimore schools, citing low test scores. But that move, which generated strong opposition, never came to pass.

In the decade since, there have been failed attempts to add some elected members to the local board. At the end of 2015, with the district better funded than many other big-city systems, there did not appear to be any serious effort afoot to change the current arrangement.

## Detroit

The Michigan Legislature, at the urging of the governor, abolished Detroit's elected school board in 1999 and gave the mayor full control over the school system for five years. At the end of that period, a citywide referendum led to an end to mayoral control and the restoration of the elected school board. But financial difficulties ensued and, in 2009, the governor appointed an "emergency financial manager" for the district with the power to set tax rates.

Two years later, the Legislature expanded the manager's role to include broad powers over all aspects of the schools, even as the elected school board remained in place. At about the same time, the state created the Educational Achievement Authority, a statewide system with its own board, to oversee failing schools. And the authority took over management of 15 of Detroit's lowest-performing schools.<sup>11</sup> Those steps gave the state effective control over the district.

At various times since the initial intervention, the Detroit Public Schools have been plagued by uncertainty over who is responsible for managing the system and by frequent turnover in the emergency manager's office. While there have been numerous disputes between the manager and the elected school board, the current manager has been restructuring district operations and has pledged to work to improve the district's finances in order to end the emergency management system in 2016.<sup>12</sup>

## Newark

The state took over Newark's public schools in 1995, prompted by concerns about fiscal management, facilities, and student performance. Since then, the governor has appointed the district's superintendent, subject to approval by New Jersey's Board of Education, although the district retains an elected advisory board.

New Jersey's takeover law, unlike those in some other states, lays out specific criteria for a return to local control—thereby reducing uncertainty over how and when state intervention will end. The criteria are based on a state rating system for a district's performance in instruction, personnel, fiscal management, operations, and governance. To regain local control over any of those areas, a district must score 80 out of 100 in a state review. By the summer of 2015, the Newark district had regained control over operations and fiscal management.

In June 2015, New Jersey Governor Chris Christie and Newark Mayor Ras Baraka established a nine-member panel—with five members appointed by Christie and four by Baraka—charged with "developing a clear, specific pathway with appropriate timelines and benchmarks for the return of local control."<sup>13</sup>

## Conclusion

Education experts say that state takeovers of local districts have, at least in some cases, cured financial ills created through mismanagement. But there is no indication that any particular system for governing urban school districts is superior to another in improving long-term academic performance. Too many other factors, experts say, help determine what happens in the classroom, including the quality of principals and teachers, funding, and parental expectations.<sup>14</sup>

There is broad agreement on at least one conclusion: Governance systems that produce uncertainty, distrust, and ambiguous accountability can impede districts' progress on any front.

## About this brief

This brief was written by Larry Eichel, director of The Pew Charitable Trusts' Philadelphia research initiative, based on information gathered and analyzed by Gary Ritter, professor of education and public policy at the University of Arkansas, and supplemented by Pew staff. It was edited by Frazierita Klasen, senior director of Pew's Philadelphia program, along with Jennifer Stavrakos, Elizabeth Lowe, Daniel LeDuc, and Bernard Ohanian. Kodi Seaton was the designer, and Katye Martens was the photographer..

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### About the Philadelphia research initiative

Pew's Philadelphia research initiative provides timely, impartial research and analysis on key issues facing Philadelphia for the benefit of the city's residents and leaders.

## Endnotes

- 1 Thomas Fitzgerald and Robert Moran, "Wolf: Abolish SRC, Make Phila. School Board Elected," *The Philadelphia Inquirer*, Oct. 11, 2014, [http://articles.philly.com/2014-10-11/news/54873763\\_1\\_school-board-board-members-elected-board](http://articles.philly.com/2014-10-11/news/54873763_1_school-board-board-members-elected-board).
- 2 Mark Duffy, *Policy Brief: Local School Governance in Philadelphia: A Look at History and Research*, Research for Action (December 2014), [http://8rri53pm0cs22jk3vvqna1ub.wpengine.netdna-cdn.com/wp-content/uploads/2015/10/RFA\\_PACER\\_School\\_Governance\\_December\\_2014.pdf](http://8rri53pm0cs22jk3vvqna1ub.wpengine.netdna-cdn.com/wp-content/uploads/2015/10/RFA_PACER_School_Governance_December_2014.pdf).
- 3 Committee of Seventy, "Governance Matters: School Reform for the Urban District" (1997), <http://www.seventy.org/uploads/files/592233740339819895-governance-matters-1997.pdf>. Prior to 1905, the city had a number of separate neighborhood school systems, and each system had its own elected board.
- 4 Philadelphia Home Rule Charter, § 12-203, "Terms of Board Members," <http://www.coj.net/city-council/docs/consolidation-task-force/2014-01-09-philadelphiacharter.aspx>.
- 5 Juan Perez Jr., "Chicago Voters Back a Nonbinding Call for an Elected School Board," *Chicago Tribune*, Feb. 25, 2015, <http://www.chicagotribune.com/news/local/politics/ct-chicago-election-referendums-met-0225-20150224-story.html>. Advocates of an elected school board were not able to gather enough signatures to get the question on the ballot in the other 13 wards.
- 6 Carl Campanile, "State Extends Mayoral Control of Schools for Only One More Year," *New York Post*, June 24, 2015, <http://nypost.com/2015/06/24/state-extends-mayoral-control-of-schools-for-only-one-more-year>. In New York City, mayoral control was set to expire in 2016 unless the state Legislature granted an extension.
- 7 Kelsey Stein, "Birmingham City Schools officially released from state intervention," *al.com*, June 11, 2015, [http://www.al.com/news/birmingham/index.ssf/2015/06/birmingham\\_city\\_schools\\_offici\\_1.html](http://www.al.com/news/birmingham/index.ssf/2015/06/birmingham_city_schools_offici_1.html).

- 8 Katy Murphy, "Oakland School District: Is It Better Off After the State Takeover?" *Oakland Tribune*, March 26, 2010, [http://www.insidebayarea.com/ci\\_12753927](http://www.insidebayarea.com/ci_12753927).
- 9 Kristen A. Graham, "Nutter Calls for Dissolution of School Reform Commission," *The Philadelphia Inquirer*, Oct. 28, 2015, [http://www.philly.com/philly/education/20151028\\_Nutter\\_\\_Dissolve\\_the\\_School\\_Reform\\_Commission.html](http://www.philly.com/philly/education/20151028_Nutter__Dissolve_the_School_Reform_Commission.html).
- 10 The descriptions of the three case studies draw heavily from Ruth Moscovitch et al., *Governance and Urban School Improvement: Lessons for New Jersey From Nine Cities*, The Institute on Education Law and Policy, Rutgers University—Newark (2010), <http://ielp.rutgers.edu/docs/MC%20Final.pdf>.
- 11 Kyle Feldscher, "School Reform Office to Review Educational Achievement Authority's Role in Detroit Education," MLive Media Group, May 12, 2015, [http://www.mlive.com/lansing-news/index.ssf/2015/05/school\\_reform\\_office\\_to\\_review.html](http://www.mlive.com/lansing-news/index.ssf/2015/05/school_reform_office_to_review.html).
- 12 Ann Zaniewski, "DPS Emergency Manager Plans 'Targeted Cuts,' Streamlining," *Detroit Free Press*, March 4, 2015, <http://www.freep.com/story/news/local/michigan/detroit/2015/03/03/dps-emergency-manager-announces-restructuring/24322997>.
- 13 Jessica Mazzola, "Christie and Baraka on Schools: New Board Will Pave Way to Local Control," NJ Advance Media, June 26, 2015, [http://www.nj.com/esssex/index.ssf/2015/06/christie\\_and\\_baraka\\_board\\_will\\_help\\_transition\\_new.html](http://www.nj.com/esssex/index.ssf/2015/06/christie_and_baraka_board_will_help_transition_new.html).
- 14 Kenneth K. Wong and Francis X. Shen, *Mayoral Governance and Student Achievement: How Mayor-Led Districts Are Improving School and Student Performance*, Center for American Progress (March 2013), <https://cdn.americanprogress.org/wp-content/uploads/2013/03/MayoralControl-6.pdf>. Some analysts have made the case that school districts operating under direct mayoral control in the 2000s generally showed more academic improvement than the average for all districts in their states.

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