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Testimony of the Education Law Center
Board of Education of the School District of Philadelphia Action Meeting
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My name is Paige Joki and I am an attorney at the Education Law Center. **Action Item 401** proposes revisions to the way the Board considers charter applications and renewals in light of the COVID-19 pandemic. We would welcome revisions to increase accountability and ensure equity. The current Charter School Performance Framework, last revised in 2019, however, fails to address inequities and racial segregation.¹ The current system focuses on academic, operational, and financial performance to the exclusion of ensuring equity. It incentivizes charters, which serve one third of Philadelphia public school students, to continue to underserve students with the greatest educational needs.

The clients we represent who are at the intersections of multiple identities, like Black girls, face unexamined systemic roadblocks to a quality public education. Our clients show up ready to learn but are often disciplined for expressing their cultural identity. Some charters in this cohort authorize exclusions for wearing hairstyles that are not deemed “neat”² by school officials, for wearing “innovative”³ or “flamboyant” hair styles, “combs in their hair,”⁴ or “hair scarves.”⁵ Black students are sent the unmistakable message that their bodies and cultural expression are unwelcome at school, despite their clear right to be free from racism.

The current framework does not scrutinize these policies or consider the number of calls the Charter School Office receives involving racial harassment or discrimination. There also isn’t a tracking system for the issuance of Parental Exclusion Notices, which threaten parents with arrest if they show up unexpectedly on school grounds without an authorized appointment. We have witnessed the weaponization of these notices against Black mothers addressing educational rights violations experienced by their children.

¹ As explained in ELC’s 2019 report [Safeguarding Educational Equity](#), two-thirds of charter schools are hyper-segregated in that more than two-thirds of the students come from a single racial group and fewer than 1% are white students. Of the current cohort up for renewal, half serve student bodies that are over 90% Black.

² Global Leadership Academies Parent and Scholar Handbook, p. 14, available at <https://drive.google.com/file/d/17FYshwST19xKfhMaTXLyPeBh-5ntyR6Q/view> ([Specifying that ongoing violations of the Grooming Policy “will result in the scholar not being permitted to return to the learning environment until necessary adjustments have been made.”](#))

³ *Id.*

⁴ Universal Audenried Charter High School Family & Scholar Handbook 2020-2021, p. 16 available at: <https://www.universalfamilyofschools.org/wp-content/uploads/2020/08/Audenried-HANDBOOK.FAMILY.STUDENT-2020-21.pdf>.

⁵ *Id.*

The Student Discipline metric is silent on “subjective” school discipline policies, which are more regularly and harshly used against students of color, particularly Black girls.⁶ Policies of charter schools in this cohort authorize subjective discipline for age-appropriate misbehaviors, such as “disrespectful tone and/or body language,”⁷ “talking back,”⁸ “refusing to cooperate,”⁹ or being “rude.”¹⁰ The severe and disparate impact of these subjective policies must be considered in the renewal process.

Anti-Black racism and other manifestations of white supremacy have no place in our schools. Our children deserve schools where they are celebrated for who they are and can thrive. Charter evaluation metrics must reflect the District’s commitment to this core value.

The Education Law Center welcomes the opportunity to discuss these issues and ways to revise the Charter School Performance Framework to address equity issues in greater detail. Thank you.

⁶ United States Commission on Civil Rights, Briefing Report: Disparate and Punitive Impact of Exclusionary Practices on Students of Color, Students with Disabilities and LGBTQ Students in Pennsylvania Public Schools, Pennsylvania Advisory Committee, p. 18, April 2021, available at: <https://www.usccr.gov/files/2021/04-09-Pennsylvania-Public-Schools.pdf> (Finding students of color are “more frequently and harshly” than white peers despite engaging in similar rates of age-appropriate misbehavior)

⁷ Lindley Academy Charter School at Birney Family Guidebook 2020-21, p. 24 available at: <https://drive.google.com/file/d/1Vh44QLTKz6fuainAtvxzdOLVrEyYc0J0/view>.

⁸ Id.

⁹ Mastery Charter Schools Student Handbook 2020-2021, p. 26, available at: https://drive.google.com/file/d/1v0H0ElViWVrY1wO-zKSt_VZOKNrxmCd1/view.

¹⁰ Richard Allen Preparatory Charter School 2020-2021 Family Handbook 2020-2021, p. 22 available at: <https://drive.google.com/file/d/1kE2yaAZTSYU6EC6AXOxHbXuBifbWZsU8/view>.