



BACKGROUND (APRIL 2016)

William J. Green, IV v. Thomas W. Wolf & School Reform Commission of the School District of Philadelphia

THE EXECUTIVE SUMMARY

The Fairness Center represents School Reform Commission (“SRC”) member and former Democratic City Councilman Bill Green in his fight to be reinstated as rightful Chairman of the SRC. Governor Wolf illegally removed Mr. Green as Chairman of the SRC after Mr. Green’s reforms drew the ire of the Philadelphia Federation of Teachers (“PFT”).

Governor Wolf’s removal of Mr. Green was contrary to law, which allows removal only “upon proof by clear and convincing evidence of malfeasance or misfeasance in office,” and only “with a written statement of the reasons for removal and an opportunity for a hearing.” 24 P.S. § 6-696(b)(2). Mr. Green was removed without either.

According to a spokesperson for the Governor, Governor Wolf removed Mr. Green as Chairman over disagreement with Mr. Green’s policies. Ultimately, this case is about the SRC’s ability to govern Philadelphia’s schools independently, insulated from political influence and gubernatorial interference.

THE PROBLEM

Mr. Green, a former Democratic City Councilman, was appointed Chairman of the SRC in January of 2014. The SRC is a five-member entity, created by the state of Pennsylvania as a local mechanism for restoring order to school districts in “distress.” The SRC determines policy and negotiates contracts for the Philadelphia School District (“District”), effectively replacing the local school board.

Because Mr. Green is known to be a supporter of expanding charter schools, introducing vouchers, lengthening the school day and year, and making it easier to fire underperforming teachers, his appointment to the SRC immediately drew the ire of the PFT. News of his appointment led the PFT to issue a press release voicing “concerns” based on Mr. Green’s past support of vouchers and charter school expansion, and the Philadelphia Coalition Advocating for Public Schools (“PCAPS”), of which the PFT is a member, to issue a media advisory stating they would “chant, hold signs, and turn their backs on Green” at his first commission meeting. Even before he ascended the chair at his first meeting on February 20, 2014, Mr. Green was met by “loud boos” from PFT members, and the meeting continued to deteriorate throughout the night as union members interrupted, derided, and mocked the new chairman, even as he offered to meet with upset parents and teachers to more fully hear their concerns.

On October 4, 2014, with a burgeoning budget deficit and a two-year contract stalemate, the SRC, with the support of District Superintendent William Hite, cancelled the District's expired contract with the PFT, allowing for a cost savings of \$44 million that could be put directly back into schools. American Federation of Teachers ("AFT") President Randi Weingarten singled out Mr. Green as a stumbling block in the negotiation process, stating he was "[spending his time and resources hiring lawyers and going to court](#)" rather than trying "to figure out what is best for Philadelphia's kids."

Vilified by the PFT for what they viewed as his spearheading the effort to dismantle contract negotiations, Mr. Green became a whipping boy for the PFT in organized protests against the SRC. In an [official video](#) created by the AFT covering one protest, the podium and the crowd are littered with electioneering material both in favor of Wolf and against Governor Corbett and Mr. Green. Additionally, the video shows AFT President Randi Weingarten appealing to the crowd to elect Tom Wolf as Governor in the upcoming election and a teacher echoing that plea. The video ends with an appeal to "Stand with Philadelphia Teachers, Parents and Students – Vote November 4th."

In the [2014 election cycle](#), the Pennsylvania State Education Association Political Action Committee contributed \$800,000 to Governor Wolf's campaign, the American Federation of Teachers National PAC contributed \$661,781, PFT contributed \$110,000, and the AFT Pennsylvania chapter contributed \$27,500. In addition to these contributions, SuperPAC expenditures in support of then-candidate Wolf from the National Education Association and the AFT to the PA Families First SuperPAC amounted to \$1,080,000. And these public disclosures don't take into account the amount of money spent in support of then-candidate Wolf on private communication to association members.

Mr. Green also has been a strong supporter of charter schools as one effective tool to reach Philadelphia children, a policy position vehemently opposed by both the PFT and Governor Wolf. On February 18, 2015, Mr. Green chaired a meeting of the SRC in which the SRC reviewed 39 applications for charter schools. As the meeting opened, members of PCAPS caused a disturbance which eventually led to [four arrests](#). Included in the member organizations of PCAPS are the American Federation of Teachers PA and the PFT. Of the 39 charter school applications, the SRC approved five. [It was the first time the SRC had had an open selection process for charter schools in seven years.](#)

On March 1, 2015, less than two weeks after the SRC's charter school vote, Governor Wolf removed Mr. Green as Chairman of the SRC. Governor Wolf's spokesperson, Jeff Sheridan, [stated](#) Mr. Green was removed as Chairman because the Governor was disappointed by Mr. Green's support for more privately-run and publicly-financed charter schools after Governor Wolf had emphasized he opposed the "charterization" of the District. The Governor replaced Mr. Green as Chairman with fellow SRC member Marjorie Neff, "[because she supports his \[Wolf's\] vision for the School District of Philadelphia.](#)" Marjorie Neff did not vote to approve any new charters in the February 18, 2015, meeting.

THE LAW

The General Assembly intended that the SRC—a five-member commission filled by the Governor and Mayor of Philadelphia together—operate both locally and independently. To ensure the independence of the SRC, the General Assembly gave members fixed terms, staggered both with each other's terms and with the term of the Governor. 24 P.S. § 6-696(b). Furthermore, the General

Assembly prohibited members of the SRC from holding any other political office or becoming an officer of a political party. *Id.* at (b)(6). Finally, and most importantly, the General Assembly made SRC members removable during their terms only “upon proof by clear and convincing evidence of malfeasance or misfeasance in office,” and only then “with a written statement of the reasons for removal and an opportunity for a hearing[.]” *Id.* at (b)(2).

The General Assembly’s intent to protect the SRC from political influence and gubernatorial interference extends with even greater force to the office of Chairman of the SRC. The Chairman of the SRC serves in a civil office separate and distinct from the other members of the SRC and is responsible for “presid[ing] over the work of the entire SRC,” the grave and important work which includes scheduling SRC meetings, establishing meeting agendas, establishing SRC committees, and appointing committee members. *See* Petition, at ¶ 11 & Exh. A. The Chairman of the SRC also assumes the statutory duties of the President of the local board of school directors, whose duties include “execut[ing] any and all deeds, contracts, warrants to tax collectors, reports, and other papers pertaining to the business of the board, requiring the signature of the president.” 24 P.S. § 4-427.

Mr. Green was removed as SRC Chairman despite never being accused of malfeasance or misfeasance, and without written justification or a hearing.

THE CASE LOGISTICS

Plaintiff

William J. Green, IV was appointed to the SRC by Governor Corbett in January 2014 and was confirmed by the Senate and took the Oath of Office in February 2014. His term will end after Governor Wolf’s current term has expired. Immediately prior to his appointment, Mr. Green served as a Democratic City Councilman At-Large in the City of Philadelphia from 2008-2014. Prior to seeking public office, Mr. Green established a successful career in the private sector. Before attending Auburn University, Mr. Green traded options and futures in New York, London, and Amsterdam. He later obtained a law degree from the University of Pennsylvania. In the years since, he has founded several businesses, represented top Fortune 500 companies and start-ups as a corporate lawyer, and served as President of VistaScape Security Systems. A native Philadelphian, Mr. Green is continuing his family’s strong commitment to public service: his father served as a Congressman, Chairman of Philadelphia’s Democratic City Committee, and Mayor of Philadelphia, and his grandfather was a Congressman and Chairman of Philadelphia’s Democratic City Committee.

Relief Sought

Reinstatement as Chairman of the School Reform Commission

Date Filed

April 19, 2016

THE LEGAL TEAM

David R. Osborne is President and General Counsel at the Fairness Center, where he provides

advice and counsel to clients, directs the Fairness Center's legal strategy, and oversees all litigation efforts. Before joining the Fairness Center, David litigated on behalf of healthcare providers and conducted organizational and lobbying efforts for a national trade association. He previously worked as a judicial clerk to a Florida Supreme Court justice and served as official staff to a member of Congress. David graduated from the Florida State University College of Law.

Karin M. Sweigart is Assistant General Counsel at the Fairness Center, where she focuses on client interaction and litigation activities. Before joining the Fairness Center, Karin served as legislative counsel for the Committee on House Administration in the United States Congress, and counsel to Congressman Dan Lungren. She also served as a Jesse M. Unruh Fellow in the California State Assembly. Karin graduated from the University of St. Thomas School of Law.