

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

MARCH 2021

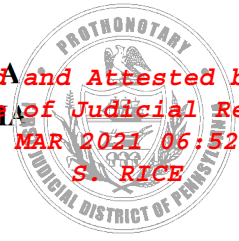
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E-Filing Number: 2103037188

PLAINTIFF'S NAME URBED, INC.		DEFENDANT'S NAME SCHOOL DISTRICT OF PHILADELPHIA	
PLAINTIFF'S ADDRESS 1315 WALNUT STREET SUITE 320 PHILADELPHIA PA 19107		DEFENDANT'S ADDRESS 440 N. BROAD STREET PHILADELPHIA PA 19130	
PLAINTIFF'S NAME ALLIANCE FOR PHILADELPHIA PUBLIC SCHOOLS		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS 4913 MORRIS STREET PHILADELPHIA PA 19144		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE E1 - EQUITY - NO REAL ESTATE			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		<p style="text-align: center;">FILED PRO PROTHY MAR 19 2021 S. RICE</p>	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>URBED, INC. , ALLIANCE FOR PHILADELPHIA PUBLIC SCHOOLS</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MEGAN K. SHANNON		ADDRESS OFFIT KURMAN TEN PENN CENTER 1801 MARKET ST SUITE 2300 PHILADELPHIA PA 19103	
PHONE NUMBER (267) 338-1328	FAX NUMBER (267) 338-1335		
SUPREME COURT IDENTIFICATION NO. 319131		E-MAIL ADDRESS mshannon@offitkurman.com	
SIGNATURE OF FILING ATTORNEY OR PARTY MEGAN SHANNON		DATE SUBMITTED Friday, March 19, 2021, 06:52 am	

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA**

**Filed and Attested by the
Office of Judicial Records
19 MAR 2021 06:52 am
S. RICE**



URBED, INC.

and

ALLIANCE FOR PHILADELPHIA PUBLIC
SCHOOLS,

Plaintiffs,

v.

SCHOOL DISTRICT OF PHILADELPHIA
BOARD OF EDUCATION,

Defendant.

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PA

CIVIL ACTION – LAW DIVISION

DOCKET NO. _____

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascender una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

OFFIT KURMAN, P.C.

By: Megan K. Shannon (319131)
1801 Market Street, Ste 2300
Philadelphia, PA 19103
Phone: 267-338-1328
Fax: 267-338-1335

AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA

By: Mary Catherine Roper (71107)
Andrew Christy (322053)
Andrea Anastasi (319385)
P.O. Box 60173
Philadelphia, PA 19102
Phone: 215-592-1513 x138

URBED, INC.

and

**THE ALLIANCE FOR PHILADELPHIA
PUBLIC SCHOOLS,**

Plaintiffs,

v.

**SCHOOL DISTRICT OF
PHILADELPHIA BOARD OF
EDUCATION**

Defendant

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PA

CIVIL ACTION – LAW DIVISION

DOCKET NO.

COMPLAINT IN EQUITY
ACTION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

AND NOW, come the Plaintiffs, UrbEd, Inc. and the Alliance for Philadelphia Public Schools, who file this action in the nature of a Complaint for Declaratory Judgment and a Complaint for Equity for Injunctive Relief.

The unelected Board of Education of the School District of Philadelphia is now addressing inequalities across hundreds of schools serving more than 200,000 students, plans for safely returning to in-person classes and bridging the disparities widened by a year of remote learning, and the use of hundreds of millions of taxpayer dollars. Amid this, it has chosen to implement a policy strictly limiting the public's input in its public meetings. The Board implemented a new speaker policy on January 6, 2021, permitting no more than 10 students and 30 adults to give live comment at Board Meetings, and affording them only two minutes each to do so. This is contrary to the Sunshine Act's requirement that the Board provide reasonable opportunity for public input. The Board had successfully conducted virtual public meetings with no speaker cap and a more generous time limit for commenters for nine months before implementing this new policy and has offered no rationale for why this strict policy is necessary. Therefore, in support of its Complaint, Plaintiffs allege the following:

THE PARTIES

1. Plaintiff, URBED, INC., is a Pennsylvania nonprofit located at 1315 Walnut Street, Suite 320, Philadelphia, PA 19107, founded by students at School District of Philadelphia schools whose mission is to train students to advocate for themselves and other Philadelphia public school students.

2. UrbEd, Inc. ("UrbEd") provides funding and advocacy training to its team members and six fellows, all of whom are public school students. UrbEd's team members research the agenda items for every Board of Education meeting, and typically three to four student members of UrbEd register to provide public comment at each meeting.

3. Plaintiff ALLIANCE FOR PHILADELPHIA PUBLIC SCHOOLS ("APPS") is a grassroots organization located in Philadelphia County, Pennsylvania, consisting primarily of

former and current Philadelphia public school students, teachers, and staff, whose mission is to aid the voices of public school stakeholders, particularly in the fight against school privatization.

4. APPS members research the Board’s agenda for each monthly meeting, research the issues, and prepare some members to provide public comment.

5. Defendant, BOARD OF EDUCATION OF the SCHOOL DISTRICT OF PHILADELPHIA (“School Board” or “Board”) is a public school board. The School District of Philadelphia is constituted pursuant to Pennsylvania law, 24 P.S. § 2-201 *et seq.* It is classified as a school district of the first class and operates at a business address of 440 N. Broad Street, Philadelphia, PA 19130.

6. The Board of Education of the School District of Philadelphia is an “agency” as defined in the Sunshine Act and thus subject to its open meeting requirements. 65 Pa.C.S. § 703.

NATURE OF THE CASE

7. This action is a complaint for declaratory judgment, pursuant to 42 Pa.C.S. §§ 1601, *et seq.*, and in the nature of a complaint in equity seeking a preliminary and permanent injunction pursuant to Rule 1531 of the Pennsylvania Rules of Civil Procedure.

JURISDICTION AND VENUE

8. Jurisdiction is conferred upon this Court pursuant to 42 Pa.C.S. § 931(a) and 65 Pa.C.S. § 715.

9. Venue in this Court is proper pursuant to Pa.R.C.P. 2103.

FACTUAL BACKGROUND

10. The School District of Philadelphia serves more than 200,000 students across 326 schools.

11. The Board of Education holds public meetings of the full Board at least once per month and special meetings called by the Board President as necessary.

12. The Board of Education's by-laws state: "The Board encourages the public to attend Board meetings and to participate in public comment opportunities and believes the public's involvement in education issues is critical to academic success of the District's students."

13. Prior to the Covid-19 pandemic, the Board conducted its public meetings at 440 N. Broad Street, Philadelphia, PA 19130, and all members of the public were permitted to attend and, if so desired, make public comment on the matters addressed.

14. For at least 5 years before the 2021 Policy was implemented, the Board of Education did not enforce any cap on the total number of speakers, and each speaker was allowed at least three minutes to address the Board.

15. The Board's previous policies restricted each person to one speaking spot per meeting, but did not restrict individuals from speaking at consecutive meetings.

16. When the Board first transitioned to online meetings, it permitted speakers to comment for at least three minutes and did not cap the total number of speakers through the end of 2020.

17. When the Board of Education initially transitioned to public meetings held remotely and livestreamed via the internet, its broadcast displayed a white screen with a clock; it did not show the speakers or Board members.

18. The Board's broadcast of its remote meetings was later adjusted to display video of the Board members; members of the public providing comment are still not visible.

19. During the pandemic, prior to the 2021 Policy, a typical meeting lasted two to four hours, and only twice did more than 50 individuals speak.

20. The Board of Education's July 2020 public meeting—addressing the Board's highly controversial reopening plan—was a notable outlier, as it featured approximately six and a half hours of public comment from over 100 speakers.

21. The Board recessed the July 23, 2020 meeting at approximately 12:21 a.m. and reconvened it the following week on July 30, 2020, from 4:00 p.m. to 6:59 p.m. At the reconvened meeting, 9 more members of the public spoke.

22. At the next six Board meetings, from August 2020 through January 2021, the highest number of speakers was at the October 22, 2020 meeting, when fifty-eight people spoke. The lowest number of speakers was at the August 20, 2020 meeting, when sixteen people spoke.

2021 SPEAKER POLICY

23. Effective January 6, 2021, the Board of Education adopted a new policy (the "2021 Policy") for public participation at Board of Education Meetings, capping the number of permitted speakers and student speakers, imposing stricter time limits, requiring pre-registration, and limiting the ability of speakers to participate in two consecutive meetings. A copy of the 2021 Policy is attached as Exhibit "A".

24. The 2021 Policy places a strict cap on the number of individuals who may provide live comment at Meetings: 10 students and 30 non-student members of the public, including parents and teachers.

25. The 2021 Policy requires speakers to pre-register starting from 5:00 p.m. of the first business day in the week in which the meeting will be held and ending at 5:00 p.m. on the

last business day prior to the date of the meeting. In other words, if a meeting is held on Thursday, registration starts at 5:00 p.m. on Monday and ends at 5:00 p.m. on Wednesday.

26. The 2021 Policy limits all speakers to two minutes, down from three minutes under the policies in place for at least five years prior.

27. The 2021 Policy creates a barrier to the ability of a person speaking at two consecutive meetings, stating: “In order to prioritize new voices, speakers who did not speak at the immediately prior public action meeting will be given the opportunity to address the Board before speakers who spoke at the Board’s last public action meeting. Accordingly, speakers who spoke at the prior meeting will speak after those who did not.”

28. The 2021 Policy allows for unlimited written testimony as an alternative to live comment, but only if the testimony is submitted at least 48 hours in advance of the meeting.

29. Pursuant to the 2021 Policy, timely-submitted submitted comments are to be included in full in the meeting minutes, but they are only summarized during the meeting; they are not read in their entirety.

30. On February 9, 2021, the ACLU of Pennsylvania sent a letter on behalf of Philadelphia residents to the Board of Education requesting that the Board honor its obligation under the Sunshine Act to provide a reasonable opportunity for public participation, specifically, by rescinding the limitations on the number of student and adult speakers, the two-limit time limit for speakers, and other restrictions.

31. In its response letter of February 17, 2021, Board of Education president Joyce Wilkerson asserted that the 2021 Policy is reasonable and that if unlimited public comment at deferred comment periods were permitted, “additional speakers could register to speak at each reconvened meeting and business would never be able to be conducted.” Ms. Wilkerson did not

address the Board's prior policy or cite any examples where so many speakers gave public comment that the Board was unable to conduct its business.

32. The number of speakers permitted in the 2021 Policy is static; the cap does not increase if there are more Action Items before the board at a particular meeting than speaker spots available.

FEBRUARY 25, 2021 PUBLIC MEETING

33. On February 25, 2021, the Board of Education held a public meeting via videoconference, which was available for broadcast online.

34. Pursuant to the 2021 Speaker Policy, speaker registration opened on February 22, 2021 and closed when the speaker spots were filled.

35. At least one member of UrbEd was prevented from speaking because registration for student speakers closed due to the ten student speaker spots for the February 25, 2021 meeting being filled.

36. The public meeting ran approximately 4.5 hours, from 5:00 p.m. to 9:30 p.m.

37. At this meeting, the Board spent approximately two hours analyzing data from its Goals and Guardrails program.

38. When speakers at the February 25, 2021 meeting reached their two-minute time limit, the Board muted their microphone, even if the speaker was mid-sentence.

39. At least one student member of UrbEd who had been able to register to speak was cut off mid-sentence at the two-minute mark during their comment.

40. Tamir Harper, executive director of UrbEd, who spoke as a community member, was forced to substantially reduce what he would have otherwise wished to express to comply with the two-minute time limit.

41. APPS member Lisa Haver was compelled to self-censor and limit her testimony due to the two-minute time limit.

42. Thirty adult members of the public registered to speak at this meeting.

43. Only 25 of the 30 adult registered speakers actually participated in the February 25, 2021 meeting.

44. The Board maintained no waiting list of non-registered speakers permitted to speak in place of the five registered speakers who did not appear.

45. Several registered speakers and student registered speakers noted their objection to the 2021 Policy's limitation on the number of speakers, the 2-minute time limit for comment, and the inadequacy of the written comment option.

46. Board has not indicated it will change the 2021 Policy in advance of its March 25, 2021 Meeting.

COUNT I
Declaratory Judgment
Violation of Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716

47. The averments of the preceding paragraphs are incorporated herein by reference.

48. Through implementation of the Sunshine Act, the Pennsylvania General Assembly found it to be the right of the public to be present at all meetings of agencies and that this right is "vital to the enhancement and proper functioning of the democratic process." 65 Pa.C.S.A. § 702(a).

49. Public meetings of the Board (with the exception of Executive Sessions) are subject to the Pennsylvania Sunshine Act, 65 Pa.C.S. §§701-716 (the "Sunshine Act").

50. The Board's own by-laws state: "The Board reaffirms the right of the public to deliver comments to the Board on matters of general concern, on formal actions of the Board, or

on deliberations regarding matters that are or may be before the Board. Speakers present at a Board meeting may address the Board in accordance with the law and Board policy and administrative procedures posted on the Board website.”

51. The Sunshine Act requires agencies to “provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for [the public] to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action.” 65 Pa.C.S. § 710.1(a).

52. The Sunshine Act further provides that: “If the board or council determines that there is not sufficient time at a meeting for [the public] to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.” 65 Pa.C.S. 710.1(b).

53. In light of the COVID-19 pandemic and restrictions on in-person gatherings, the Board is still required to “provide a reasonable opportunity” for public comment “[t]o the extent practicable,” including through remote telecommunication options. 35 Pa.C.S. §5741(f); 65 Pa.C.S. § 710.1(a).

54. The Plaintiffs were denied reasonable opportunity to participate in the February 25, 2021 meeting because the Board of Education enforced an arbitrary cap on the number of speakers and enforced an unreasonable two-minute time limit for each speaker.

55. The Board of Education denied Plaintiffs a reasonable opportunity to participate in the February 25, 2021 meeting by arbitrarily capping the number of student speakers at 10 while allowing three times as many adults speaking spots.

56. The Board of Education ignored attempts by the undersigned counsel to remedy the 2021 Policy’s Sunshine Act violations prior to the February 25, 2021 meeting.

57. Plaintiffs plan to attend the Board's future meetings and present comments, but under the Policy, those who spoke at the February 25, 2021 meeting will not be permitted to speak at the next meeting.

58. The Plaintiffs will be denied reasonable opportunity to participate in future meetings if the Board of Education enforces its arbitrary cap on the number of speakers and an unreasonable two-minute time limit for each speaker.

59. Defendants have violated, and will continue to violate, the Sunshine Act by foreclosing the public from meaningfully participating in government operations.

WHEREFORE, Plaintiffs request this Honorable Court to enter an Order declaring that Defendant the School District of Philadelphia Board of Education violated the Sunshine Act during its Meeting held on February 25, 2021, and that the 2021 Policy itself violates the Sunshine Act.

COUNT II
Equitable Action Seeking Injunctive Relief

60. The averments of the preceding paragraphs are incorporated herein by reference.

61. If the Board of Education's 2021 Speaker Policy remains in effect, the rights of all 200,000 students in the School District of Philadelphia, as well as all citizens of Philadelphia, will be continue to be infringed.

62. As stated further in the accompanying moving papers, Plaintiffs seek injunctive relief to ensure they have a meaningful opportunity to participate in the Board of Education's March 25, 2021 Meeting and subsequent meetings.

63. The Plaintiffs, as well as the members of the public, do not have an adequate remedy at law.

64. An injunction, preliminary at first and permanent after hearing, is necessary to avoid immediate and irreparable injury to the Plaintiffs that cannot be compensated for in damages.

65. Greater injury will result to Plaintiffs and other affected individuals if the requested injunction is denied, than will be suffered by the School District of Philadelphia and Board of Education if the requested injunctive relief is granted.

66. In the absence of an injunction, the public is barred from full and effective participation in the Board of Education's public meetings.

67. Plaintiffs' right to relief is clear and there is a reasonable likelihood of their success on the merits.

68. The public interest will be served by granting injunctive relief. The public has a strong interest in the transparency of school boards and all interested students and citizens have a statutory right to attend and participate in public meetings.

WHEREFORE, Plaintiffs request this Honorable Court to enter an Injunction Temporary at First and Permanent thereafter:

- (1) Enjoining the Board of Education from enforcing the cap on the number of speakers and two-minute time limit for speakers in its January 8, 2021 Speaker Policy; and
- (2) Entering such other relief as the Court deems just and proper.

Respectfully submitted,

OFFIT KURMAN, P.C.

By: /s/ Megan K. Shannon
Megan K. Shannon, Esq.

ACLU OF PENNSYLVANIA

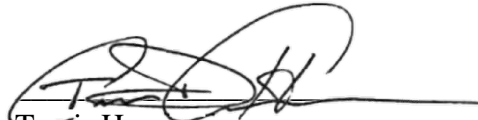
By: /s/ Mary Catherine Roper
Mary Catherine Roper, Esq.
Andrew Christy, Esq.
Andrea Anastasi, Esq.

Date: March 19 2021

4838-4395-0817, v. 1

VERIFICATION

The undersigned state that they are representatives of the plaintiffs herein and verify that the statements made in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief, and that this statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Tamir Harper

UrbEd, Inc.



Karel Kilimnik

Alliance for Philadelphia Public Schools

Exhibit “A”

Administrative Procedures for Board of Education Meetings

(Attachment for Policy No. 005)

Purpose:

The Board reaffirms the right of the public to be present at all public regularly scheduled and special meetings of the Board. The Board also reaffirms the right of the public to have a reasonable opportunity to comment on matters of concern, matters being considered for official action of the Board, and matters that are or may come before the Board.

The Board encourages the public to attend Board meetings and to participate in public comment opportunities, and believes the public's involvement in education issues is critical to the academic success of the District's students.

Procedures:

Written Comment

The public may submit comments to the Board in writing by emailing the Board at schoolboard@philasd.org. The public may submit comments to the Board in writing and deliver them to the Board Office located at 440 N. Broad Street, Suite 101, Philadelphia, PA 19130.

Comments should include the subject line "Board Comments," the name of the individual submitting the comments, and the individual's home address.

All written testimony must be received 48 hours in advance of the action meeting or committee meeting at which it will be discussed. The Board will accept unlimited written testimony that has been timely-submitted and will include it in full in the record of the meeting and read a summary of the testimony during the meeting.

Speaker Comment and Registration

Action or Committee Meetings

The public may share spoken comments with the Board by registering to address the Board at any regularly scheduled Action Meetings and Committee Meetings. The procedures for addressing the Board are as follows:

1. Individuals must register by submitting the speaker request form (for the meeting at which they wish to address the board) available on the [Board's website](#) or by calling 215-400-5959 to register with Board staff.
2. Speaker registration will open at 5:00 p.m. on the Monday (or the first business day) of the week in which the meeting will be held.

3. Individuals must register no later than 5:00 p.m. on the business day immediately preceding the meeting at which they would like to speak.
4. Individuals will be registered on a first come first served basis, subject to the following exceptions, with a limit of thirty (30) speakers per meeting. Each speaker will be given two (2) minutes to address the Board.
5. In order to prioritize new voices, speakers who did not speak at the immediately prior public action meeting will be given the opportunity to address the Board before speakers who spoke at the Board's last public action meeting. Accordingly, speakers who spoke at the prior meeting will speak after those who did not.
6. No individual may register to speak more than once during a meeting.
7. All speakers are asked to remember that Board meetings are opportunities to engage in civil discourse. Individuals may be ruled out of order if:
 - a. They make any disparaging remarks of a personal nature regarding any individual, whether or not that person is present; in which case they will be directed to address their comments to the appropriate District administrator; or
 - b. Use any vulgar, profane, or physically threatening language.
8. The presiding officer may:
 - a. Interrupt or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant.
 - b. Request any individual to leave the physical meeting or disconnect electronic access when that person does not observe reasonable decorum.
 - c. Call a recess or adjourn to another time when the lack of public decorum interferes with the orderly conduct of the meeting.
 - d. Suspend or alter any of the procedures related to addressing the Board.

Student Speakers

Current students of Philadelphia District or charter-operated schools in Philadelphia may share spoken comments with the Board by registering to address the Board at any regularly scheduled Action Meetings and Committee Meetings. The procedures for addressing the board are as follows:

1. Students must register by submitting the student speaker request form (for the meeting at which they wish to address the Board) available on the [Board's website](#) or by calling 215-400-5959 to register with Board staff.
2. Student registration will open at 5:00 p.m. on the Monday (or the first business day) of the week in which the meeting will be held.
3. Students must register no later than 5:00 p.m. on the business day immediately preceding the meeting at which they would like to speak.
4. Students will be registered on a first come first served basis, with a limit of ten (10) speakers per meeting. Each speaker will be given two (2) minutes to address the Board.

5. In order to prioritize new voices, student speakers who did not speak at the immediately prior public action meeting will be given the opportunity to address the Board before speakers who spoke at the Board's last public action meeting. Accordingly, speakers who spoke at the prior meeting will speak after those who did not.
6. No individual may register to speak more than once during a meeting.
7. All student speakers are asked to remember that Board meetings are opportunities to engage in civil discourse. Individuals may be ruled out of order if:
 - a. They make any disparaging remarks of a personal nature regarding any individual, whether or not that person is present; in which case they will be directed to address their comments to the appropriate District administrator; or
 - b. Use any vulgar, profane, or physically threatening language.
8. The presiding officer may:
 - a. Interrupt or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant.
 - b. Request any individual to leave the physical meeting or disconnect electronic access when that person does not observe reasonable decorum.
 - c. Call a recess or adjourn to another time when the lack of public decorum interferes with the orderly conduct of the meeting.
 - d. Suspend or alter any of the procedures related to addressing the Board.

Special Meetings & Board Public Hearings

At Special Meetings and Board Public Hearings¹, the Board of Education reserves the right to modify the speaker procedures and will make announcements about the speakers procedures for these meetings at the time of the meeting's publication.

Audience Protocols

To ensure that all individuals attending public meetings of the Board have the opportunity to observe the meeting and hear those individuals who have registered to address the Board, all members of the public attending all meetings shall be expected to:

1. Turn off or silence all cell phones, pagers, and other electronic devices.
2. Limit the displaying of signs, posters, or placards inside the room where the meeting is being held to appropriate locations.
3. Know that it is unlawful to disrupt public meetings and that individuals who do so may be prosecuted. [3]
4. Understand that the presiding officer may instruct that an individual be removed if s/he determines that they are disrupting the meeting. Electronic recording devices and cameras, in addition to those used as official recording devices, shall be permitted at public meetings under guidelines established by the Board.

¹ Public Hearings are meetings held pursuant to the requirement set forth in [section 12-1310](#) of the Philadelphia Home Rule Charter

Exhibit “B”

DECLARATION OF LISA M. HAVER

I, Lisa M. Haver, make the following declaration based on my personal knowledge and declare that the following is true and correct to the best of my knowledge and belief, except where otherwise noted. Further, I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. § 4904 (relating to unsworn falsification to authorities).

1. My name is Lisa M. Haver. I am over the age of 18 years and competent to give testimony. I grew up in Philadelphia and have lived here all my life. I worked as a teacher in Philadelphia for 28 years. For 17 of those years, I taught middle school students in the School District of Philadelphia. I still live in Philadelphia. Though I am now retired, I remain very active in my community, especially with respect to supporting public education in Philadelphia.
2. I am an active member and co-founder of a citywide, grassroots organization called Alliance for Philadelphia Public Schools (APPS). The organization's mission is to defend public schools against privatization. We want to strengthen public schools and the public school community by keeping schools community based and out of the hands of the well-funded and well-organized corporate interest groups.
3. I began attending open meetings set by the Philadelphia School District's governing body, the School Reform Commission (SRC), in 2001. (SRC is the predecessor of the School Board.) Since the formation of APPS in 2012, I have attended almost every meeting. I think that it's important to attend these meetings because APPS has started to become more of a watchdog group keeping an eye on the governing body of the School District, especially when the media is not covering this arena. We are there to confront the School Board on issues like cost and to help inform the public and raise awareness about details the public might otherwise not have known.
4. I also write four to six op-eds a year, which have been published in local publications like *The Daily News* and *The Philadelphia Inquirer*, in order to help citizens understand how their tax dollars are being used with respect to public education. I do this to highlight the role of the School Board as a governing body that oversees a three million dollar budget and how political forces affect this.
5. I keep track of action items at School Board meetings by way of two briefings composed by APPS before and after each meeting. The first briefing is called "Eyes on the Board." It provides a preview of what is on the Board's agenda and what we should keep tabs on by highlighting certain action items. The second briefing is called "Ears on the Board." It's a report of what happened at the meeting. Both briefings are posted on APPS's website.
6. I provide public comment on action items at every School Board meeting I attend. My public comments, and those of APPS, are not aimed only at the School Board - they are

also aimed at educating and informing other members of the public about the district. I think it is important to speak at these meetings in order to elevate issues to both the School Board and to other people in attendance, who might not have access to particular information or be aware of certain aspects of an action item being considered. I have a unique perspective as well as considerable knowledge based on my experiences as a public school teacher in Philadelphia, as a parent to children who attended Philadelphia public schools, and as a community activist advocating to strengthen public schools in Philadelphia. Providing public comment allows me to share my unique perspective with other members of the public school community in Philadelphia as well as with the decision makers on the School Board.

7. It is also important to me to be able to hear other people's public comments at these meetings. There have been instances in which I did not understand an issue before hearing another speaker's comment. Hearing other people's comments also facilitates connection and generates conversation both inside and outside the meeting. For example, one time there was an action item pertaining to developing "grit" in education. The idea with grit is that if students were grittier, things would be better for them. In my opinion, this thinking comes from a racist ideology. I raised this very issue, and as a result, four other people were inspired to voice their agreement. This generated a robust conversation that might not have occurred but for the one speaker drawing attention to it. Examples like this also demonstrate that public comment is not equivalent to written comments--written comments do not present members of the public with an opportunity to provide spontaneous and contemporaneous comment in reaction.
8. Due to COVID, meetings have been taking place on Zoom. The way meetings work on this platform is that if you're not making public comment, you can watch a live stream. If you are making a public comment, the School Board sends you a link the day of the meeting and will unmute you when it's your turn to speak. During the unusual eight hour School Board meeting in July, you could not see any speakers or the School Board. The live stream was a white screen with a clock, so while people spoke, that is all you saw. This is problematic, not being able to see who speaks. At that meeting, for instance, the School Board president was caught on a hot mic asking the superintendent whether he wanted to recess the meeting. Though the speaker's identity eventually came to light, we could not see what was going on. APPS sent a letter to the School Board asking them to change the clock screen. I am not sure who else might have complained, but the School Board did end up changing the screen. You can now see the School Board during the live stream, but you still cannot see the speakers--you can only hear them when it is their turn to speak.
9. The length of the meeting in July was unusual due to the circumstances surrounding the School Board's plan on how to handle instruction during the COVID-19 pandemic. Speakers took up about six and a half hours. There were a lot of speakers, including many principals. The increased number of speakers made sense based on the situation: when

you have a life or death issue like COVID-19, obviously more people will show up to speak out.

10. Typically, School Board meetings last about two hours, not eight. Most of the time is dedicated to public comment. Based on past meetings, I would say that if there were 30 speakers, each speaking for three minutes, that would take up about an hour and a half. In addition to public comments, the School Board President and the Superintendent will make their respective remarks. Meetings are also opened by a student performance, such as a student band. There may also be time allotted for acknowledgments and honors like student of the month and/or teacher of the month. Sometimes, there may be a staff presentation. Public comments begin after all of this, so usually about 45 minutes to one hour after the meeting starts.
11. There used to be more opportunities for public engagement and comment outside of these School Board meetings. There were four sub-committees of the School Board: community engagement, finance and facilities, student achievement, and policy. I believe these committees were created in the Fall of 2018. However, all but the policy committee, which meets quarterly, has been disbanded, eliminating those opportunities for public comment. As a result, the primary forum in which the public can engage with the School Board are these monthly open meetings. The reason the School Board provided for disbanding the committees is because of a new program called “Goals and Guardrails,” which is supposed to make the Superintendent more accountable. I think the real reason they were disbanded is because they were a victim of their own success. More and more people started attending these committee meetings to make public comments.
12. I attended the School Board meeting on February 25, 2021, which ran from 5:00-9:30pm. The 10 students registered to speak, spoke first. Then the School Board spoke for the next two hours. They spent that time analyzing data from the Goals and Guardrails program, which felt like a bizarre use of time, replacing public voices with their own. The first adult public speaker spoke at 8:00pm, and this portion of the meeting went until 9:30pm. If we were all in the same room, as was the case before COVID, I think that we would have protested the Board’s two hour presentation, standing up and demanding they stop in order to prioritize public comment. The way the meeting was structured, I think, was intended to silence people and have them not be heard.
13. I registered to speak at the February 25, 2021 School Board meeting. When the registration window opened online at five o’clock on February 22, 2021, I signed up and hit “submit.” I received an email the next day, confirming my registration, and then the day after that, the day of the meeting, I received another email with a website link and directions on how to unmute myself when it was my turn to speak.
14. During the February meeting, I spoke for the two minutes allotted by the new School Board policy on Action Item 11, which pertained to the Parsons Company. The substance

of what I said, however, mostly focused on the actions the School Board was taking to silence people with their new time limits and speaker caps. I spoke uninterrupted for the two minutes. Because of the two minute restriction, I was compelled to limit my remarks. If I had even one additional minute, I would have been able to make my comments about the speaking restrictions and also offer brief testimony about the Parsons Company. But I was prevented from doing so because of the time restriction. .

15. Most of the other speakers at the February meeting were cut off abruptly at the two minute mark, including students. At City Council meetings, when someone has reached the end of their time, they are at least given the courtesy of “Can you please wrap this up?” But at the School Board meeting in February, there was nothing like that. They just muted people at the two minute mark. It came across as rude, unwelcoming, and discouraging. Dana Carter, a teacher and education activist, told me that she is done with public speaking at these meetings because of what happened. The situation must have been worse for students, who are so young and don’t want to look stupid—just cut off mid-word.
16. The two minute time limit is too restrictive. It is difficult to make your case in two minutes. Three minutes is the norm and has been for years. Even if you’re speaking on one topic, you cannot get your idea across in two minutes. This was evident at the February meeting when so many speakers were cut off before they were finished. As a listener, when someone gets cut off due to the time limit, I’m hearing less of what they are saying. And what other people say at these meetings is just as important to me as being able to speak because it is an opportunity for me to learn about what is going on in other issue areas as well as in other parts of the school district.
17. I do not think the two minute time restriction is an effective way to manage time at these meetings. Again, three minutes is the norm. Policy should not be based on extremes like the very long meeting in July, which was unusual due to the circumstances, i.e, the contentious debate around how to handle the pandemic; the meetings since then have shown that there was no need to impose restrictions in the way that the Board has done so.
18. The School Board’s new cap on the number of speakers at these meetings impacts my ability to be heard, my ability to hear from other speakers, and the ability of everyone to have a say on action items before the School Board votes on them. First, the number of action items varies from meeting to meeting; and, some meetings have more than 40 action items. So, if speakers are capped to 10 students and 30 individuals, then it is unlikely that there will be opportunity for testimony on each action item, especially now with the two minute time restriction. Second, there is no way of knowing how people make the list of speakers. Third, once the speaker spots are filled, registration is cut off. If for some reason someone who successfully registered is not able to speak when it is their turn, then that two minute time slot is just left abandoned.

19. The Board's new policy prioritizing people who have not spoken at past meetings is also problematic. For example, if I want to speak on a particular action item, but don't make the list of speakers because I've spoken at a prior meeting, and no one else speaks on that action item, then the Board is voting on it without any testimony. Additionally, there's no way for me to strategize around this piece of the policy because we don't know what will be on the next month's agenda. So if I sign up for this month, I could risk not having an opportunity to speak on another action item that I might have prioritized with all of these new limitations on speaking.
20. I am aware that the School Board accepts written testimony up to 48 hours in advance of a School Board meeting. The School Board decides which written testimony will be addressed. According to the School Board website, they review the written testimony collected the week before a meeting and send a representative set to the School District, which will respond in writing to the questions. The responses are supposed to be posted publicly three days before the meeting.
21. If written testimony is included during the meeting, it is summarized by either a member of the Board or by the General Counsel, Lynn Rauch. They provide the person's name and a sentence or two summary. I think they give the identification of the person in terms of whether it is from a parent, student, community member, etc. if the person who wrote it indicates their role in the public school community.
22. The written testimony is supposed to be in the official record via the meeting minutes, but I have been unable to verify that for recent action meetings. It is very difficult to access them on the School Board website, and there are no instructions on how to do so.
23. Anyone who is told they may not make it onto the speaker list does not receive this information until 5:00 PM the day before the meeting. If someone doesn't make the list, they are told to send written testimony. However, by then, the window for written testimony has already been closed. This School Board practice prevents individuals from providing any type of comment whatsoever.
24. I may have submitted written testimony once, but I am not inclined to do so as a general matter because there is no guarantee that the School Board will read and share it with the rest of the community. Part of the purpose of voicing my comments at the meetings to make sure that I am heard.
25. Written testimony is not equivalent with public comment. Even if the School Board were to read every piece of written testimony in full, instead of summarizing, it still would not suffice for the power of testimony. When a person submits written testimony, they are submitting it to the nine members of the Board, who may or may not read it. With public comment, I am communicating with the entire community, and, I get to hear valuable

information from other parents and teachers and students from all over the school district. Also, once written testimony is submitted, that's it. On the other hand with public comment, I might have planned to say one thing at a meeting, but then sometimes I'll change my testimony last minute because of something that another person said during their remarks. In addition, when someone speaks at a meeting, and their testimony has an impact on the audience, and people react with clapping and ovations and the like, that reaction garners attention from both the School Board and the media. You cannot attract that kind of attention with written testimony.

26. For example, one or two years ago, a special education teacher had a complaint filed against her with the Department of Human Services alleging abuse. The School District was going to terminate her. But then half of the faculty of the school where she worked showed up at an SRC meeting on her behalf. Even though the teacher's pending termination was not an action item, the show of solidarity through numbers and standing and clapping got the media's attention. One *Inquirer* reporter told me that they'd never seen so many teachers come to a meeting to defend a colleague. That reporter did a feature story on the teacher, and her job was saved. This demonstrates the importance of these meetings as public forums and in turn, emphasizes the importance of public comment in these spaces.

27. Even now on Zoom and without being able to see the speaker, written testimony is still not equivalent to spoken comment. Though we cannot see the speaker, we can hear the emotion and the passion in their voice. This emotive quality and the engagement it elicits from the public is not possible with written testimony.

The statements herein are made subject to the penalties of 18 Pa. Cons. Stat. § 4904 (relating to unsworn falsification to authorities).

Date: 3/18/2021

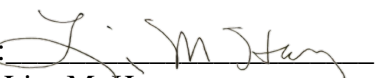
Signed: 
Lisa M. Haver

Exhibit “C”

DECLARATION OF KAREL KILIMNIK

I, Karel Kilimnik, make the following declaration based on my personal knowledge and declare that the following is true and correct to the best of my knowledge and belief, except where otherwise noted. Further, I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. § 4904 (relating to unsworn falsification to authorities).

1. My name is Karel Kilimnik. I am over the age of 18 years and am competent to give testimony. I am one of the cofounders of Alliance for Philadelphia Public Schools (APPS). I started APPS in 2012 and we are in our ninth year of existence. I currently live in Germantown, and have lived in Philadelphia for the majority of my life.
2. I founded APPS along with Lisa M. Haver in 2012. I taught in the School District of Philadelphia for 24 years and always have been politically active in addition to being an advocate for public education and for the students. After I retired, I founded APPS as a natural outgrowth of my retirement from teaching because it enabled me to stay involved in education.
3. The event that really catalyzed APPS' founding occurred in 2011, when the Philadelphia School District announced its intention to lay off 100 school nurses. Several nurses and other educators started a protest called Occupy 440 and held rallies every Wednesday afternoon in front of the School District. At those rallies, I met other people with the same passion for public education and a similar desire to improve and protect it. These connections in turn spurred the idea of a grassroots organization, which turned into APPS.
4. In the beginning, APPS held meetings in my home. We have grown since then and accordingly moved our meetings to the Unitarian Society of Germantown (USG). One of our members belongs to USG, so they allow us to use their space for meetings, which occur every other week, even through the summer break, with a brief break during the winter holidays. During the pandemic, we have continued to meet every other week remotely on Zoom.
5. APPS does not have an official office and the organization's address is my home address.
6. APPS does not have a formal legal structure. All decisions have always been and are currently made collaboratively. We are unique in this way, and there are no power struggles or hierarchies. We are all similarly-minded and share the same opinions on important issues to us. We do not have any political affiliation. We are a completely grassroots organization. We do not accept any grants or formal funding. We do not solicit any type of funding, though we do accept donations if they are offered. Our members do not pay dues. When a cost arises, whoever can chip in will chip in. For instance, if someone has volunteered to print fliers for APPS, then that person will typically cover the cost of printing.
7. APPS does not actively recruit members. People find out about our organization by word of mouth, typically through our work and our presence at School Board meetings. Anyone who wants to become a member of APPS can become a member. It's a self-

chosen membership. Those who attend meetings regularly and volunteer to take on responsibility are considered to be APPS members. We have between 8 and 11 members who are active at any given time.

8. APPS has a “steering committee” who meets every other week. We also have different groups and individuals who work with us on particular issues in a consulting capacity. For instance, we worked with a physical education teacher when one of the schools she was teaching in was in danger of being converted into a charter school. She does not regularly attend our meetings, but we still reach out to her with questions about physical education and wellness in schools. More recently, we have had interns from Temple University, who are working toward their Masters degrees in public policy, join our ranks.
9. Our current core membership primarily consists of current and former parents of public school students, teachers, school nurses, librarians, counselors, coaches, other school staff, and interested community members in the Philadelphia area.
10. Our mission at APPS is to ensure that the voices of the true stakeholders of schools, such as parents, students, and staff, do not get lost. We believe that public education is the foundation of democracy and should not be run by private entities for profit. Public education is a public institution for the public good, and it must remain as such. We fight against those attempting to privatize our public schools.
11. We carry out our mission by going to every single School Board meeting, taking notes at meetings and posting them on our website and social media pages (we are on Facebook and Twitter), making connections with people at the meetings, writing op-eds for local publications, and staying updated on School District activities. In short, APPS is a watchdog group that keeps tabs on the School District and the School Board and works to inform the public about what these entities are planning and doing.
12. Research is an important part of carrying out APPS’ mission. We are a research oriented organization. We do not make statements without documentation and verification. Any reports we publish are rigorously researched and backed up by evidence and data. We have a research committee, which enables members to divide up research projects we are working on. This committee constantly undertakes new projects and frequently compiles reports and briefs important issues, all of which we publish on the APPS website. The research committee recently completed and published a report on the five new charter applications the School Board is considering.
13. We have two ongoing publications: “Eyes on the Board” and “Ears on the Board.” “Eyes on the Board” briefs the most egregious upcoming action items on the agenda for the next School Board meeting. We publish this on the APPS website every month ahead of the meeting. “Ears on the Board” provides a detailed summary of what occurred at the most recent School Board meeting and is published on our website within 24-48 hours of the last meeting.
14. Since its founding, APPS members have attended and continue to attend every School Board meeting. This includes Board meetings, action meetings, charter school hearings,

charter nonrenewal hearings, and Committee meetings. We even attend and endeavor to draw attention to lesser known meetings like the “System of Great Schools” and “Comprehensive School Planning Review” meetings.

15. In the past, the School Board had four Sub-committees: Policy, Community Engagement and District Partnerships, Finance and Facilities, and Student and Achievement and Support. APPS members attended these meetings as well. Now, only the Policy Committee exists, meeting quarterly. APPS attends these quarterly meetings. The elimination of the other three committees circumscribed public engagement even more, making the monthly Board meeting one of the only opportunities APPS has to address both the School Board and the public at large.
16. After each meeting, APPS always publishes a write-up capturing what occurred in the meeting. APPS does this because we think that it is important to document what occurs at these meetings, especially since it has become very difficult to get the media to provide coverage of the School Board.
17. APPS is present at almost every meeting. We do not all speak at every meeting, but at least one APPS member speaks when speakers are permitted, and our members who speak at one meeting often also try to speak at a consecutive meeting. Whoever is willing to do the research and prepare notes speaks at the meeting. Sometimes, we reach out to other people we know to inform them of an action item of potential interest to them, and they will say something at the meeting as well. When we reach out, we support them in writing and researching their testimonies. Of course, we do this as needed with our own members as well.
18. The School Board introduced new procedures for speakers on Monday, January 25, 2021, and those procedures were in effect at the January 28, 2021 meeting. The new procedures capped speakers to 10 students and 30 individuals, and limited speaking time to two minutes. These speaking procedures remained in place after the January meeting, in spite of complaints by community members, and were in effect at the February 25, 2021 meeting.
19. Several APPS members attended the February 25, 2021 School Board meeting. I watched the livestream on Zoom but did not sign up to speak and did not speak at the meeting. Seven other APPS members did register to speak. Those who signed up to speak at the February meeting initially received an email stating they were not guaranteed to be on the speaking list for the meeting. Shortly before the meeting, however, they each received an email saying they would be able to speak at the meeting. Thus, all seven spoke at the meeting, but some were abruptly cut off and muted while providing testimony because of the new two-minute time restriction.
20. I would describe the February 25, 2021 meeting as a disaster for the public school community, including APPS. The first two and a half hours of this meeting consisted of the “Goals and Guardrails” presentation, where the School Board analyzed data in front of the entire public school community. Some of those who had signed up to speak had to leave the meeting to take care of other business before they even had a chance to speak,

because the Board went on for so long. In total, the meeting lasted about 4 hours and 37 minutes.

21. During public comments, the Board cut people cut off mid-word or mid-sentence because of the two minute time limit. No warning was provided beforehand and they did not let anyone finish their thought. When a person speaking hit the two minute limit, the Board simply muted that person's microphone, no matter what the person was saying, and no matter if the person speaking was a student or an adult. I remember one particularly egregious example, where a student, who sounded quote nervous, had her mic cut off mid thought at the two minute mark.
22. Typically, the monthly Board meetings last about 3-4 hours, except the July 23, 2020 meeting, that ran for about 8 hours. The July meeting was extremely unusual because of the nature of the issue being discussed, which was the district's school reopening plan during the pandemic. That was a particularly hot issue that evoked strong feelings in people and many people who had never spoken at Board meetings before stayed until the end of the meeting to testify. There were over 100 speakers at the July 23 meeting. The Board recessed the meeting after midnight and finished it the following week. The Board lists all of the speakers in its meeting minutes and posts this online.
23. Before the February 25, 2021 meeting, a typical meeting in person (before the pandemic) would start with a student musical performance, Student of the Month, Teacher of the Month, Superintendents Presentation, Committee Reports, registered speakers on Action Items. Then the Board would vote on the Action Items. Last were speakers on General Topics. During remote meetings, the meetings began with Superintendents Remarks and Committee Reports, then registered speakers on Action Items, voting, and speakers on General Topics.
24. During the public comment portion of the meeting prior to February 25, 2021, students typically spoke first because they need to get home for curfews, among other things. However, the public comment block on action items grouped all of the speakers together for that portion of the meeting. Speakers were capped, but in a different way than under the new policy. Specifically, four people were allowed to speak in support of an action item and four people were allowed to speak against that same action item. So there were up to eight speakers per issue. Normally, there were 30-40 speakers in total per meeting.
25. By the February 25, 2021 meeting, the Board changed the structure of public comments. The ten students who registered to speak on action items spoke first. Then, the School Board evaluated Goals and Guardrails data for two hours. After this, the 30 adults who had registered to speak on action items had their opportunity to provide testimony.
26. The new speaker caps have impacted APPS and our ability to carry out our mission. We have no idea how many people in the community tried to sign up to speak but were unable to do so. We have fewer people to listen to at meetings which means we may not be hearing a range of different perspectives on a topic.. The Board's previous speaker policy allowed for four people to speak about one side of an issue and four people to speak on the other side, so we were presented with a wider range of perspectives.

27. We are also extremely concerned about the effect of the speaker cap at a Board meeting where there are more than 40 items on the agenda. If there are more than 40 items on the agenda, the cap bars the public from commenting on certain agenda items, thereby depriving the public of an opportunity to raise concerns before the Board votes on those agenda items.
28. We feel that this speaker cap blatantly disrespects those people who are concerned enough about what is going on in public schools to take time out of their lives to speak out at these meetings. Importantly, people's voices aren't just being cut off from the School Board but also from the public; when people speak at meetings, they address everyone who is listening, not just the Board.
29. APPS is also concerned about taking up speaker slots. We want our members to be able to speak at meetings, but now whenever we sign up, we are taking another member of the community's slot.
30. The new time limit of two minutes has also impacted our organization and its ability to carry out its mission. We research the topics on which we intend to comment before signing up to speak, and two minutes is simply not enough time to convey a well thought-out or well-researched statement. We have had to work much harder in constructing our statements because not only do we have to figure out what we have to say, but we also have to figure out what we have to leave out because of the severe time limit. The time limit censors and curtails the testimony we want to give. And, it also limits our ability to listen to what others are sharing. It censors and curtails what we are able to learn from each other. Once more, the monthly Board meeting is one of the only opportunities that we have to address both the Board and the public, and we are each only given two minutes to say our piece. The Board cuts speakers' off mid-word once the two minute limit is reached. It feels extremely discouraging to have your words cut off like that. This practice is disrespectful, demoralizing, and makes us feel like what we have to say does not really matter to the Board. This time limit discourages us and other members of the public from fully expressing our thoughts.
31. Written testimony is not any sort of substitute or equivalent for live remarks. When we speak, we speak with feeling and emotion and it helps us get our point across more effectively, and it lets people know that the issue we're speaking about is really important. The same thing goes for when we listen to others speak. We hear the emotion in their voices and it kicks in emotion for those who are listening, it makes us feel something, and we realize how important the issue is for the speaker. For example, I heard a young man speak against charter schools at a recent Board meeting. He spoke about his own experiences, being a recent Philadelphia public school graduate. His voice was packed with emotion about how much the schooling meant to him, and I could hear how angry he was about how new charter schools would negatively affect his beloved public schools. He breathed life and feeling into every word he spoke. There's no way that same feeling will be conveyed in a written comment. Especially because if the Board even reads the written comment, they redact some of it. The Board does not imbue the words they are reading with the emotion that the speaker would. These emotions are so important because it just emphasizes how passionate people are about something, that they would take the time to speak about it. When people want to be heard, that means

something is important to them. These written comments simply do not allow people to adequately express what they are feeling.

32. Moreover, when someone submits written testimony, there is no guarantee that it will be included in what is read at the meeting. School Board President Joyce Wilkerson decides which written testimony will be addressed. According to the School Board website, she reviews the written testimony collected the week before a meeting and sends a representative set to the School District, which will respond in writing to the questions. The responses are supposed to be posted publicly three days before the meeting.
33. If written testimony is read at a meeting, only a brief summary of it is provided, as the School Board website indicates. Typically, it is read by a School Board member or by the General Counsel, Lynn Rauch. They will read the person's name and their role within the public school community (i.e., parent, student, teacher, etc.) if that is indicated with the testimony, and then summarize the testimony in one or two sentences.
34. The written testimony is supposed to be publicly available, but it is very difficult to locate, and the School Board does not provide instruction on how to do so. In order to access it, you have to go through several steps. First, go to the School Board website, then "Meeting Materials," then to the Agenda for that meeting. In the Agenda, you click on "minutes" to finally access written testimony.
35. As an organization, some APPS members have submitted written testimony if they did not have time to make it to a meeting, or if they have so many remarks that they know they will not be able to get through it in the time allotted. We do sometimes submit the longer reports that we've researched and compiled to the Board. But, it is an absolute last resort for us to submit written testimony because we strongly prefer the power of our voices breathing life into the words which we speak and having an impact on all those who are listening.

The statements herein are made subject to the penalties of 18 Pa. Cons. Stat. § 4904 (relating to unsworn falsification to authorities).

Date: 3/18/2021

Signed: Karel Kilimnik
Karel Kilimnik

Exhibit “D”

OFFIT KURMAN, P.C.

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ACLU of Pennsylvania

By: Mary Catherine Roper (71107)
Andrew Christy (322053)
Andrea Anastasi (319385)
P.O. Box 60173
Philadelphia, PA 19102
Phone: 215-592-1513 x138

URBED, INC.

and

ALLIANCE FOR PHILADELPHIA PUBLIC
SCHOOLS,

Plaintiff,

v.

SCHOOL DISTRICT OF PHILADELPHIA
BOARD OF EDUCATION,

Defendant.

**IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PA**

CIVIL ACTION – LAW DIVISION

DOCKET NO. _____

DECLARATION OF TAMIR HARPER

I, Tamir Harper, make the following declaration based on my personal knowledge and declare that the following is true and correct to the best of my knowledge and belief, except where otherwise noted. Further, I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. § 4904 (relating to unsworn falsification to authorities).

1. My name is Tamir Harper. I am over the age of 21 years and am competent to give testimony. I am one of the co-founders of UrbEd, Inc., a Philadelphia-based education advocacy non-profit. I was born and currently live in Southwest Philadelphia and have lived in Philadelphia all of my life. I attended schools in the Philadelphia School District from kindergarten through 12th grade.
2. A group of Philadelphia public school students led by Luke Risher and I founded UrbEd when we were still students in the Philadelphia School District. My co-founder and I hoped to mix organizing and policy together. As students in the city of Philadelphia, we witnessed and were affected by the inequalities that plagued schools. Those experiences and a lack of student voice in conversations motivated us to become reformers of urban education in Philadelphia.
3. UrbEd is a non-profit based in Philadelphia that advocates for fully-funded, safe, and healthy public schools in order to provide students with an equitable and quality education we deserve. We are an organization led by those who are and have been most affected by the issues facing urban public schools. Through political education and community organizing we are amplifying our voices—the voices of public school students—to give students the education they deserve and are owed.
4. UrbEd is organized as a Pennsylvania nonprofit and is overseen by a volunteer Board of Directors.
5. UrbEd exists to ensure that School District Policy is guided by the voices of the students who are most affected by those policies. Getting student voices in front of the Board of

Education and other venues where School District officials hear public comment is central to the mission of UrbEd.

6. I currently serve as the Executive Director of UrbEd. In addition to me, the UrbEd team includes eight part-time student organizers. UrbEd also provides funding for six students fellows, who complete an advocacy training program. Student self-advocacy is core to the mission of UrbEd, so every team member and every fellow, as part of their service to UrbEd, is trained and expected to advocate publicly for Philadelphia public school students. One of the most important spaces for that advocacy is the Board of Education meetings.
7. UrbEd sends/invites team members and fellows to every Board of Education meeting. Prior to each meeting, we review the agenda for the meeting and prepare background information for our student activists. Those student activists include our team members and fellows, of course, but also include students and other community members who follow us on social media. We seek to motivate and encourage all Philadelphia public school students to find the power of their own voices.
8. Some of the issues that we prepare and encourage students to speak about include Philadelphia school building conditions, school police, equity (or the absence of equity) in School District programs and, recently, the impact of COVID and remote learning on Philadelphia school students.
9. UrbEd regularly will have three or four students prepared to speak at each Board of Education meeting. We know that we inspire other students to participate, as well, because we hear them speaking from our materials.

10. I regularly speak on behalf of UrbEd at Board of Education meetings, as well.
11. UrbEd's work of preparing and empowering students to advocate for themselves is even more important during the pandemic, when students have lost so many other avenues of communication with school officials.
12. The new public participation rules issued by the School Board in January limit UrbEd's ability to fulfill its mission and limit the ability of UrbEd's team members and fellows to participate in Board of Ed meetings.
13. The ten student speaker limit is particularly problematic. For the February 25, 2021 meeting, some UrbEd speakers were able to register to speak, but at least one of our fellows was unable to speak because registration for students filled up and at that point the website would not allow him to register to speak.
14. The two minute time limit is also a problem. I saw one of our students cut off in mid-sentence during the February meeting. I also spoke at the meeting and had to cut my comments in half to finish within the time.
15. Finally, the rule that anyone who spoke at the previous Board meeting, when combined with the limits on number of speakers, interferes with UrbEd's efforts to help students be heard. Many of UrbEd's team members and fellows have spoken at consecutive meetings in the past and I would expect that to continue.
16. Allowing the submission of written comments is no substitute for allowing students to speak at the meeting.

17. Many student speakers are less comfortable writing than they are speaking, and this is particularly true for those students for whom English is not their first language.
18. But more fundamentally, written testimony cannot convey either the identity or the emotion of the speaker – especially if it is read or summarized by another person.
19. UrbEd strives to teach students the power they have in their voices. We teach students the power that they convey by showing up, by being who they are, and by speaking from the heart.
20. We believe it is essential for the Board of Education to truly hear students – not merely to read their words from a page. It is equally essential for the community to hear students. I have seen the effect that student testimony can have on policymakers. That effect cannot be replaced by the opportunity to submit comments in writing.
21. The Board of Education exists to serve the students of Philadelphia. By rights, and by law, it is their job to hear from those students, and the new policy limits the opportunity for students to be heard by them. That is why UrbEd has joined this effort to end the District's limits on public participation.

These statements are all true and correct to the best of my knowledge. I make these statements subject to the penalties of 18 Pa. C. S. § 4904 relating to unsworn falsification to authorities.

Executed this 18th day of March 2021.



Tamir Harper