

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS)
COMMISSION)
Complainant)
vs)
UNIONTOWN AREA SCHOOL)
DISTRICT)
Respondent)

DOCKET NO. P-719

FINDINGS OF FACT, CONCLUSIONS
OF LAW, COMMISSION'S DECISION
AND FINAL ORDER

- I. The Complainant herein is the Pennsylvania Human Relations Commission, an administrative agency of the Commonwealth of Pennsylvania.
- II. The Respondent herein is the Uniontown Area School District which administers the public schools in the geographic area of that school district.
- III. On May 8, 1970, the Complainant and Secretary of the state Department of Education wrote the Respondent that the Uniontown Area School District had a situation of racial imbalance in its schools, would be requested to submit a plan and timetable of implementation to deal with the problem, and enclosed "Desegregation Guidelines for Public Schools" and "Recommended Elements of a School Desegregation Plan" adopted by the Complainant and Department of Education.
- IV. The Respondent was requested by the Complainant and the Pennsylvania Department of Education, on July 28, 1970, to submit such a plan and timetable by December 1, 1970, for its implementation to correct the problem of racial imbalance.
- V. The Commission and Pennsylvania Department of Education offered the following assistance to the Respondent in the development of its desegregation plan:
 - A. A three-day Seminar on School Desegregation, June 14-16, 1970, at Commonwealth expense for eight representatives of the Respondent.
 - B. Consultation visits to the Respondent Superintendent and staff by staff representatives of the Commission and Pennsylvania Department of Education in May, August, and November 1970 and January 1971.

C. Letters to the Respondent School District offering staff help by the Pennsylvania Department of Education and the Commission in September and October 1970.

VI. A racially-imbalanced school is a racially segregated school.

VII. A racially-segregated or racially-imbalanced school is one whose concentration of Negro or white pupils is disproportionate to the enrollment of that particular racial group in all of the schools of the same grade span of a school district.

VIII. A disproportionate racial concentration of pupils in a public school consists of a pupil enrollment in which the percent of Negro pupils is less than or more than thirty (30%) percent of the percent of Negro pupils in schools of the same grade span of a school district, as defined by the Complainant and Pennsylvania Department of Education in "Desegregation Guidelines for Public Schools" and "Recommended Elements of a School Desegregation Plan."

IX. The enrollment of Negro pupils in Respondent's elementary school grade span¹, the number and proportion of these schools that are racially segregated and the Negro enrollment therein are as follows:

- (1) The proportion of black or Negro pupils in the elementary grade span for the school year 1970-71 was 8.4% black.
- (2) A racially segregated elementary school, school year 1970-71, was a school whose black enrollment was less than 5.9% or more than 10.9%.
- (3) In the school year 1970-71, 12 of the 13 elementary schools were racially segregated. Four schools had no black pupils in school year 1967-68 and still had none in 1970-71. Five additional schools in 1970-71 had from .6 to 3.9% Negro pupils. Three schools had disproportionately high Negro enrollments of 55.9%, 36.0% and 12.8%.

¹ Elementary schools are those grade span includes grade level kindergarten through sixth grade, except the Central School of all Special Education pupils.

X. The Respondent's staff in most positions, as of September 1970, does not reflect the racial proportion of black pupils in the Respondent school district. Compared to 8.8% black pupil enrollment in the district --

- (a) Of the 278 teachers in the district, 1.1%, or 3, were black.
- (b) None of the administrative and supervisory staff were Negro.
- (c) One of the 12 coordinate services staff was black.
- (d) Of the 37 clerical workers for the district, 2.7%, or 1, was black.
- (e) Two, or 6.5%, of the 31 cafeteria workers were Negro.
- (f) Of 58 custodial employes, 12.1%, or 7, were black.

XI. The Respondent's responses to the Complainant and state Department of Education's May 1970 request for a plan and timetable of implementation to correct the problem of racial imbalance consisted of an original plan submitted December 16, 1970, and a revised plan of February 17, 1971.

XII. These original and revised desegregation plans were judged not acceptable by the Complainant for the following reasons:

- A. The plans would not correct with certainty the problem of racial imbalance in the elementary schools of the City of Uniontown until September 1974. Only voluntary transfers of Negro pupils from the 55.9% East End School to the extent of available classroom space in other city schools would be employed the the next three years. Such space is not available in all racially imbalanced city schools.
- B. The plans did not deal with the problem of racial imbalance in the schools of the "valley" or "mountain" sections of the Respondent district, or include adequate justification for such exemption.
- C. The plans did not include steps to affirmatively recruit a racially-integrated non-professional staff.

XIII. Since submitting its latest desegregation plan February 17, 1971, the Respondent has employed one black non-professional, i.e., an attendance counselor; and those responsible have been authorized to seek black applicants as openings occur related to custodial, maintenance, clerical, cafeteria and teacher aid work.

- XIV. Travel from pupils' homes in the "mountain" section of the school district to the city of Uniontown schools involves distances of 20 to 38 miles and travel-time averaging 45 minutes in good weather.
- XV. Travel from pupils' homes in the "valley" section of the school district to the city of Uniontown involves distances of up to 30 miles and travel time of 15 to 45 minutes.
- XVI. There are hazardous traveling conditions involved in transporting from the "mountain area" to the City of Uniontown.
- XVII. A racially-integrated education is a desirable and important educational advantage and is beneficial to all children, especially Negro children.
- XVIII. The Respondent superintendent testified that a racially integrated learning experience in elementary schools would assist in achieving the state Department of Education's quality education goal of helping the child acquire understanding and appreciation of persons belonging to social cultural, and ethnic groups different from his own.
- XIX. The experience of learning together across racial lines develops attitudes of respect, understanding and cooperation.
- XX. One-race elementary schools deprive its students of seven years of that education-for-citizenship advantage of experience relating to pupils across racial lines which prepares pupils to live in a bi-racial world.
- XXI. Schools with disproportionately high black enrollments deprive their black students of the advantage to academic achievement of learning together with pupils of a full cross-section of motivations and educational backgrounds.
- XXII. The advantages of a racially-integrated education have been denied to Respondent's pupils by its failure to adopt a plan and timetable that would eliminate the number of racially imbalanced schools in its school system.

CONCLUSIONS OF LAW

Upon all the evidence at the Public Hearing and the foregoing Findings of Fact, the Pennsylvania Human Relations Commission makes the following Conclusions of Law:

1. At all times herein mentioned, the Pennsylvania Human Relations Commission had and still has jurisdiction over Respondent and the subject matter of the Complaint herein.
2. At all times herein mentioned, Respondent was and still is a place of public accommodations within the meaning of Section 4 (1) of the Pennsylvania Human Relations Act.
3. The Pennsylvania Human Relations Commission may properly act as Complainant in this proceeding.
4. The failure and continuing failure of Respondent to adopt a plan and timetable for its implementation that would eliminate the number of its pupils attending segregated educational facilities is an unlawful discriminatory practice in violation of Section 5 (i) (1) of the Pennsylvania Human Relations Act.

It is, therefore, recommended that the Commission enter an Order against Respondent requiring it to adopt a plan and timetable for its implementation that would eliminate the number of its pupils attending segregated educational facilities.



Everett E. Smith
Presiding Commissioner



Wilma Scott Heide
Hearing Commissioner



Robert W. Goode
Hearing Commissioner

COMMONWEALTH OF PENNSYLVANIA
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PENNSYLVANIA HUMAN RELATIONS)
COMMISSION,)

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vs)

UNIONTOWN AREA SCHOOL)
DISTRICT,)

Respondent)

Docket No. P-719

COMMISSION'S DECISION

AND NOW, this 2nd day of August, 1971, upon the recommendation of the Hearing Commissioners, and upon all the evidence at the Public Hearing of this case, and in consideration of the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission, by unanimous decision, finds and determines that Respondent, the Uniontown Area School District, has committed an unlawful discriminatory practice in violation of Section 5 (i) (1) of the Pennsylvania Human Relations Act in that it has failed and continues to fail to adopt a plan and timetable for its implementation that would eliminate the number of its pupils attending segregated educational facilities.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS :
COMMISSION
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FINAL ORDER

AND NOW, this 2nd day of August, 1971, upon consideration of the Findings of Fact and Conclusions of Law and pursuant to the provisions of Section 9 of the Pennsylvania Human Relations Act, as amended, the Pennsylvania Human Relations Commission hereby orders as follows:

I. The Respondent, the Uniontown Area School District, will develop and submit to the Pennsylvania Human Relations Commission for its approval a plan and timetable for implementation of that plan which will eliminate racial imbalance¹ in all its schools except the elementary schools in the "mountain" segment of the school district. Such a plan shall conform to all of the "Recommended Elements of a School Desegregation Plan," dated May 15, 1968, which is attached hereto and made a part hereof.

II. The Respondent shall submit said plan to the Commission by November 1, 1971.

III. Said plan and timetable for its implementation shall accomplish the following:

- A. Eliminate the racial imbalance in all its schools by the beginning of the school year 1972-73, except the elementary schools in the "mountain" segment of the school district.
- B. By September 1973 achieve a goal that the percent black professional and the percent black non-professional staff be in proportion to the percentage black population of the community of the school district. Failure to achieve said goal will not be considered a violation of this decree

¹ Racially imbalanced schools are those having a percent Negro enrollment less than or more than 30% of the percent Negro pupils among the buildings of the same grade span.

² These consist of Marclay, Chiopyle and Wharton Schools.

provided the district produces evidence of a good faith effort to reach said goal.

- IV. Said plan shall not place an undue share of participation in reassignment or transportation of pupils on any one racial group.
- V. Said plan shall avoid transportation of pupils for lengths of time or distance that risk their health or significantly impinge on their education process. If the result of this stipulation is that racial imbalance will not be corrected in any schools other than the "mountain" schools, this plan must include justification acceptable to the Commission for this modification.
- VI. Said plan shall avoid creating racial imbalance in classrooms as well as in schools.
- VII. Said plan shall avoid extreme isolation of black pupils in a classroom.
- VIII. The Respondent shall forthwith cease and desist from opening any new school without a racially-balanced pupil enrollment.
- IX. Any future application made by the Respondent to the Pennsylvania Department of Education for approval of any steps of school building projects shall provide the Pennsylvania Human Relations Commission with the following data concerning the proposed facility: 1) location of the building site; 2) pupil capacity; 3) attendance area boundaries; and 4) projected enrollment by race.
- X. The Respondent shall report to the Commission as follows:
 - A. By October 30 of each year, so long as the Commission shall require it to comply with this Order, the pupil enrollment and staff assignment by race of each building in the district, on report forms to be provided by the Commission.
 - B. By May 1 of each year, the pupil enrollment by race assigned to each school the following school year.
 - C. By May 1 of each year, any modifications of the desegregation plan being considered by the Board for implementation the following school year.

D. By June 30 of each year, the pupil enrollment by race assigned to each classroom of each elementary school.

E. By December 1 and June 1 of each school year, for so long as the Commission shall require it to comply with this Order, a progress status report regarding its activities of staff recruitment and assignment, in-service training of staff, and intergroup education programming and minority-group history and contributions.

XI. The Pennsylvania Human Relations Commission shall retain jurisdiction in this matter and shall reserve the right to amend this Final Order from time to time to ensure that the public school enrollment within the Uniontown Area School District will continue to remain racially balanced.

PENNSYLVANIA HUMAN RELATIONS COMMISSION



E. E. Smith, Chairman

ATTEST:



Robert Johnson Smith, Secretary

May 15, 1968

Recommended Elements of a School Desegregation Plan

by

Pennsylvania Human Relations Commission

and

Department of Public Instruction

1. Does the desegregation plan indicate the projected racial composition of each elementary and secondary school attendance area and the racial composition of the total staff of each building as of the completion dates of each step?
2. Does the desegregation plan identify the location of proposed school building construction sites?
3. How nearly does the desegregation plan bring the per cent Negro pupils in each building to within 30% of the per cent Negro pupils among the buildings of the same grade span?
4. Does the desegregation plan include procedures to affirmatively and effectively recruit and assign an integrated staff at all levels for all schools?
5. Does the desegregation plan correct any untoward concentrations of professional or non-professional Negro staff in any buildings?
6. Does the desegregation plan equally match the services of its professional staff and program with the educational needs of each school building?
7. Does the desegregation plan include plans for in-service training of staff to meet the needs and problems incident to the implementation of desegregation plans?
8. Does the desegregation plan include steps to include intergroup education programming and the inclusion of the contributions of Negroes and other racial and ethnic groups in the history courses about Pennsylvania and the United States?
9. Does the desegregation plan include a timetable indicating deadline dates by which each step will be completed? Are these dates as early as possible?
10. Does the desegregation plan indicate involvement of the community in its development and implementation?
11. Is the desegregation plan consistent with the Long Range Developmental Plan submitted to the Department of Public Instruction?