

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN
RELATIONS COMMISSION, :
COMPLAINANT : :

VS : DOCKET NO. P-697

THE SCHOOL DISTRICT OF :
PHILADELPHIA : :

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

FINDINGS OF FACT

- I. The Complainant herein is the Pennsylvania Human Relations Commission, an administrative agency of the Commonwealth of Pennsylvania.
- II. The Respondent herein is the School District of Philadelphia which administers, in the City and County of Philadelphia, through its eight sub-districts, 281 public primary and secondary schools.
- III. The Respondent was requested by the Complainant and the Pennsylvania Department of Education, on February 2, 1968, to submit a plan and timetable for the implementation of that plan to correct the problem of racial imbalance in its educational facilities.
- IV. On March 29, 1968, the Respondent was provided by the Complainant with its and the Pennsylvania Department of Education's "Desegregation Guidelines for Public Schools" and outline of "Services to Schools Regarding Public School Desegregation."

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V. In May of 1968, Respondent was provided with Complainant and the Pennsylvania Department of Education's "Recommended Elements of a School Desegregation Plan."

VI. Between February 2 and June 1, 1968, representatives of Respondent participated in one state-wide meeting, one regional and one two-day seminar on school desegregation convened by Complainant and the Pennsylvania Department of Education. At the two-day seminar, the three documents mentioned above in Paragraphs IV and V were discussed and distributed to all participants.

VII. On three occasions, Complainant's Commissioners and staff met with Respondent's Board Members and staff to discuss the request for submission of a plan and timetable, guidelines for same, and services available for developing an acceptable plan and timetable.

VIII. In response to Respondent's request, Complainant granted four extensions of time totalling one year (from July 1, 1968 to July 1, 1969) within which to develop an acceptable desegregation plan and timetable.

IX. 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.

X. 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 Complainant and Pennsylvania Department of Education in the aforesaid "Desegregation Guidelines for Public Schools" and "Recommended Elements of a School Desegregation Plan."

XI. The enrollment of Negro pupils in Respondent's grade span the number and proportion of these schools that are racially-segregated and the Negro enrollment therein are as follows:

A. Concerning all schools of all grade spans:

- (1) In school year 1968-69, 226 of the 279 schools were racially-segregated; in 1970-71, 228 of the 281 schools were racially-segregated.
- (2) In school year 1968-69, 42%, or 116 of the schools had enrollments of over 95% Negro or over 95% white; in 1970-71, 49%, or 139, of the schools had over 95% one-race enrollments.
- (3) In school year 1968-69, 76.3% of Negro pupils, or 127,015, were in schools with disproportionately too many Negro pupils; in 1970-71, 77.0%, or 130,400 were in such schools.

- (4) In school year 1968-69, 54.1% of Negro pupils, or 90,105, were in schools of over 95% Negro enrollment; in 1970-71, 56.7%, or 96,014, were in such schools.

B. Concerning the senior high grade span:¹

- (1) The percent of Negro pupils was 52.0% in the school year 1968-69 and is 56.2% in the school year 1970-71.
- (2) A racially-segregated senior high school, in school year 1968-69, was a school whose Negro enrollment was less than 36% or more than 68%, and in 1970-71, is one with less than 39% or more than 73%.

¹Senior high schools are those whose grade span is grade level 10 through 12.

- (3) In school year 1968-69, 15 of the 18 senior high schools were racially-segregated; in 1970-71, 16 of the 23 schools were racially-segregated.
- (4) In school year 1968-69, 5 schools had enrollments of over 95% Negro or over 95% white; in 1970-71, 7 schools had over 95% one-race enrollments.
- (5) In school year 1968-69, 71.0% of Negro pupils, or 19,548, were in schools with disproportionately too many Negro pupils; in 1970-71, 67.2%, or 19,260, were in such schools.
- (6) In school year 1968-69, 28.7% of Negro pupils, or 7,923, were in schools of over 95% Negro enrollment; in 1970-71, 26.0%, or 7,455, were in such schools.

C. Concerning the vocational-technical schools:

- (1) The percent of Negro pupils was 50.0% in the school year 1968-69 and is 59.9% in the school year 1970-71.
- (2) A racially-segregated vocational-technical school, in school year 1968-69, was a school whose Negro enrollment was less than 35% or more than 65%, and in 1970-71, is one with less than 42% or more than 78%.
- (3) In school year 1968-69, 2 of the 4 vocational-technical schools were racially-segregated; in 1970-71, 4 of the 4 schools were racially-segregated.
- (4) In school year 1968-69, no schools had enrollments of over 95% Negro or over 95% white; in 1970-71, no schools had over 95% one-race enrollments.
- (5) In school year 1968-69, 47.6% of Negro pupils, or 1,436, were in schools with disproportionately too many Negro pupils; in 1970-71, 86.1%, or 2,930, were in such schools.

(6) In school year 1968-69, no Negro pupils were in schools of over 95% Negro enrollment; in 1970-71, no Negro pupils were in such schools.

D. Concerning the junior high-middle school grade span:²

(1) The percent of Negro pupils was 61.0% in the school year 1968-69 and is 65.0% in the school year 1970-71.

(2) A racially-segregated junior high or middle school, in school year 1968-69, was a school whose Negro enrollment was less than 43% or more than 79%, and in 1970-71, is one with less than 46% or more than 85%.

(3) In school year 1968-69, 30 of the 36 junior high middle schools were racially-segregated; in 1970-71, 30 of the 35 schools were racially-segregated.

(4) In school year 1968-69, 15 schools had enrollments of over 95% Negro or over 95% white; in 1970-71, 18 schools had over 95% one-race enrollments.

(5) In school year 1968-69, 76.6% of Negro pupils, or 25,666, were in schools with disproportionately too-many Negro pupils; in 1970-71, 75.3%, or 28,852, were in such schools.

(6) In school year 1968-69, 53.6% of Negro pupils, or 17,955, were in schools of over 95% Negro enrollment; in 1970-71, 66.5%, or 25,501, were in such schools.

²Junior high schools are those whose grade span is grade level 7 through 9. Middle schools are those whose grade span is grade level 5 through 8.

E. Concerning the elementary school grade span:³

- (1) The percent of Negro pupils was 60.0% in the school year 1968-69 and is 60.2% in the school year 1970-71
- (2) A racially-segregated elementary school, in school year 1968-69, was a school whose Negro enrollment was less than 42% or more than 78%, and in 1970-71, is one with less than 42% or more than 78%.
- (3) In school year 1968-69, 179 of the 221 elementary schools were racially-segregated; in 1970-71, 178 of 219 schools were racially-segregated.
- (4) In school year 1968-69, 96 schools had enrollments of over 95% Negro or over 95% white; in 1970-71, 114 schools had over 95% one-race enrollments.
- (5) In school year 1968-69, 78.4% of Negro pupils, or 80,365, were in schools with disproportionately too many Negro pupils; in 1970-71, 80.1%, or 79,358, were in such schools.
- (6) In school year 1968-69, 62.7% of Negro pupils, or 64,277, were in schools of over 95% Negro enrollment; in 1970-71, 63.6%, or 63,058, were in such schools.

XII Respondent's desegregation activities, as described in its July 1, 1969 Plan, its supplement to such Plan, dated November 10, 1969, and its Desegregation Plan Report for 1969-70 and 1970-71 have had the following effect on desegregation in the two-year period from school year 1968-69 to 1970-71:

- A. The number of racially-segregated schools increased from 226 to 228.

³Elementary schools are those whose grade span is grade level Kindergarten through 6.

- B. The proportion and number of over 95% one-race schools increased from 42%, or 116, to 49%, or 139.
- C. The proportion and number of Negro pupils in disproportionately-Negro schools increased from 76.3%, or 127,015, to 77.0%, or 130,400 Negro pupils.
- D. The proportion and number of Negro pupils in over 95% Negro schools increased from 54.1%, or 90,105, to 56.7%, or 96,014 Negro pupils.

XIII. Some of Respondent's desegregation activities have provided, at most, part-time desegregated learning experiences, as follows:

- A. The skill centers to be located at various points in Respondent's district may provide a part-time desegregated learning experience for those pupils electing to take vocational technical subjects, but this desegregation activity has not been fully implemented.
- B. The shared-time programs between Catholic and public high schools is providing desegregated learning experiences to an undetermined number of Respondent's pupils, but is limited to a part-time experience of vocational education classes.
- C. Five to eight predominantly-Negro public elementary and secondary schools are paired together with the same number of predominantly-white parochial schools for programs in basic education.
- D. The "paired educational programs" at Franklin Institute bring together an unspecified number of pupils from ten predominantly-Negro and ten predominantly-white schools for eight to ten science programs per year.
- E. Musical activities provided to 2290 Negro and 1782 white pupils as a part-time desegregated experience.
- F. Summer school activities in 1970 provided bi-racial learning experience to most of 15,000 pupils but such program will not be carried on in 1971.

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XIV. Some of Respondent's desegregation activities have provided, at most, extracurricular experiences of integrated education as follows:

- A. The Saturday Sabable Vocational Skills Program brings together for training 400, mostly Negro, public school pupils together with 246, mostly white, parochial school pupils.
- B. Mostly on Saturdays, a total of 1713 elementary, 2100 junior high and 5900 senior high public and parochial school pupils have participated in World Affairs Council programs with a mix of 60% Negro, 40% white.
- C. School art leagues that operate Saturdays involve 651 Negro and 302 white pupils.
- D. Nine hundred student leavers, on a 3-2 Negro-white ratio, met once for training about the United Fund.
- E. Integrated camping experiences were provided to 2165 pupils in the Summer of 1969, but this program has since been discontinued.

XV. Parts of Respondent's desegregation plan lack decisions necessary to full and effective implementation to desegregate, as follows:

- A. There are 12 situations of over-80% Negro attendance areas adjoining over-80% white attendance areas where pairing or boundary changes could desegregate 10 to 12 schools. There are 18 situations where adjusting attendance area lines could reduce segregation. Some 5000 pupils could be desegregated by changing attendance and boundary lines. Respondent has made no decisions to take any of these steps.

- B. Ten elementary schools could be desegregated by the elimination of overlapping attendance areas, but no decisions have been made to do so except in Respondent's District 6.
- C. Busing to relieve overcrowding is reducing segregation by the transfer of approximately 8500 Negro pupils to predominantly-white receiving schools, thereby desegregating 20 to 25 white schools but is not desegregating the predominantly-Negro sending schools.
- D. In school year 1969-70 most of 1753 Negro pupils who transferred changed to substantially all-white schools as a result of Respondent's policy change but the use of this desegregation tool was limited because of Respondent's failure to provide financial assistance that would encourage pupils to seek such transfer.
- E. Respondent's present policy is that all pupils promoted from a given school should attend the same higher level school, but it has applied that policy to the entering class of only new schools, not to existing schools. There are 25 areas where pupils had the choice of a higher level school, - an invitation to self-segregation.
- F. Boundary lines in vocational technical schools have been adjusted resulting in some desegregation effect, but Respondent's plan makes no commitment to correct the racial segregation in all four of these schools.
- G. To date, 8 of the 10 high schools with magnet programs are racially-segregated. Magnet schools to be constructed will provide more space for pupils outside the school's attendance area, but firm decisions have not been made to so reserve that space. Few out-of-the-neighborhood pupils have chosen to transfer to magnet schools; no transportation assistance has been provided to encourage such transfers.

H. There are five large sites where school construction is clustering schools of different grade spans, or more than one school of the same grade span, but the projected enrollment in three of these will not be desegregated; and possible changes in attendance areas have not been decided. Such school construction will not provide substantial integration of schools.

I. A proposal by Respondent's staff for a feasibility study of regionalism as a desegregation tool was denied funding by Respondent.

J. With regard to providing students the desegregating effect of student-teachers from different races, white student-teachers are being assigned to predominantly-Negro schools, but Negro student-teachers, with few exceptions, are being assigned to predominantly-Negro Schools.

XVI. Integrated educational programs and miscellaneous schools carried on by Respondent are as follows:

- A. The experimental Parkway Project has provided desegregated learning to an increasing number of pupils, 540 in school year 1970-71, 55% of whom were Negro. The Respondent has funding to expand this program, and will do so in the already racially-balanced John Bartram High School
- B. The Mastbaum Laboratory Demonstration School enrolls academically-talented pupils from throughout Respondent's District and is 60% Negro.

- C. The E. S. Miller School for retarded pupils has involved predominantly-white parochial school students with an unspecified number of mostly Negro public school pupils.
- D. The Saul High School of Agricultural Sciences has a small though increasing enrollment, of which 31% is Negro.
- E. The Children's School in the Mantua-Powelton area involve a bi-racial group of 50 children.
- F. The Walnut Center program in West Philadelphia serves a bi-racial group of 250 children at the pre-kindergarten, kindergarten and grade one levels.
- G. Racially-integrated Child Care Programs in 15 centers involve 713 Negro and 505 white children, ages 3 to 11.
- XVII. A racially-integrated education is an educational advance and is beneficial to all children, especially Negro children.
- XVIII. The advantages of a racially-integrated education are that it provides all children the experience of relating to persons of other races with respect, understanding, appreciation and cooperation and that it provides Negro children the learning advantage of association with classmates representative of a variety of socioeconomic levels and learning expectations.
- XIX. The advantage of a racially-integrated education has been denied to thousands of Respondent's pupils by its failure to adopt a plan and timetable that would substantially reduce the number of pupils in its segregated schools.

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. The Pennsylvania Human Relations Commission may properly act as Complainant in this proceeding.
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. 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.
4. The failure, and continuing failure, of Respondent to adopt a plan and timetable for its implementation that would substantially reduce the number of its pupils attending its segregated educational facilities in an unlawful discriminatory practice in violation of Sections 4 (g) and 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 a timetable for its implementation that would substantially reduce the number of its pupils attending its segregated educational facilities.



Alvin E. Echols, Esq.,
Presiding Commissioner



E. E. Smith,
Hearing Commissioner



Andrew G. Freeman,
Hearing Commissioner

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN :
RELATIONS COMMISSION, :
Complainant :

VS : DOCKET NO. P-697

THE SCHOOL DISTRICT OF :
PHILADELPHIA, :
Respondent :

COMMISSION'S DECISION

AND NOW, this 7th day of June, 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 School District of Philadelphia, has committed an unlawful discriminatory practice in violation of Section 5 (i) (1) of the Pennsylvania Human Relations Act in that it has not adopted a plan and timetable for implementation of that plan which would substantially reduce the number of pupils attending segregated educational facilities.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS COMMISSION,
Complainant :
VS : DOCKET NO. P-697
THE SCHOOL DISTRICT OF PHILADELPHIA,
Respondent :

FINAL ORDER

AND NOW, this 7th day of June, 1971, upon consideration of the foregoing Findings of Fact and Conclusions of Law and pursuant to Section 9 of the Pennsylvania Human Relations Act, the Pennsylvania Human Relations Commission

O R D E R S:

- A. Respondent, The School District of Philadelphia, to:
1. Develop and submit to the Pennsylvania Human Relations Commission for its approval a plan and timetable for implementation thereof that will eliminate racial imbalance in its schools. Such plan shall conform to the "Recommended Elements of a School Desegregation Plan," dated May 15, 1968, attached hereto and made part hereof, and Respondent shall
- (a) Submit to the Commission within 30 days of the date of service of this Order that portion of the plan that will be implemented during the 1971-72 school year.

(b) Submit to the Commission by November 1, 1971 the balance of the plan and timetable for its implementation.

B. The plan and timetable for its implementation submitted shall accomplish the following:

1. By the beginning of the school year 1971-72, elimination of racial imbalance¹ in 20 percent of the schools with racial imbalance as of the school year 1970-71.
2. Elimination of racial imbalance in all vocational-technical schools by the beginning of the school year 1972-73.
3. Elimination of racial imbalance in all senior high schools by the beginning of the school year 1972-73.
4. Elimination of racial imbalance in all junior high schools by the beginning of the school year 1972-73.
5. Elimination of racial imbalance in all middle schools by the beginning of the school year 1972-73.
6. Elimination of racial imbalance in all elementary schools in and by the following steps:
 - (a) By the beginning of the school year 1972-73, reducing by at least one-third the remaining number of schools with racial imbalance.
 - (b) By the beginning of the school year 1973-74, reducing by at least one-half the remaining number of schools with racial imbalance.

¹Racially 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.

(c) By the beginning of the school year 1974-75, eliminating the remaining racially-imbalanced schools.

C. That the plan and timetable for its implementation submitted shall:

1. Include beginning and completion dates for each desegregation step, together with the projected desegregation results of each step in terms of the number and identity of Respondent's schools and the number of the Respondent's pupils changed from a status of racial imbalance to racial balance.
2. 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 all schools, this plan must include justification acceptable to the Commission for this modification.
3. Not place an undue share of the participation in reassignment or transportation on one racial group.
- D. That any decentralization plan adopted or implemented by Respondent be consistent with this Final Order.
- E. That Respondent shall forthwith cease and desist from opening any new school without a racially-balanced pupil enrollment.
- F. That Respondent in applying for approval of the Pennsylvania Department of Education of any steps in school building projects shall provide the Commission with the following data concerning the facility:

1. Location of the building site.
2. Pupil capacity.
3. Attendance area boundaries.
4. Projected enrollment by race.

G. That Respondent report to the Commission as follows:


1. By February 1 of each year, for as long as the Commission shall require it to comply with this Order, the pupil enrollment and staff assignment by race of each school building in Respondent's district, on report forms to be provided by the Commission.
2. By June 1 and December 1 of each year, for as long as the Commission shall require it to comply with this Order, a progress status report regarding its curricular desegregation programs.

H. That the Pennsylvania Human Relations Commission shall retain jurisdiction in this matter and reserves the right to amend this Final Order from time to time to ensure that the public school pupil enrollment within the School District of Philadelphia will continue to remain racially-balanced.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY: 
E. E. Smith,
Chairman

ATTEST:

BY: 
Dr. Robert Johnson Smith,
Secretary

May 15, 1968

Recommended Elements of a School Desegregation Plan

by

Pennsylvania Human Relations Commission

and

Department of Public Instruction

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?

Does the desegregation plan identify the location of proposed school building construction sites?

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?

Does the desegregation plan include procedures to affirmatively and effectively recruit and assign an integrated staff at all levels for all schools?

Does the desegregation plan correct any untoward concentrations of professional or non-professional Negro staff in any buildings?

Does the desegregation plan equally match the services of its professional staff and program with the educational needs of each school building?

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?

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?

Does the desegregation plan include a timetable indicating deadline dates by which each step will be completed? Are these dates as early as possible

Does the desegregation plan indicate involvement of the community in its development and implementation?

Is the desegregation plan consistent with the Long Range Developmental Plan submitted to the Department of Public Instruction?