

PHRC

# Education and Community Services Division

Overview

2018



# Equal Educational Opportunity

## Pennsylvania Human Relations Act

- Prohibits discrimination in grades K-12 because of:
  - Race/Color
  - Sex
  - Religion
  - Ancestry/National origin
  - Handicap or Disability
  - Support animal

Not Protected: Age, Familial Status, or GED

# Equal Educational Opportunity

## The Pennsylvania Fair Educational Opportunities Act (PFEOA)

- Covers post-secondary educational institutions including colleges, universities, & trade schools.



# Equal Educational Opportunity

**General rule.** Parochial schools are not public accommodations.

- *Catholic Archdiocese of Philadelphia v. PHRC* (1988)  
- "distinctly private" in nature
- *Chestnut Hill College v. PHRC* (2017)
- Certify in writing to the commission religious exemption  
§ 47.71

# Equal Educational Opportunity

## Frequent Issues

- Bullying/Harassment
- Failure to Accommodate
- Disparate Discipline
- Disparate Grades
- Achievement Gap

# Equal Educational Opportunity

## Frequent Issues

- Verbal
- Emotional
- Physical
- Cyberbullying



# Equal Educational Opportunity

**General Rule:** A school must take steps to protect a student from harassment or bullying related to her/his protected class.

Examples:

- Jokes about religion
- Racial slurs
- Harassment related to disability
- Sexual harassment

*Rolling Stone*



# Equal Educational Opportunity

**General Rule.** A school must take steps to protect a student from harassment or bullying related to her/his protected class.

Results:

- School tension
- Poor academic performance
- Absenteeism
- Depression
- Suicide



# Equal Educational Opportunity

## School's Potential Liability

- Member of a protected class
- Suffered harassment
- Severe or pervasive
- Detrimentially affected student
- School administrators knew of harassment
- School failed to investigate & provide a remedy

# Equal Educational Opportunity

## **What should a school do?**

- Develop anti-bullying policies
  - Clear
  - Written
  - Prohibit harassment
- Communicate Policy to:
  - Students
  - Administration
  - Staff
  - Parents
  - Post
  - Enforce

# Equal Educational Opportunity

**General Rule.** A school cannot deny students equal educational opportunities.

- Must accommodate students with disabilities
  - *Mitchell v. Burgettstown Area School District*
  
- *Gray v. QVSD*
  - School as a house of worship?



# Equal Educational Opportunity

**Can a school or college place a student on an involuntary leave that has attempted suicide?**

- Direct threat to others
- Direct threat to self
- Objective, scientific evidence

# Equal Educational Opportunity

**General rule.** A school cannot discipline students differently based upon protected class.

- Black and Latino students are 4 to 5 times more likely to be suspended or expelled.
  - Girl expelled brought toy bubble water guns to school
  - Girl arrested sprayed herself with perfume in class
  - Girl suspended for wearing hat (retaliation)?
  - 12-year-old girl handcuffed arrested for doodling on her desk
  - Teacher gives “most likely to become a terrorist” award to student

# Equal Educational Opportunity

## Sex-Based Discrimination

**General rule.** A school cannot treat students differently based upon sex.

- School treats males and females differently
  - Participation in athletics
  - Course assignments
- Victim doesn't fit the stereotype in appearance or activity

# Equal Educational Opportunity

- *Advocates for Students in Pittsburgh Public Schools v. Pittsburgh Public School District*
  - Monitor discipline
  - Advanced classes
  - Students identified as disabled
- Coatesville Plan of Action Agreement
  - Texting scandal
  - DOJ
  - NAACP



# Equal Educational Opportunity

## Settlement Terms/Remedies

- Display Fair Practices Posters
- Institutionalize equity
- Modify policy
- Staff training
- Provide reasonable accommodation
- Cease and desist
- Remove discipline
- Reimburse out-of-pocket expenses
- Monetary
- Report compliance



# Outreach and Training

## **Outreach:**

- Communities, Employers, Schools, Colleges, Local HRCs and Advisory Councils

## **Training:**

- Harassment/Bullying
- Cultural Diversity
- SPIRIT PROGRAM