

# EQUAL EDUCATIONAL OPPORTUNITY GUIDELINES FOR PUBLIC SCHOOLS\*

*(Adopted by the Pennsylvania Human Relations Commission on August 24, 1998)*

The Pennsylvania Human Relations Commission, cognizant of the fundamental guarantee found in the Pennsylvania Human Relations Act that equal educational opportunity, irrespective of race, color, religious creed, ancestry, disability, sex or national origin, must be provided, sets forth the following guidelines for use by those responsible for providing public education within the Commonwealth. Those responsible include, but are not limited to, the Commonwealth, political subdivisions and individual school districts. The Commission, in promulgating these guidelines, recognizes that equal educational opportunity not only requires the elimination of unlawful segregation found to exist but also requires the allocation of educational resources in an equitable manner and the elimination of disparities in educational results correlated to racially or ethnically identifiable factors. The Commission, in promulgating these guidelines, recognizes that action or inaction, whether direct or indirect, overt or covert, which fosters racial or ethnic discrimination or segregation in public schools, is contrary to the public interest. Whenever any such action or inaction, past or present, has adversely affected public education, it is the obligation of those responsible for providing public education in the Commonwealth to correct the situation.

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\*The Guidelines found below utilize the term "racial and ethnic" throughout to refer to the classifications: race, color, national origin and ancestry that are found in the Pennsylvania Human Relations Act. Moreover, the Guidelines expressly address only racial and ethnic segregation and discrimination. This emphasis is deemed appropriate because of the Commission's considerable litigation experience in these areas. The Guidelines, of course, have general applicability to segregation of, and discrimination against, all protected classifications under the Pennsylvania Human Relations Act.

## **1. Integration as a Factor in Public Education**

Those responsible for providing public education in the Commonwealth are obligated to provide equal educational opportunity irrespective of race or ethnicity. This obligation requires a recognition that the "common school", comprised of children from various backgrounds, has long been viewed as a basic social instrument in attaining our traditional goals of equal opportunity and personal fulfillment. The presence in a single school of children from varied backgrounds is an important element in the preparation of young people for active participation in the social and political affairs of our democracy.

When any one school building comes to be viewed as improperly exclusive in fact or in spirit; when it is viewed as being reserved for certain community groups; when morale, teacher and pupil motivation and achievement are affected by racial or ethnic imbalance, the school system is being adversely affected by segregation. Segregation is not an arbitrary numerical relationship of one group to another. Segregation becomes a factor adversely affecting education when an untoward concentration of any racial or ethnic group in one building begins to destroy the functioning of the entire system as a "common school".

Given the above, every school building, insofar as possible, should reflect in its enrollment a cross-section of the entire community.

## **2. Equitable Allocation of Resources as a Factor in Public Education**

Those responsible for providing public education in the Commonwealth are obligated to provide equal educational opportunity irrespective of race or ethnicity. This obligation requires those responsible not only to take steps necessary to reduce racial or ethnic imbalance but also to remedy the adverse educational consequences caused by racial or ethnic isolation and societal discrimination. To do so, responsible officials must recognize that the existence of a racially or ethnically identifiable disparity in the needs of students may require the allocation of resources in a manner that is responsive to the needs differential that is identified.

Given the above, school resource allocations should be needs-based to ensure equity in the allocation of resources.

## **3. Educational Results as a Factor in Public Education**

Those responsible for providing public education in the Commonwealth are obligated to provide equal educational opportunity irrespective of race or ethnicity. This obligation includes the need to respond appropriately to racially or ethnically identified disparities in student achievement results. Student achievement is measured in a variety of ways that include, without necessarily being limited to, the following: average daily attendance, dropout rates, graduation rates, post secondary education rates, letter grade and standardized test score data, representation in special education programs and representation in advanced placement and special admission programs.

Given the above, educational results should be monitored so as to permit identification of any racially or ethnically identified disparities together with appropriate responsive action.

#### **4. Racial and Ethnic Composition of Staff as a Factor in Public Education**

Those responsible for providing public education in the Commonwealth are obligated to provide equal educational opportunity irrespective of race or ethnicity. This obligation includes a recognition that a racially and ethnically diverse staff at all professional, non-professional and administrative levels has a positive educational value. Children of all ages benefit from role models with whose racial or ethnic backgrounds they can identify. Children of all ages also benefit from being taught by those who are racially or ethnically different.

Given the above, voluntary affirmative action measures, intended to correct any identified under-representation, should be engaged in. Such measures should not be confused with the imposition of remedial quota relief involving hiring or promotion nor should it result in the hiring or promotion of less qualified individuals based solely on their protected class status.

#### **5. The Shared Responsibility of the Commonwealth, Political Subdivisions and Individual School Districts as a Factor in Public Education**

Those responsible for providing public education in the Commonwealth are obligated to provide equal educational opportunity irrespective of race or ethnicity. This responsibility includes a recognition of the shared nature of the obligation. The Commonwealth, in this regard, is constitutionally mandated to provide a thorough and efficient education. School Districts are political subdivisions created by the General Assembly as the Commonwealth's agent for the sole purpose of satisfying the constitutional mandate.

Given the above, both the Commonwealth and individual school districts must accept their responsibility under the Pennsylvania Human Relations Act to ensure that equal educational opportunity is provided.

## **6. Curricular Inclusiveness and Programmatic Equity as a Factor in Public Education**

Those responsible for providing public education in the Commonwealth are obligated to provide equal educational opportunity irrespective of race or ethnicity. This obligation includes a recognition by those responsible that changes in policies designed to reduce racial or ethnic imbalance and overcome the effects of past and present racial or ethnic isolation and discrimination are only the first steps in meeting the goals and objectives of these guidelines. Responsible officials, including appropriate state agency officials, therefore, should strive in every way possible to strengthen programs designed to produce mutual respect and trust between groups. This would include a multi-cultural curriculum to ensure the contributions of all groups are included and that the treatment of all minority groups in our common history is re-examined. This type of curricular inclusiveness and programmatic equity should exist in all schools, not just those which have minority children enrolled. These proposals are designed to achieve good education for all children, not just special education for minority children. Additionally, those responsible should cooperate in the development of stronger programs of in-service training in human relations and multi-cultural education, both for administrative staff and teachers.

Given the above, the objective throughout the Commonwealth should be curricular inclusiveness and programmatic equity.

## **7. Continuous Evaluation and Preventive Action as a Factor in Public Education**

Those responsible for providing public education in the Commonwealth are obligated to provide equal educational opportunity irrespective of race or ethnicity. This responsibility includes an understanding that school districts that are racially or ethnically imbalanced or that experience racially or ethnically identifiable disparities in student achievement results will be subject to continuing examination by the Commission.

Given the above, constant review and evaluation should be made at all levels in order to uncover discriminatory inequities in their incipient stages and deal with them while they are in manageable proportions. Appropriate follow-up should occur when corrective action is taken in order to reduce the likelihood of future discriminatory inequities.

## **8. Community Participation as a Factor in Public Education**

Those responsible for providing public education in the Commonwealth are obligated to provide equal educational opportunity irrespective of race or ethnicity. This obligation requires those responsible to make wide use of parental, business and diverse community involvement in the development, evaluation and implementation of programs and plans.

Given the above, the active recruitment and utilization of parents, businesses and diverse community organizations as participants in the educational process should be an essential objective.