

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

Conciliation Agreement and Consent Order

Reading School District

and

Pennsylvania Human Relations Commission

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

CONCILIATION AGREEMENT AND CONSENT ORDER

WHEREAS, Section 3 of the Pennsylvania Human Relations Act, 43 P.S. §§ 951 *et seq.* ("PHRA"), declares the opportunity to obtain employment and to obtain all of the accommodations, advantages, facilities, and privileges of education irrespective of race, ancestry, and national origin to be civil rights enforceable under the PHRA; and

WHEREAS, the Pennsylvania Human Relations Commission (PHRC), acting pursuant to the authority granted in Section 8.1 of the PHRA, voted at its May 24, 2010, monthly meeting to hold an investigatory hearing regarding Reading School District's ("District") racial issues which individuals and community-based organizations had brought to the PHRC's attention; and

WHEREAS, individual and group concerns focused on three primary areas: (1) equal educational opportunities for minority students; (2) minority employment-related issues; and (3) minority student safety and security issues; and

WHEREAS, the PHRC held the investigatory hearing on September 28, 29, and 30, 2010, to address each of the three primary areas of concern; reconvened on Thursday, February 24, 2011, to provide an opportunity for the District to present public testimony; and met with District staff in a non-public setting to review confidential personnel matters on February 25, 2011; and

WHEREAS, following the hearing, on May 31, 2011, the PHRC issued a report, a copy of which is attached as Appendix "A," summarizing the testimony presented and providing primary and subsidiary findings and primary and subsidiary recommendations; and

WHEREAS, with respect to equal educational opportunity, the PHRC's primary finding was that the District graduates a lower percentage of students, that it has a higher percentage student dropout rate and that its students perform significantly less well on state-mandated standardized achievement tests when compared with students in general attending public schools in the Commonwealth; and

WHEREAS, because the District is some 87% minority and 76% Latino, these performance disparities have a disproportionate negative impact on Latino and African American students; and

WHEREAS, the noted disparities, when compared with White students in general and/or with White students within the District itself, represent a continuing trend of ethnically and racially identifiable differences that undercut efforts to obtain an equal educational opportunity; and

WHEREAS, with respect to equal employment opportunity, the PHRC's primary finding was that the District has not demonstrated any significant progress in its efforts to increase staff diversity through minority hiring, especially in administrative, teaching and other professional staff positions; and

WHEREAS, increasing staff diversity is recognized as a critical component in achieving equal educational opportunity; and

WHEREAS, with respect to safety and security, the PHRC's primary finding was that the District has experienced school safety and security issues, including in-school and near-school intimidation, threats and acts of violence, community/neighborhood and cultural conflicts, gang and gang-related violence, and student-on-student bullying, which negatively impact student learning; and

WHEREAS, issues related to ethnicity, race, ancestry and/or national origin were a frequently identified factor or undercurrent in many of the conflicts and further exacerbated efforts to achieve equal educational opportunity; and

WHEREAS, PHRC and District representatives met on August 11, 2011, to discuss the report and implementation of the recommendations contained in the report; and

WHEREAS, the District filed a written response to the report, a copy of which is attached as Appendix "B," on September 29, 2011; and

WHEREAS, PHRC and District representatives met again on October 11, 2011, to discuss the District's response to the report and its plans to implement certain of the report's primary and subsidiary recommendations; and

WHEREAS, the PHRC and the District wish to work cooperatively to resolve the identified equity issues and share a common goal of providing equal educational opportunities to all children; and

WHEREAS, the District has developed, approved and has begun implementation of a Strategic Plan intended to insure that all students will learn at high levels including a commitment to close the achievement gap a commitment to champion equity, fairness and cultural inclusiveness; and

WHEREAS, the District admits the jurisdiction of the PHRC in this matter and hereby waives all objections thereto; and

WHEREAS, the execution and implementation of this agreement shall not constitute any waiver of powers and duties conferred upon the PHRC, nor shall this agreement be deemed a declaration of policy or precedent by the PHRC; and

WHEREAS, This agreement shall in no way affect the intake, processing, adjudication or disposition of complaints involving the District, except that the District may, in the course of any proceedings, refer to this agreement and to its performance thereunder, to the extent relevant to such proceedings; and

WHEREAS, the PHRC finds that the settlement terms as set forth herein are reasonable under the circumstances and further finds that the public interest will be served by entering into this agreement;

NOW THEREFORE, as of this _____ day of _____, 2011, the PHRC and the District enter into this five-year conciliation agreement and consent order ("agreement") with the intent to be legally bound in accordance with the following:

TERMS OF SETTLEMENT

I. EQUAL EDUCATIONAL OPPORTUNITY

Administration

1. The District agrees that it will begin a search for an individual to fill the position of Equity Coordinator within thirty (30) days of the effective date of this agreement and that it will appoint and hire the Equity Coordinator to perform the duties and responsibilities as identified and defined in this agreement and the attachments hereto on or before July 1, 2012. The District further agrees that the individual selected will be the best able and most competent to perform the services required and that it will actively recruit otherwise qualified applicants who are bi-lingual and bi-cultural for the position.
2. The District's Equity Coordinator shall coordinate all equity initiatives within Reading School District; direct the activities of staff assigned to identify, develop and implement best practices intended to maximize equal educational opportunities, equal employment opportunities, and equal school climate, safety and security practices and procedures; and monitor and measure progress within the District. A copy of the Equity Coordinator's position responsibilities is attached as Appendix "C."
3. Within sixty days from the effective date of this agreement, the District shall recruit an Equity Advisory Panel of five volunteer members, who have demonstrated success in providing educational services to Latino and African American students, to recommend best practices to the Equity Coordinator and assist in monitoring the District's progress in meeting the terms of this agreement.
4. The Equity Coordinator shall meet with the Equity Advisory Panel at least once during each semester and during each summer session to exchange information and accept the Panel's comments and suggestions for improvement to equal educational opportunity, equal employment opportunity, and equal school climate, safety and security practices and procedures. A copy of the Equity Advisory Panel's responsibilities is attached as Appendix "D."
5. The District shall include equity considerations in all planning documents, subcontractor agreements, employment announcements,

prospective staff interview questions, job descriptions, and performance evaluations throughout the term of the agreement.

6. During the first year of the agreement, the District shall disseminate and tabulate school climate surveys for all staff and all students and, during the second through fifth years of the agreement, use the results of these surveys to provide targeted staff development activities and to modify instructional services.

Instruction

7. By the beginning of the second year of the agreement, the District shall devise and initiate a plan to provide full-time Kindergarten classes to every child who meets its criteria for enrollment.
8. During the second year of the agreement, the District shall evaluate instructional materials that will assist in providing comprehensive holistic instruction in Latino and African American history and culture as part of the regular curriculum and as an integrated part of cross-discipline learning.
9. By the beginning of the third year of the agreement, the District shall replicate appropriate instructional and administrative programs and techniques used at schools at all operational levels which, according to District documents and Pennsylvania System of School Assessment data and/or value-added assessment information, have outperformed, as defined in paragraph 10 (ten) below, their Pennsylvania peers within and outside the District for at least two consecutive school years.
10. The parties agree that the term "outperforming", as used in this agreement to identify schools that are outperforming their peers, shall be defined to mean: schools that have Latino/African American student enrollments of 90% or greater, have met or exceeded the state average for Pennsylvania System of School Assessment participation and attendance rates, have met or exceeded the state's mean scores in mathematics and reading, and have met or exceeded the state's averages for percentages of students scoring proficient or above in mathematics and reading at each grade level tested.
11. By the beginning of the third year of the agreement, the District shall provide in-classroom supports, including but not limited to additional teachers, paraprofessionals and highly qualified tutors in the schools which, according to the District's own records and standardized test data and in accordance with federal and state education guidelines,

underperform, as defined in paragraph 12 (twelve) below, their Pennsylvania peers within and outside the District for at least two consecutive school years.

12. The parties agree that the term “underperforming”, as used in this agreement to identify schools that are underperforming their peers, shall be defined to mean: schools that have Latino/African American student enrollments of 90% or greater, and have students who have scored at least 15 percentage points lower than state averages for those students reaching proficient or above standards in mathematics and reading at each grade level tested.
13. The District shall demonstrate and articulate high expectations for all students in developing and revising curricula; training teachers, administrators, security staff, support staff, and school board members; imposing disciplinary sanctions, and admitting enrollees into special programs.

Special Education Services

14. Beginning with the first year of the agreement, the District shall collect and monitor District data to determine the extent to which special education overrepresentation of Latino and African American students is occurring.
15. By the beginning of the second year of the agreement, the District shall provide the following forms in Spanish and in any other first language used by at least five percent of the District’s parents: Evaluation Report, IEP, Invitation to Participate, Notice of Education Placement, Permission to Evaluate Consent Form, Permission to Evaluate Request Form, Permission to Re-evaluate Consent Form, Permission to Reevaluate Request Form, Agreement to Waive Re-evaluation, and Procedural Safeguards Notice.
16. During the second year of the agreement, the District shall educate all professional staff and school board members about special education issues, including the overrepresentation of Latino and African American students.
17. By the third year of the agreement, in accordance with Special Education for Gifted Students Regulations, 22 Pa. Code § 16.3, the District shall seek and obtain the approval of Pennsylvania’s Secretary of Education to operate and provide an experimental gifted program anticipated to improve student achievement and meet unique

programmatic needs of gifted students.

18. By the third year of the agreement, in accordance with Special Education for Gifted Students Regulations, Chapter 16 of the Pennsylvania Code, the District shall adopt and use a system to locate and identify all students within the District who are thought to be gifted and in need of specially designed instruction; inform the public of gifted education services and programs and the manner by which to request these services and programs; and, after discussion with teachers and administrators and following appropriate staff training, use multiple criteria to place students in the gifted program.
19. The District shall develop, monitor, and revise as necessary an array of strategies and interventions available to those students experiencing learning difficulties by providing for problem solving among teachers, related service personnel, family members, and education administrators whose goal will be to improve attitudes and supplement skills of school-based staff to address students' academic and behavioral needs and determine whether curriculum instructional materials, instructional practices, teacher perceptions, or other factors impact the student's difficulties.
20. The District shall document difficulties which students experience and determine possible reasons for those difficulties, provide and document classroom modifications and/or other strategies, assess interventions to ensure that they are appropriate and successful, monitor students' progress for a significant period of time, and identify students for whom the learning and/or behavioral difficulty persists despite suggested interventions.
21. The District shall provide a sufficiently rigorous curriculum accessible to all to encourage students to prepare for advanced coursework.
22. The District shall ensure that the special education evaluation process employs valid assessment tools free of racial/cultural bias, takes into account cultural differences and includes appropriate assessment and support for English language learners.
23. The District shall develop exit plans to ensure that children who are misidentified or who make sufficient progress are returned to regular education status.
24. The District shall provide cross-cultural training for teachers and

staff, particularly in communications.

25. The District shall collaborate with community agencies and higher education institutions to ensure that children receive necessary auxiliary services.

Professional Development

26. The District shall strengthen professional development through needs assessment and/or by holding a mandatory teachers' forum to discuss and address issues; providing cultural competency training, which acknowledges multiple Latino cultures, for all staff: security officers, janitors, bus drivers, secretaries, counselors, and administrators as well as teachers; offering specialized training for those teachers who refer Latino and African American students for discipline in statistically significant disproportion to their class enrollment; and providing positive discipline, behavior management and conflict resolution training for all teachers and security staff.
27. The District shall continue to use a train-the trainer approach to external professional development, encouraging staff who attend events to share information with other appropriate school staff.

Parent and Student Involvement in District Programs

28. Within 60 days of the appointment and hiring of the Equity Coordinator, the District shall appoint, meet with, and memorialize the appointment and meeting(s) of a committee of students, parents, school personnel, and community resource people to offer suggestions and support and monitor the District's progress in achieving equal educational opportunity and educational equity.
29. By the fifth year of the agreement, the District shall, with child care provided and using the services of volunteer presenters, offer parents evening English courses, computer classes, bullying and/or cyberbullying and/or violence prevention workshops, GED instruction, special education workshops for those with children with disabilities, and other classes for which there has been an expressed interest.
30. The District shall evaluate and, based on the evaluation, appropriately continue or modify efforts to involve parents through use of existing programs and any other initiatives developed, which may include any or all of the following: Volunteer Parent Engagement Specialists to provide parents and caregivers with support in parenting,

academic, special education processes and terminology and technology areas; Parent/School Community Councils to assist in developing the Strategic Plan; Head Start Policy Council to support Head Start objectives; a volunteer Parents Steering Committee to network with other parents, parent organizations, and groups and to share information with the educational equity coordinator; and/or School Volunteer Tutors Program.

31. The District shall enhance parental/community support by approaching parents where they are (for example, at home, at church, at sporting events, and/or at community centers) and giving positive input and seeking more positive parental involvement from traditionally underrepresented parents.
32. The District shall continue to support the collaboration of parents, school board members and District staff in improving the special education program.
33. The District shall involve students by expanding peer mediation to resolve minor disciplinary issues which do not include a power imbalance between students and by developing and/or modifying a student tutoring initiative, superintendent's student advisory committee, violence prevention project, and mentoring programs – all with diverse members.
34. The District shall provide student support activities such as a summer program and before/during/after school tutoring, with student volunteers sharing responsibility for planning and staffing the activities.
35. The District shall continue to encourage cooperation and coordination between the director of pupil services and the parental engagement committee, expand outreach efforts and recruit additional external partners among interested business groups, college and university educators, and such community members as the Rebuilding Reading Poverty Commission, Big Brothers/Big Sisters, the United Way, and the Holleran Center, in addition to those already contacted, which include the Parent Teacher Association, PA Parent Information and Resource Center, and Center for Schools and Communities.

Academic Achievement

36. By the beginning of the second year of the agreement, the District shall investigate the possibility of providing for multi-lingual students to take Advanced Placement Spanish and other Advanced Placement

language courses and/or working with local colleges/universities to offer college credit for language courses.

37. The District shall implement research-based initiatives that have proven effective in reducing the statistically significant racially identifiable academic achievement gap which exists between Latino/African American and White students.

English Language Learners

38. The District shall become familiar with and guided by findings of research conducted by The Council of the Great City Schools in October 2009,¹ whose writers suggested that educators create “an environment conducive to implementing and sustaining District-wide reform efforts” by using the following best practices:
 - a. Develop a clear instructional vision and high expectation for ELLs. This means being clear about academic goals for these students, communicating these goals emphatically to stakeholders in the District, and ensuring that ELLs are held to the same high standards as other students throughout the District.
 - b. Approach external pressure to improve services for ELLs and other students as an asset rather than a liability. Rather than addressing state or court directives defensively or adopting measures aimed solely at ensuring legal compliance, external requirements should be approached as mandates for long-term, systemic reform efforts to raise student achievement.
 - c. Incorporate accountability for ELLs organizationally into the broader instructional operation of the school District. This entails being clear at the leadership level that everyone is accountable for the academic attainment of these students—not simply ELL teachers and ELL department staff. This not only spurs collaboration, but it provides greater assurance that these students have broader and fuller access to the general education curriculum and resources.
 - d. Empower strong ELL program administrators to oversee progress. Prioritizing ELL reform ELL reforms also means

¹ The Council of Great City Schools, “Succeeding With English Language Learners: Lessons Learned from the Great City Schools,” October 2009.

appointing and empowering someone in the District to serve as a “point person” on ELL issues. In improving Districts, the office of ELLs and its director were included in the highest levels of decision making and given the authority to oversee implementation of the District’s strategy for ELL reform.

- e. Pursue community support for initiatives designed to accelerate achievement among English language learners. Having the community behind the District’s efforts to improve academic performance helps create the political conditions under which reforms can be sustained.
- f. Review general education and ELL programs to ensure that there is an explicit focus on building academic literacy and cultivating English language development. Focusing on academic literacy among ELLs—and all students—and providing them with specific language acquisition strategies are critical steps for ensuring the long-term academic success of students.
- g. Ensure that all teachers of ELLs have access to high quality professional development that provides differentiated instructional strategies, promotes the effective use of student assessment data, and develops skills for supporting second-language acquisition across the curriculum. This professional development should be made jointly available to ELL and general education teachers and evaluated for how well it is implemented and its effects on student achievement.
- h. Assess District standards for hiring, placing, and retaining teachers, paraprofessionals, and staff members who work directly with ELLs to ensure that these students have access to highly qualified personnel.
- i. Conduct a comprehensive assessment of the level of access that ELLs have to the entire spectrum of District course offerings, including gifted and talented programs and special education. The results of these simple analyses can reveal to Districts whether ELLs — and others—have equal access to educational opportunities and are held to the same academic standards as other students.
- j. Ensure that resources generated by and allocated for English language learners are properly and effectively expended to provide quality ELL instruction and services. Districts also

should be careful to not allow the categorical nature of various funding sources to limit ELL programming or services.

- k. Develop a system for tracking multiple measures of ELLs' educational progress. The collection and analysis of data on the characteristics, teachers, English proficiency level, program placement, and academic attainment of ELLs are critical to ensuring the success of these students.

II. EQUAL EMPLOYMENT OPPORTUNITY

39. Beginning on the effective date of the agreement, the District shall recruit highly qualified certified teachers using such resources as the following: the National Alliance of Black School Educators, www.nabse.org; the Hispanic Association of Colleges and Universities, www.hacu.net; historically black colleges and universities; The Mid-Atlantic Association for Employment in Education, www.maeonline.org; the Association of Independent Schools in New England's comprehensive guide to hiring and retaining teachers of color, available through the following website: www.nysais.org/uploaded/downloads/AISNE_Guide_to_Hiring.pdf; Duke University's [Office for Institutional Equity](#); publications such as Diverse: Issues in Higher Education, The Princeton Review, and U.S. News and World Report's campus ranking based on inclusiveness and diversity.
40. By the end of the first year of the agreement, the District shall develop a standardized communications protocol for its human resources staff to assure that prospective and current employees and community members receive timely and accurate responses to their inquiries.
41. By the end of the first year of the agreement, the District shall develop and then, throughout the remaining term of the agreement, consistently use standardized District-wide hiring procedures, including but not limited to position interview questions and criteria for selection of candidates.
42. The District shall make every effort to maintain a diverse faculty by fostering real inclusion in decision making, promoting equitably, arranging for such activities as diverse faculty members' involvement in team teaching, encouraging staff to exchange special knowledge and cultural competencies with other staff, and offering opportunities for inter-racial collaboration among members of the school community.

43. The District shall assure that an experienced professional staff member mentors each first-year professional staff member throughout the term of the agreement.
44. The District shall provide staff with appropriate training and professional development to meet the needs of the diverse student population.
45. The District shall develop formal and/or informal incentives to reward teachers who teach students of diverse backgrounds well.
46. The District shall develop a positive work environment through a collaborative management style, open-door policy, team approach, and cooperation with bargaining unit officers and staff to resolve problems and address student-related educational issues.
47. The District shall target, recruit, and mentor its support staff and students who have an interest in future professional career opportunities.

III. SAFETY AND SECURITY

Equity in Discipline

48. Beginning with the effective date of the agreement and continuing through the term of the agreement, the District shall assure that no student is disciplined or threatened with discipline for speaking his or her first language when under the District's supervision.
49. Based on a first-year assessment of needs, throughout the term of the agreement, the District shall provide annual research-based training and other professional development resources for teachers, administrators, and school board members concerning the impact of differing cultural norms, values, and belief systems on interpretations of student behavior, choices of strategies for influencing student behavior, application of formal discipline policies and procedures, and students' reactions to the discipline-related actions of teachers and/or administrators. Training should include enhancement of the knowledge, awareness and skills necessary to reduce any incidence of bias or disparate impact with regard to discipline.
50. The District agrees to continue and expand its District-wide in-school alternative to suspension program throughout the duration of this agreement and, not later than the beginning of the second year of the

agreement, the District shall establish and develop other positive behavior intervention strategies such as restorative justice.

51. During the first year of the agreement, the District shall develop guidelines for examining patterns of disparate discipline.
52. The District shall provide a challenging research-based curriculum for all students and academic support to low performing ones until they can function at grade level to reduce students' frustration-based misbehavior.
53. The District shall improve the school's disciplinary climate through use of the following: collecting and analyzing data on each teacher's referrals for discipline and the District's disciplinary actions by ethnicity, race, and type of offense; providing specialized training for those teachers who fail and/or refer Latino/African American students for discipline in statistically significant disproportion to their class enrollment; and providing positive discipline, behavior management and conflict resolution training for all new teachers and for those determined to have a need for such training.

Other Security Concerns

54. Within thirty days of the effective date of the agreement, the District shall develop and enforce a standard mandatory communications protocol involving parents and essential safety partners when a safety-and/or health- and/or security-related incident occurs.
55. Within thirty days of the effective date of the agreement, the District shall assign security staff to view surveillance camera monitors diligently, especially those which record activities in areas which have been most problematic in the past.
56. Within sixty days of the effective date of the agreement, the District shall eliminate use of peer mediation as a resolution strategy for bullying/cyberbullying complaints, which involve a difference in power between or among students.
57. Within sixty days of the effective date of the agreement, the District shall complete a review of its security measures with respect to school doors, particularly at the two high schools, which are known to be most vulnerable to security breaches, and implement strategies intended to enhance student and staff security and minimize, to the extent feasible, security beaches occurring with respect to such doors.

58. Within one hundred twenty days of the hiring of a new permanent superintendent, the District shall develop and then throughout the term of the agreement follow a District-wide suspension policy to reduce individual schools' discretion in imposing discipline.
59. During the first year of the agreement, the District shall, through collaboration of all staff, standardize security practices across all buildings by creating a table of organization for security staff with clear lines of authority and a uniform procedure for reporting potential violations by the entire school community, including security staff; investigate allegations of security breaches quickly and thoroughly; and, if allegations are determined to be founded, take appropriate action.
60. During the first year of the agreement, the District shall research sources and pursue additional alternative funding to increase transportation for students who live closer than the required distance from schools in order to avoid security problems near the schools.
61. During the first year of the agreement, the District shall institute, as applicable, the following no- or low-cost security measures: reduce the number of open doors, have an effective communications system, and promote natural visibility of schools' external areas.
62. During the first year of the agreement, The District shall establish a timeline for including a bullying/cyberbullying sexting prevention program such as Olweus in every school; until a formal program is instituted in every school, the District shall conduct a District-wide school climate study or administer a District-wide school climate survey to determine pervasiveness of bullying/cyberbullying/sexting; update its bullying policy; permit all students to report incidents anonymously through electronic or drop-box means; examine specific practices of the system's safest schools and assist staff at other schools in using these practices; hold school and/or community forums to discuss and address bullying/cyberbullying/sexting issues; consistently enforce clear written policies prohibiting bullying and unlawful harassment; investigate student bullying complaints promptly, thoroughly, and in accordance with the school's updated policy; take appropriate action when a report of bullying has been determined to be founded; maintain communication with parents of alleged bullies and victims; discipline the bully, positively if possible, instead of the victim; discipline employee harassers appropriately; avoid disparate discipline based on ethnicity, race, or any other personal characteristics of an offender; provide

counseling for victims; respond similarly District-wide to bullying reports and findings regardless of basis; provide follow through and take ongoing remedial action to prevent reoccurrence; be particularly vigilant in upper grades and in non-classroom areas; protect the victim from reprisals from the bully and others; and train all staff to identify signs that a student is being bullied and to take appropriate action if a potential victim is identified.

63. Based on observation and/or surveys, the District shall update and train all school staff and school volunteers on District policies and requirements related to security, violence prevention, and emergency preparedness periodically throughout the term of the agreement.

IV. MONITORING

64. The PHRC shall monitor the District's progress in providing equal educational opportunities for minority students; responding to minority employment-related issues; and addressing minority student safety and security concerns as set forth in paragraphs 65 through 93 below.
65. Beginning with the execution of the agreement, the District's Equity Coordinator shall provide to the PHRC copies of all funding proposals, grant applications, reports, summaries, strategic plans, evaluations, and other information submitted to the United States Department of Education and the Pennsylvania Department of Education.
66. Within 60 days following the end of each academic year and following the end of each summer session, the District shall submit to the PHRC the reports identified in paragraphs 67 through 79.
67. A summary of progress made in complying with each of the requirements listed in paragraphs 1 through 63 of the agreement.
68. Enrollment statistics listing the number of Latino, African American, White, other and total of all students enrolled in each class/course offered in each school.
69. Disciplinary statistics listing Latino, African American, White, other and total of all students receiving discipline and type of discipline imposed, including assignment to alternative school or placement at each grade level and each school.
70. Standardized test scores other than disaggregated Pennsylvania System of School Assessment scores, such as value-added assessment

information, and scores for any other standardized tests given by the District broken out by grade level for Latino, African American, White, other and total of all students at each grade level and each school.

71. The District agrees, if able to do so with its current computer system, that it will report on letter grades distributed to all students within the District broken out as follows: percentages of Latino, African American, White, other and total of all students at each grade level and each school.
72. The District further agrees that if it is unable to provide such disaggregated letter grade reports it will fully explore the cost of adapting its computer system to make such reports available and/or fully explore all feasible alternatives in order to accomplish such reporting and to advise the Commission in writing of the results of its efforts within ninety (90) days of the execution and ratification of this agreement by the Commission and the District.
73. New, continuing, and discontinued special education and gifted program placements broken out consistently as follows: percentages of Latino, African American, White, other and total of all students at each grade level and each school.
74. Resource allocation data that assists in identifying racially or ethnically identifiable resource allocation differentials and/or in identifying racial and ethnic needs-based resource allocation differentials within the District.
75. Total staff broken out as follows: percentages of Latino, African American, White, other and total of all staff holding administrative, professional and non-professional positions summarized by position title at each school.
76. Total staff who were recruited during the preceding year broken out as follows: percentages of Latino, African American, White, other and total of all staff holding administrative, professional and non-professional positions summarized by position title at each school.
77. Total staff whose employment the District terminated during the preceding year broken out as follows: percentages of Latino, African American, White, other and total of all staff holding administrative, professional and non-professional positions summarized by position title at each school.

78. Total staff who retired during the preceding year broken out as follows: percentages of Latino, African American, White, other and total of all staff holding administrative, professional and non-professional positions summarized by position title at each school.
79. Total staff who were disciplined by the District during the preceding year broken out as follows: percentages of Latino, African American, White, other and total of all staff holding administrative, professional and non-professional positions summarized by position title at each school.
80. Total staff who were reassigned to different positions by the District during the preceding year broken out as follows: percentages of Latino, African American, White, other and total of all staff holding administrative, professional and non-professional positions summarized by position title at each school, with reasons given for each reassignment.
81. The PHRC may reasonably request the District to provide additional data, to the extent available and compiled, if reports are unclear and/or contain inconsistent data.
82. The District shall submit information electronically whenever possible.
83. The PHRC and the District may modify the terms of this agreement at any time, by agreement, and shall attempt in good faith to reach agreement on any required modifications that arise during the term of the agreement. The parties agree that no such modifications shall be effective unless they are set forth in writing and signed by authorized representatives of the PHRC and the District.
84. If necessary, the PHRC and the District shall meet and discuss the District's implementation of and compliance with the terms of the agreement.
85. During the term of the Agreement, there may be changes in circumstances, factual, legal, financial or otherwise, that affect the District's compliance. If the District determines that such changed circumstances either impede the District's ability to or prevent the District from continuing to comply, or provide an opportunity for the District to more efficiently or effectively comply, the District will notify and may propose changes to the PHRC by presenting written notice to that effect. If the PHRC, after review and any necessary consultation

with the District, approve of the proposed change(s), which approval shall not be unreasonably withheld, such change shall be incorporated into this Agreement.

86. At the end of the fifth full academic year following the effective date of the agreement, the PHRC will consider all monitoring data reports indicated in paragraphs 67 through 79 above in order to evaluate the District's progress.
87. If the PHRC, following the review provided for in Paragraph 84 above, believes that the District has made sufficient progress, the Commission shall notify the District in writing that the terms of the agreement have been fulfilled.
88. If the Commission, following the evaluation provided for in Paragraph 84 above, believes that the District has not made sufficient progress in any one or more areas, the Commission shall notify the District in writing of specific perceived deficiencies and a timeline for remedying those deficiencies.
89. If, upon expiration of the time period for the District to remedy deficiencies in accordance with Paragraph 86 above, the Commission and District do not agree that sufficient progress has occurred, the Commission and District shall attempt to resolve their disagreement through a good faith process of negotiation for a period not to exceed 120 days.
90. If, upon completion of the 120-day period provided for in Paragraph 87 above, the PHRC and the District have been unable to reconcile their differences, they shall, within sixty days, appoint a Dispute Resolution Team (Team) to be comprised of one representative selected by the PHRC, one representative selected by the District, and one representative selected by the Equity Advisory Panel.
91. The Chair of the Team provided for in Paragraph 88 above shall be selected by majority vote of Team members;
92. The Dispute Resolution Team shall independently evaluate the extent to which the District has complied with the terms of the agreement, provide general recommendations for compliance, and report its findings to the PHRC, the District, and the Equity Advisory Panel.
93. The District shall develop a specific plan for remediation based on

the Dispute Resolution Team's recommendations if the Dispute Resolution Team finds any areas of non-compliance.

94. If the District develops a specific remediation plan as provided for in Paragraph 91 above, the agreement will remain in effect until the PHRC evaluates District's compliance with the remediation plan and finds that the District has made sufficient progress.
95. Upon finding sufficient compliance with the terms of the agreement, the PHRC shall notify the District and Equity Advisory Panel Chair in writing that the terms of the agreement have been fulfilled.
96. The below signatories for each party are authorized to execute this agreement, subject to the approval of the Commissioners of the PHRC and the Reading School Board. This agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement

**FOR THE PENNSYLVANIA HUMAN RELATIONS
COMMISSION:**

By: _____
Gerald S. Robinson, Esquire
Chairman

and

By: _____
JoAnn L. Edwards,
Executive Director

Date: _____

Date: _____

FOR THE READING SCHOOL DISTRICT:

By: _____
Yvonne L. Stroman, President
Board of Directors

Date: _____

and

By: _____
J. Drue Miles,
Acting Superintendent

Date: _____

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

Conciliation Agreement and Consent Order

Reading School District

and

Pennsylvania Human Relations Commission

AND NOW, this _____ day of _____, 20, upon consideration of the Conciliation Agreement submitted in the above-captioned matter, it is hereby ORDERED that said Conciliation Agreement be entered into the official record of the Pennsylvania Human Relations Commission as a Final Order to be given the same force and effect as if entered after a public hearing.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: _____
Gerald S. Robinson, Chairperson

ATTEST:

By: _____
Daniel D. Yun, Secretary

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

READING SCHOOL DISTRICT INVESTIGATORY HEARING REPORT AND RECOMMENDATIONS



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DR. RAQUEL O. YIENGST, VICE CHAIRPERSON
DR. DANIEL D. YUN, SECRETARY
REV. DR. JAMES EARL GARMON, SR., ASSISTANT SECRETARY
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ISMAEL ARCELAY, COMMISSIONER
J. WHYATT MONDESIRE, COMMISSIONER
S. KWEILIN NASSAR, COMMISSIONER
DANIEL L. WOODALL, COMMISSIONER
GERALD S. ROBINSON, ESQUIRE, COMMISSIONER
SYLVIA A. WATERS, COMMISSIONER

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READING SCHOOL DISTRICT INVESTIGATORY HEARING REPORT AND RECOMMENDATIONS

EXECUTIVE SUMMARY

The Commission, acting pursuant to the authority found in Section 8.1 of the Act, voted at its May 24, 2010 monthly Commission meeting to hold an investigatory hearing regarding racial problems within the Reading School District that had been brought to the Commission's attention by various individuals and community-based organizations from Reading.

In general, the concerns brought to the Commission's attention focused on three primary areas: (1) concerns about equal educational opportunities for minority students; (2) concerns about minority employment-related issues; and (3) minority student safety and security issues.

The facts gathered by the Commission during the investigatory hearing process do not lead the Commission to conclude that a systemic pattern of intentionally discriminatory treatment of minority students, employees and/or applicants for employment exists within the district. In fact, the Commission, in convening an investigatory hearing, was not seeking to determine whether such a statutory violation had occurred.

The facts gathered during the investigatory hearing process do demonstrate that the Reading School District does continue to struggle with a number of inter-related equal educational opportunity issues; does continue to struggle with a number of school safety, school security and school climate issues; and does continue to struggle to increase staff diversity, especially among administrative, teaching and other professional staff positions.

Because of the above conclusion, and consistent with the Commission's Section 8.1 statutory responsibility, this Investigative Hearing Report includes a series of Primary and Subsidiary Findings in each of the three identified areas of concern. The Report also includes a series of Recommendations.

With respect to the first area of concern, equal educational opportunity, the Commission's primary finding is that the Reading School District graduates a lower percentage of students, that it has a higher percentage student dropout rate and that its students perform significantly less well on state-mandated standardized achievement

tests when compared with students in general attending public schools in the Commonwealth.

Because the district is some 87% minority and 76% Latino, these performance disparities have a disproportionate negative impact on Latino and African American students. Moreover, the noted disparities, when compared with White students in general and/or with White students within the district itself, represent a continuing trend of ethnically and racially identifiable differences that undercut efforts to obtain an equal educational opportunity.

Given this primary finding, the Commission's primary recommendation regarding this area of concern is that the Reading School District should create an Office of Educational Equity and appoint an educational equity coordinator to run the office. The stated purpose of the office should be to identify, develop and implement best practices intended to maximize equal educational opportunities within the district as well as to monitor and measure progress within the district. The office's primary functions should include direct oversight of student achievement throughout the district including areas related to school climate, safety and security and staff diversity efforts.

With respect to the second area of concern, equal employment opportunity, the Commission's primary finding is that the Reading School District has not demonstrated any significant progress in efforts to increase staff diversity through minority hiring, especially in the areas of administrative, teaching and other professional staff positions. Increasing staff diversity is recognized as a critical component in achieving and equal educational opportunity.

Given this primary finding, the Commission's primary recommendation regarding this area of concern is that the Reading School District should promote itself as a school district that seeks to become a leader in diversity hiring of highly qualified individuals, especially in administrative, teaching and other professional staff positions.

With respect to the third area of concern, safety and security, the Commission's primary finding is that the Reading School District has experienced school safety and security issues that negatively impact student learning.

Such issues include: in-school and near school intimidation, threats and acts of violence, community/neighborhood and cultural

conflicts, gang and gang-related violence, and student-on-student bullying. Issues related to ethnicity, race, ancestry and/or national origin are a frequently identified factor or undercurrent in many of the conflicts and further exacerbate efforts to achieve an equal educational opportunity.

Given this primary finding, the Commission's primary recommendation regarding this area of concern is that the Reading School District adopt an approach that focuses on equity in discipline and seeks to develop and implement strategies intended to prevent and/or minimize events from occurring that affect school safety and security as a primary strategy with a compliance approach to such events becoming a secondary strategy.

The PHRA requires schools to teach so well that race, color, sex, religious creed, ancestry, national origin, handicap or disability, relationship or association with an individual with a handicap or disability, use of a guide or support animal, and/or handling or training of support or guide animals are no longer issues.

The Commission's own eight equal educational opportunity guidelines for those responsible for providing public education within the Commonwealth will help the district in its quest to achieve excellence for all student and equity in employment and safety and security. Those guidelines include using (1) integration, (2) equitable allocation of resources, (3) educational results, (4) ethnic and racial composition of staff, (5) shared responsibility of the Commonwealth, political subdivisions and individual school districts, (6) curricular inclusiveness and programmatic equity, (7) continuous evaluation and preventive action, and (8) community participation as factors in meeting the obligation to provide equal educational opportunity irrespective of race or ethnicity. The Equal Education Opportunity Guidelines for Public Schools document is appended at Attachment "A."

The Commission welcomes the remarks made by Acting Superintendent Vecchio at the beginning of the February 24, 2011 reconvened hearing, especially his stated desire to work collaboratively on the issues at hand. The Commission looks forward to the opportunity to work with the Board and school district staff to insure that all students obtain an equal educational opportunity.

INTRODUCTION

The Pennsylvania Human Relations Commission (“Commission” or “PHRC”) is the state administrative agency responsible for enforcing Pennsylvania’s anti-discrimination statutes (the Pennsylvania Human Relations Act and the Pennsylvania Fair Educational Opportunities Act). The Commission’s jurisdiction covers the areas of employment, housing, commercial property, public accommodations and education. The Commission exists to insure equal opportunity irrespective of race, ethnicity and all other protected classifications in all areas within our jurisdiction.¹

Among the provisions found in the Pennsylvania Human Relations Act (“PHRA” or “Act”) is the authority to convene investigatory hearings related to racial problems. That authority, found in Section 8.1 of the Act, reads as follows:

SECTION 8.1. Investigatory Hearings Relating to Racial Problems.

Whenever any problem of racial discrimination or racial tension arises, the Commission may immediately hold an investigatory hearing. The place of any such hearing shall be in the county where the problem exists. The hearing may be public or private and the Commission shall have the same powers as provided in clause (g) for hearings on complaint filed.

The purpose of the hearing shall be to resolve the problem promptly by the gathering of all the facts from all the interested parties and making such recommendations as may be necessary.

The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed.

Should the recommendations of the Commission not be accepted within a reasonable time the Commission may, with the consent of eight members, on its own behalf

¹ For purposes of this Report, and consistent with the Commission’s Equal Educational Opportunity Guidelines, when using the term “ethnicity” the Commission is referring to the statutory classifications that include race, color, national origin and ancestry (unless race is separately identified).

initiate a complaint and the hearing findings and Commission order shall proceed the same as where a complaint has been filed.

43 P.S. §958.1

BACKGROUND

The Commission, acting pursuant to the authority found in Section 8.1 of the Act, voted at its May 24, 2010 monthly Commission meeting to hold an investigatory hearing regarding racial problems within the Reading School District that had been brought to the Commission's attention by various individuals and community-based organizations from Reading. Many of those concerns were raised during the public session of the Commission's April 26, 2010 monthly Commission meeting which had been held in Reading.

In general, the concerns brought to the Commission's attention focused on three primary areas: (1) concerns about equal educational opportunities for minority students; (2) concerns about minority employment-related issues; and (3) minority student safety and security issues.

The Commission, in correspondence to the school district's superintendent, dated July 2, 2010, notified the district of the decision to convene an investigatory hearing. (S.D. #1). The Commission also advised the district in the letter that the hearing had been scheduled to be held on August 2, 3 and 3, 2010 and indicated the general configuration of the hearing and potential witnesses. In response, counsel for the district, in correspondence dated July 9, 2010, requested that the Commission postpone the hearing and provide the district with an opportunity to respond to the concerns before the convening of any potential hearing. (S.D. #2).

As a result of the district's request, the Commission agreed to postpone the hearing and rescheduled it for September 28, 29 and 30, 2010. Additionally, several Commissioners and PHRC staff members met with school district staff and several school board members on August 2, 2010 to discuss the issues raised and the Commission's process. This meeting also led, on August 6, 2010, to the Commission submitting to the district a "Request for Production of Documents". (S.D. #3 and PHRC #15). On September 17, 2010, the district provided the Commission with documents and other materials responsive to the Commission's request. (S.D. #4).

The Commission initially convened the hearing on September 28th and continued to take testimony on the 29th and 30th. In order to facilitate participation by the public the Commission began each day's session at 4:00 p.m. and scheduled each to last until 9:00 p.m. The three days of testimony were roughly divided into hearing the views of students, parents and concerned citizens on the three defined topic areas with one session focusing primarily on each of the three subject areas.

During the three days of hearing the Commission heard testimony from some 44 individuals. The Commission also accepted into the hearing record some 35 exhibits presented by PHRC's chief counsel as a part of the investigatory hearing process. At the conclusion of the hearing on September 30, 2010, the Commission restated its invitation to the district to present witnesses and other evidence. The invitation, offered by the Commission Chairperson in his closing remarks, included the following:

While we are adjourning the hearing tonight, our work is not complete. The first next step, consistent with what we indicated at the outset of the hearing, is to provide the School District with an opportunity to identify any and all witnesses that it would like to present to the Commission to offer testimony and to identify any and all other evidence that it would like to offer with respect to the three identified areas at hand, namely, (1) equal educational opportunities for minority students; (2) equal employment opportunity related issues; and (3) safety and security issues.

With respect to the testimony, the Commission encourages the district to prepare written narratives that can both be presented orally and made a part of the record to insure that all areas that the district wishes to address are heard by the Commission.

To ensure that the district has a sufficient opportunity to present such testimony and other evidence, we have advised the district that we will re-convene the hearing at a future date or dates to be determined. In the Commission's view providing this opportunity is a critical component of the investigatory hearing fact gathering process.

(N.T. 250, 251).²

The Commission subsequently advised the district that the hearing would be reconvened on Thursday, February 24, 2011 with Friday, February 25, 2011 also reserved should the district need a second day to complete its presentation. As it happened, the district completed the public portion of its testimony on the 24th and the 25th was used for Commission staff to meet with school district staff in a non-public setting to review certain personnel matters that the district asked be kept confidential because of privacy concerns and certain legal constraints.³ The district presented 9 witnesses and offered 21 exhibits. The PHRC also offered 2 exhibits on February 24, 2011.

CITY OF READING DEMOGRAPHICS

According to Norman Bristol Colon, Executive Director of the Governor's Advisory Commission on Latino Affairs, Latinos have become the largest minority ethnic group in the United States. There are 47 million Latinos in the United States and more than 645,000 Latinos in Pennsylvania. (N.T. 46, 47). According to the Pennsylvania State Data Center's Research Brief, "Census 2010 Shows Hispanic Population the Fastest-Growing Minority Group in Pennsylvania," Berks County saw the third largest numeric increase in the Latino population among Pennsylvania Counties with 30,998 persons, a 16.4 percent growth.

Recent, 2009, Reading city demographic information available at <http://www.city-data.com/races/races-Reading-Pennsylvania.html> confirms that the Latino population of Reading city, like the Latino population of the country, state, county and school district, is growing very rapidly. Below are applicable totals and percentages of ethnic/racial Reading city residents for 2000 and 2009, respectively, in descending numerical and percentage order:

<u>2000</u>	<u>2009</u>
White alone - 39,038 (48.1%)	Hispanic - 45,573 (56.3%)
Hispanic - 30,302 (37.3%) (29.0%)	White alone - 23,500
Black alone - 8,799 (10.8%)	Black alone - 8,631 (10.7%)

² The Commission repeated the invitation in a letter, dated October 1, 2010, sent to counsel for the school district that included a copy of the closing remarks (PHRC #37).

³ Section 8.1 of the PHRA authorizes investigatory hearings to be either public or private. 43 P.S. §958.1.

Two or more races - 1,524 (1.9%)
(2.0%)
Asian alone - 1,233 (1.5%)
Other race alone - 123 (0.2%)
(0.4%)
American Indian alone - 174 (0.2%)
(0.2%)

Two or more races - 1,627
Asian alone - 1,170 (1.4%)
Other race alone - 335
American Indian alone - 160

READING SCHOOL DISTRICT POPULATION DEMOGRAPHICS

According to records provided by the district, the racial composition of students within the district continues to change with the percentage of students who are Latino increasing while the percentage of students who are White or African American continues to decline.⁴ For example, during the school year 2004-2005, Latinos constituted some 66.6% of the total population with Whites representing 16.7% and African Americans accounting for 14.6%. (S.D. #1A). By the 2010-2011 school year, Latinos were 76% while Whites declined to 9% and African Americans were 11%.

According to testimony provided by Norman Bristol Colon, the Reading School District has the largest percent population of Latino students in the Commonwealth. (N.T. 40; PHRC #30).

THE INVESTIGATORY HEARING

INITIAL HEARING DATES: September 28, 29 and 30, 2010

SUMMARY OF TESTIMONY:

September 28, 2010

While the purpose of this, the first day of the hearing, was to provide an opportunity for non-resident experts to give background and best practices information and to accept testimony about equal educational opportunities for minority students, several witnesses discussed employment and safety and security issues as well.

The initial witness to testify was Norman Bristol Colon. Mr. Colon briefly outlined the nature of the demographic change that is occurring within the Commonwealth related to the Latino population

⁴ The percent of students identified as Asian remainder approximately 1% during the years presented. (S.D.#1A).

(PHRC #30 - #33; N.T. 38-41). Of particular note, he indicated, is the fact that the Reading School District currently has the highest percent Latino student population in the state (over 72% based on his information).

Mr. Colon testified that, based upon his experience, among the most important issues facing Latinos in Pennsylvania today is the "building of wealth within a community and population" and that such wealth building has "two key components: education and economic development." (N.T. 42). He further testified that "The key issues that contribute [to a cycle of poverty are] overall lower educational levels among first generation Latinos, Latino underemployment and the past and present high school dropout rates. Students drop out for many reasons. One of the reasons among Latinos acknowledged by local educators in Pennsylvania is . . . economic necessity, which begins the path of being trapped in low-level jobs that barely provide for basic necessities." (N.T. 43).

Mr. Colon explained the view of many that school districts are not responding to needs of the increasingly diverse populations that they serve. With lowered expectations comes a lowered quality of education. The impact on the community is increased crime, substandard housing and neighborhoods, juvenile delinquency and crime, selling drugs as an economic alternative, homelessness rooted in poverty, lack of opportunity and being a disenfranchised segment of society. (N.T. 44). Such an environment is a "fertile ground for the rise of gang activity in the area." (N.T. 45).

Mr. Colon relayed Latino educators' suggestions for "enhanced educational opportunities" to meet the needs of students. Those suggestions included, but were not limited to, providing after school activities, mentoring, internships, scholarships, business/school partnerships, other local initiatives, more comprehensive collaborative and coordinated effort among schools, community organization, churches, the business community, Latino educators and professionals, with goal of making a substantive positive impact on the educational status of Latinos in the area. (N.T. 46).

The second witness to testify was Carlos Lopez, an educator with more than 35 years of experience in Puerto Rico, Pennsylvania, and Washington, D.C., Dr. Lopez is currently employed as Executive Director of Harrisburg's Latino Hispanic American Community Center. He discussed critical issues and challenges faced by urban school districts with high poverty levels and suggested specific activities to provide excellent and equitable educational services to all students, particularly Latino students.

Dr. Lopez stressed the important of leadership, and of “clarity, consistency in the time and the effort, and . . . high expectations, not only for students, but for staff and parents.” (N.T. 68). He discussed the importance of “design[ing] and implement[ing] performance indicators to hold everyone accountable . . . from the custodian all the way up to the . . . superintendent” and of providing intensive, purposeful, sustained professional development for all staff, arranging for community support and services and offering extended learning opportunities, including Saturday school, for students. (N.T. 69).

Dr. Lopez discussed specific practices which he has found helpful in providing an equal opportunity to all students. For example, he testified about engaging parents and the business partners (N.T. 70); awarding “undiplomas” to prospective dropouts to illustrate their increased likelihood of incarceration, decreased opportunity to obtain well-paying employment, decreased likelihood of receiving adequate healthcare, shortened life expectancy, and probability of receiving one million dollars less during a working career (N.T. 72); providing full-day kindergarten and reaching out to postsecondary institutions to encourage early engagement of students and provide college-level courses for high school students (N.T. 73); having an “equity framework” which includes high expectations, a single set of rigorous standards, equitable access to all aspects of the school program, proactive identification of special needs, teaching and learning that successfully address student needs, student and family support systems, outreach, and including parents and the community in decision making (N.T. 77, 78); providing planned professional development which includes student input to address academic and cultural needs and other needs shared by the students (N.T. 79, 80); recruiting a diverse staff through, for example, “Promote Within or Grow Within” and career ladder programs whereby non-professional Latino and African American staff can advance into professional ranks or through a program like Philadelphia First which encourages students to become teachers and assures that they are hired upon certification (N.T. 81, 82, 86, 87); engaging parents and students in clubs, sports and other activities to give students the opportunity to interact with adults other than in the classroom (N.T. 84); providing a multicultural education for all staff, professional, non-professional and administrative (N.T. 88); offering mentoring programs such as Big Brothers/Big Sisters and Lancaster’s “Mayor’s Youth Leadership Conference” in which students meet different community leaders, and students from different high schools meet one another (N.T. 94); working in teams rather than as competitors (N.T. 95); and demonstrating that students’ second languages are strengths by

encouraging students to use their Spanish, giving students advanced placement tests in their language for college credit, and providing extra opportunities for learning: Saturday institutes, extended learning opportunities, summer institutes (N.T. 98, 99).

The third witness to testify was Miriam Felicaino, whose children attend Thomas Ford School. According to Ms. Felicaino, her children's school lacks appropriate air conditioning, ventilation and heating. (N.T. 107). She gave reasons for some parents' inability to be more involved in their children's education: some parents do not have vehicles, some lack child care; some do not speak English, and some do not know how to explain their problems. (N.T. 114).

The fourth witness to testify was Brian Kukulski, Berks County Intermediate Unit's program administrator of the Alsace Alternative High School. Mr. Kukulski stated that students are assigned to alternative education for the following reasons: possessing a weapon, being habitually truant, transitioning from a different alternative placement, disregarding school policy or authority, displaying violent, threatening behavior, committing a criminal act or displaying or using a controlled substance." (N.T. 120, 121).

The fifth witness to testify was 2010 Reading High School graduate Nathan Perez, who discussed school security and bullying as issues which need to be addressed, especially at Reading High School and the Citadel, the district's Intermediate High School for ninth- and tenth-grade students. Mr. Perez discussed gang-related fights, students' being "nervous to go to school" and afraid to report bullying, peer mediation as a "momentary thing" to remedy bullying, and street conflicts which impact the classroom, (N.T. 133 – 145). According to Mr. Perez, arguments and fights in class and threats of fights in non-classroom areas are distracting and affect students' ability to focus. When asked what he would do to improve, Mr. Perez suggested first identifying the problem, keeping daily contact with individuals. If students need transportation home, provide it, as some parents can't pick up their students because they work. He recommended increasing security mechanisms, including metal detectors. (N.T. 148, 149). Mr. Perez expressed appreciation for the district's "novaNET credit-recovery program." (N.T. 133).

The sixth witness to testify was parent Kelly Brown, who testified that her daughter had been physically attacked by another student, but the school failed to call her to inform her. She stated that because the attacker had an Individualized Educational Plan, school personnel excused his behavior. (N.T. 156). Ms. Brown's concern extended

beyond her child's injury to fear that Reading Hospital, where she took her daughter for treatment, would call Children and Youth Services and blame her for the punch. (N.T. 160). Ms. Brown, when asked for recommendations, stated, "Teachers should pick up the phone and call the parent if there's an issue. Don't let the issue prolong two or three months in, and then all of a sudden, you get this report..." (N.T. 164). She also stated that many parents are not knowledgeable about Individualized Education Program (IEP) process. Some don't know what an IEP meeting is or what IEP stands for. (N.T. 170).

The seventh witness to testify was Reading School District graduate Maria E. Tinoco, now Admissions Counselor, Penn State University, Berks Campus. Ms. Tinoco stated that one of the district's strengths is that alumni and members of the community want to take programs into the schools. (N.T. 174). However, programs terminate easily and quickly. (N.T. 175). Some of the district's weaknesses are low standards for students (N.T. 180); not providing sufficient upper level math courses for students to be successful in college; and not preparing English Language Acquisition (ELA) students to meet the foreign language criteria to be accepted into college despite their speaking a foreign language (N.T. 183). Ms. Tinoco recounted one bullying incident she had experienced as a high school student. She stated that she was bullied because she was Mexican and on one occasion was involved in a fight. She was expelled and sent to the district's "Twilight Program." The other student was expelled for ten days and allowed to return back to school. The principal or vice-principal told Ms. Tinoco that the discrepancy in discipline was because the other student "has a future and you don't." (N.T. 185).

Ms. Tinoco gave an example to support her testimony that school personnel lack cultural competency: some personnel do not know about multiple names, and "Maria Tinoco" was the name given to her by the district. (N.T. 188). Ms. Tinoco expressed concern about the district's having built the two "high schools" on the same street when students have to pay or walk to get to school. She would have preferred that two schools be built on different sides of the city. Safety issues exist when students walk miles to school: they can be "jumped." (N.T. 190).

Additional concerns expressed by Ms. Tinoco included the following: even as a former school district staff member, she was not informed about special education processes and requirements; teachers sometimes ignore Latino violence; teachers and administrators don't have a voice, and administrators do not provide adequate support to teachers; overcrowding has resulted in such poor learning conditions as some students' trying to read and take tests in

an area where others are practicing for a holiday orchestra concert; lack of adequate free transportation to individual schools has been problematic. (N.T. 191 – 194).

The eighth witness to testify was Bonnie Troxell, Director of Professional Development Curriculum, Berks County Intermediate Unit. Dr. Troxell works with the district on its School Improvement Plan, a report which the Intermediate Unit is charged with approving. Intermediate Unit personnel review assessment data and work with building administrators and teacher leaders to develop a plan to address problems when schools do not make Adequate Yearly Progress (AYP). (N.T. 198, 199).

Dr. Troxell stated that IU staff have worked with school staff “who have been deeply concerned about the scores and have worked very diligently to improve” and that the district has allocated essential resources to address its problems. (N.T. 200). The district’s high turnover of administrators is problematic since many issues take multiple years to resolve beginning with a review of the data, selection of a curriculum implementation of the curriculum staff training, evaluation and revision. (N.T. 201, 203). Dr. Troxell listed evaluation and identification of problems as among a school’s most important activities. (N.T. 202).

In reference to school climate, according to Dr. Troxell, there must be a prioritized list to improve it. Multiple issues must be addressed simultaneously to assure that students feel safe, are adequately nourished, and have a solid curriculum and teachers who are trained to implement that curriculum. (N.T. 205, 206).

Dr. Troxell explained “curriculum mapping” as a process which starts with identifying what is being taught in a particular grade, determining whether what is taught is aligned with standards, then assuring that concepts/content and resources and assessments are aligned. It is important to track information over time, and, according to this witness, effort is not consistent throughout the district. (N.T. 207-208).

The ninth and final community witness was Francis Morrison, a self-described “lifelong resident of Reading. . .and product of the Reading School District.” (N.T. 211). Mr. Morrison stated that Reading High School is the largest high school in the state, with 4,800-plus students. He expressed concern that the Gateway schools are “designed for certain individuals” with tracking and de facto segregation. (N.T. 213). Mr. Morrison identified the district’s inferior food as an issue. (N.T. 216-217).

Mr. Morrison recommended cultural sensitivity training, especially for guidance counselors; community/parent/volunteer involvement, rather than increased security to improve services; and providing Spanish-speaking staff who serve as role models to students. He stated, “[I]f students don’t see anybody they can identify with, they’re going to feel lost, they’re going to feel like they’re not included, and they’re going to feel like they’re not a part of this dream.” (N.T. 218-223).

Following testimony from these nine community witnesses, Karen McCree, Reading School Board Member, provided additional information about some of the issues which had been identified. She explained that all of Reading’s sixth-grade students attend the four Gateway Schools, named Communication Arts, International Business, World Language and Business, and Agricultural Science. (N.T. 227, 228). Enrollment in the Gateway Schools is based upon the interests of the students, who are bussed across the district. (N.T. 231).

Concerning school choice, Ms. McCree explained that students have some choice if their school fails to meet AYP requirements, but enrollment capacity can limit that choice. (N.T. 230).

Concerning transportation, Ms. McCree stated that the district does provide transportation, but the student is required to live a certain distance from the school. She believes that some high school students ride public transportation. Some high school students did not wish to take the bus when the district wanted to provide one, but, conversely, students do not wish to walk in inclement weather. (N.T. 232, 234).

September 29, 2010

The purpose of this, the second day of the hearing, was to accept testimony about equal employment opportunities. Individual witnesses provided background information and discussed equal education opportunity and safety and security issues as well.

The first witness on the second day of the hearing was John George, Executive Director of the Berks County Community Intermediate Unit, formerly Assistant Superintendent and Superintendent of Warwick School District. Dr. George discussed curriculum mapping in more detail and listed the alternative education and special education services provided by the IU. While the IU does not offer cultural competency or cultural awareness professional

development and has not had a request to develop special programs, Dr. George stated that he incorporated that training as a superintendent. (N.T. 19, 23). He also discussed the importance of such multi-cultural approaches as including Latino and African American authors and authors of other nationalities in high school English classes. (N.T. 20). Dr. George testified that the IU has not received a request to develop programs and services to meet the needs of Reading School District's Latino students with disabilities, and the IU provides no courses of which he is aware in Spanish for teachers. (N.T. 23, 24).

Several witnesses pointed out that the district includes few Latino employees. Sor Angel Fontanez Rucker, a former district employee, who served as a teacher, then department chair for English as a Second Language before earning her principal's certification, stated that Latinos are few especially in administrative positions. (N.T. 87).

The Principal at Southwest Middle School, Dr. Lloyd Norman, a Reading native and graduate of district schools with a doctorate, principal's certificate and superintendent's letter of eligibility, testified that he has been the subject of discrimination by the district through denial of promotions, denial of merit-based raises based on race and age, and retaliation for reporting discrimination. (N.T. 109-110).

Mary Rivera-Walker, a self-described Reading native "Hispanic woman that has a desire to work in the school district," stated that she is degreed in business administration, management, banking and finance and is six credits from a master's degree in public administration. She discussed applying for a human resources position and being rejected for a person without appropriate qualifications. She then attempted to become emergency certified to teach, but was told Reading doesn't do that. She contends that the district does do that, when "it's somebody you know." (N.T. 138, 143).

Adria Davies-Harwell, an Instructional Supervisor for the district, with a master's degree, special education certification, elementary certification, principal certification, and earning special education supervisory certification, discussed different terms and conditions of employment. She discussed going to the Citadel, an \$84,000,000 school, and, after being promised an office, not receiving one. Neither did another African American female, she claimed. She stated that she sat for two weeks in an African American secretary's office asking for a place to go. (N.T. 149). When the two women finally had an office assigned, it was a secluded office on the third floor. Because she had teacher observations to discuss, she had confidentiality issues

and could not appropriately work with another administrator in the room. Later the two women were given a secluded first-floor office that was separated. She sought to work as vice principal on the third floor, a predominantly special needs floor where she had been very successful. (N.T. 150). Instead, the job was given to another school's White male English instructional supervisor. He spent two hours, couldn't handle the position, and left. Someone else was then hired. (N.T. 151).

Danielle Scrusse, an Educational Assistance Program (EAP) tutor and long-term substitute teacher for the district from 2006 to 2010, with a master's degree in urban education and certification, discussed applying for four open teaching positions in elementary education. She stated that she had one interview and received two denial letters. The person hired had only a bachelor's degree, but that person's mother was previously employed by the district. Another person hired over Ms. Scrusse had a job held for her while she took the Praxis examination. Both were "of Caucasian descent." (N.T.159). Ms. Scrusse feels that she is a highly qualified candidate for a professional teaching position; she worked for four years as an independent therapeutic support specialist (TSS) with some of the district's most difficult students. (N.T. 160). She stated that "Human resources is very difficult to get in touch with...—even if you're an employee." Three times Human Resources claimed that they had none of her information on file, despite her working for the district. (N.T. 163). She claimed, further, that Human Resources blacklisted people who irritated them. (N.T. 164).

Several witnesses testified as to why the district needs a more diverse staff. Diana Rivera-O'Bryant, the district's second-year parent coordinator, stated that students are not allowed to "really maintain the culture": some teachers, for example, write students up for speaking Spanish. (N.T. 39). Nancy Hernandez, the parent of two district students, stated that Latino and African American teachers "would understand when my son's being reprimanded and his head is down, he's not being passive aggressive . . . Yet, [to] the American, that's disrespectful. You look at me in the eye. You look at me in the face when I'm talking to you. . .We wouldn't get the feeling that they believe all our kids come from crack addicted parents or broken homes. They won't believe the stereotype." (N.T. 80)

Sor Angel Fontanez Rucker stated that while White teachers have the qualifications to teach, "[W]hat isn't there is the passion. . .the need to see one of their own move up. It is just human nature." (N.T. 92). She also pointed out that Latinos constitute the

largest tax base in Reading. They're paying for the teachers. They should be paying for more Latino teachers. "If I see a child in my class and he looks like me, I'm going to say that's my child." (N.T. 92). In short, "There should be a representation of the population that you are serving. And at this point there is not a representation." (N.T. 94).

Dr. Norman stated another reason to have a diverse professional staff: "people will tell the truth more." Where Latino and African American staff are limited, there are "57 voices to one." The Latino and African American staff can be labeled "negative." (N.T. 127). He also mentioned that there is a greater possibility that minority staff live in Reading, instead of taking the district's money into the suburbs and "badmouthing" Reading. Staff are better able to communicate with parents in their own language. Since the first point of contact is the secretary, a Latino secretary is needed in every heavily Latino school. (N.T. 128). He testified that it would be helpful to require teachers and administrators to live within the district. (N.T. 130).

Mary Rivera-Walker stated, "Our children need to see more than the bus driver, more than the security guard, more than the cafeteria worker. They need to see professional educated Latino and African American teachers." (N.T. 145). She further stated that White teachers who don't speak Spanish lose a lot in not knowing what Spanish speaking students are saying. (N.T. 147).

Vera Ellison, LPN, a "product of Reading School District" with a bachelor's degree in biology and associate degree in small business management and general studies, shared a personal example of totally misunderstanding a Latino tutor she had as a student at RACC to show the importance of having professional staff of the same national origin/race as their students. (N.T. 171).

Maria Medrano Armington, a member of the Bucks County Human Relations Council, who attended the hearing "as an interculturalist. . .intercultural educator and consultant," addressed in some detail why it makes a difference to have teachers who represent the student body. Ms. Armington coaches international families relocating to the United States on assignment by corporations. Part of her coaching pertains to what the family can expect in an American school system. (N.T. 200). For example some children have been taught in international homes to wait for a turn, to think carefully before answering a question, and to understand that a teacher may ask a question without expecting answers from students. In many countries parents are not expected to step into the school. (N.T. 201, 202). In the district, according to Ms. Armington, children are sometimes required to serve as interpreters in parent/teacher

conferences, even when the conference is about the child's own bad behavior. (N.T. 201, 202). Language and thinking styles carry value judgment; a "heavy accent" may be misperceived as a lower IQ. Teachers are role models. If students don't see teachers of their heritage and ancestry, there is no model for them. They believe that people from their group do not become teachers. (N.T. 203). This witness expressed concern that although we are becoming more multicultural, we still expect those of different cultures to assimilate. She has considered an orientation program for the international parents joining the schools: the school's expectations, parent/teacher conferences, and other topics. She suggested that parent volunteers could visit schools to present about their cultural backgrounds, food, music, and dance and to read stories from their countries. In a western Pennsylvania school district, Ms. Armington said, children learn a value a week, such as honesty, as manifested around the world through stories, legends, folklore. (N.T. 205-207).

Several witnesses, including Diana Rivera-O'Bryant, charged the district with nepotism. (N.T. 40). Ms. Rivera-O-Bryant noted that for Latino or African American staff, "it's very difficult to be promoted to the next level." (N.T. 48). Dr. Norman expressed his belief that "there's no transparency in the manner in which the . . . Board makes hiring decisions." (N.T. 109, 110).

Several witnesses gave examples of district staff's perceptible lack of concern for and disrespectful treatment of students. Diana Rivera-O'Bryant, for example, stated that one teacher told a student that his mother must have been smoking crack when she was pregnant with him. (N.T. 41). Ms. Rivera-O'Bryant stated that cultural competency training is needed. (N.T. 51). Witness Nancy Hernandez, the parent of two students, agreed. She stated that her 14-year-old son had been accused of touching teachers inappropriately and of being passive aggressive when he kept his head down while being reprimanded. Ms. Hernandez noted, "[W]e've taught him how to keep your head down when an adult is speaking." (N.T. 65) Ms. Hernandez also noted, "I have personally witnessed where a first or second grader was denied lunch because she didn't fill out her lunch card, which to me was so amazing that she can't. That's her mom's responsibility...Thank god for the custodian, who was Hispanic, who saw me crying in the hallway and helped." (N.T. 73).

Nancy Hernandez gave examples of low expectations: some staff, having placed no call to inform the parent that the child is struggling, expect a parent to be pleased when a ninth grader is reading at the fifth- and sixth-grade reading level,. (N.T. 74).

Ydany Coste, the single mother of three district students, testified that her 10-year-old child, diagnosed with ADHD and ODD, was suspended more than seven times last year. The child said the vice principal had pushed him by his shirt and forced him out of the classroom like he was an animal. Ms. Coste went to school to meet with administrators, but was five minutes late for her appointment, so the vice principal “slammed the door in [her] face.” (N.T. 173). Ms. Coste made another appointment and was made to wait for an hour. Later her son came home with blood on his sweater saying that another child had broken his nose. Ms. Coste had not been notified. Days later, Ms. Coste’s child was suspended for “signaling with his fists” to the Caucasian child who had hit him. The White child was allowed to stay in school. (N.T. 174). Ms. Coste stated that her ten-year-old had tried to kill himself because “he says his teacher does not love him.” (N.T. 176).

Several second-day witnesses testified as to why the district experiences less than expected parent involvement and examples of poor school-parent relationships. Diana Rivera-O’Bryant pointed out that undocumented parents are afraid to address issues with the district because they could “face consequences.” (N.T. 45). Ms. Rivera-O’Bryant also stated that the district does not make “good calls” to parents to report that children have behaved well. (N.T. 50).

Ms. Hernandez further testified, “[W]hen you work with the district as a parent, then your children are victimized, because now you’re a pain in the butt... when you ask too much or when you question too much, then your children are victimized.” She expressed concern that her children brought home no information about Spanish Heritage Month and that she had “a child in a brand new beautiful school who can’t bring a book home to reinforce what he learned that day, because there aren’t any for him to bring home. He is a child who has an IEP.” (N.T. 66).

According to Ms. Hernandez, “[W]hen he lays his head down, now he’s a behavioral child. . . the nonverbals are so loud. I really believe staff has an issue. They want parents to work with them . . . And when you do work with them, and you discover they’re not doing what they’re supposed to be doing, then you’re a pain in the butt.” Nonverbal communication “starts from the secretary all the way up.” (N.T. 69).

As an example of ineffective communication between the school and parents, Ms. Hernandez discussed a school psychologist’s being

the person to inform her that her child had not completed a project. There had been no communication between the child's teachers and her. She stated, "They always find a way to make it seem it's your fault. They never accept any accountability for anything, yet we want to teach our children that and this is what we learn . . . all these children have become victims [of teachers]." (N.T. 71).

Two witnesses acknowledged Ms. Billips, the principal at 12th and Marion, as an effective leader. (N.T. 49, 83). In addition, Ms. Rivera-O'Bryant noted that people enjoyed Dr. Norman's holding assemblies with different cultures represented. (N.T. 52).

Transportation was identified as problematic by several witnesses. According to Dr. Norman, neighborhood schools are needed, and the location of the two high schools in "probably the most affluent neighborhood of the city" is a problem. In his opinion, if the district valued its Latino and African American students, it could have built a school in their neighborhoods. He further opined, "[T]here's a direct correlation between the dropout rate and the distance that these kids have to travel to school and the correlation is not good." (N.T. 126, 127). Scholarship distributions were described as discriminatory. Dr. Norman charged that White students receive the scholarship money. (N.T. 129).

The second day of the hearing included testimony that the district does not follow individual IEP's. Ms. Hernandez, for example, made that claim. (N.T. 70). Jacqueline Rosario, a Southwest Middle School employee and the parent of at least one student, also charged that the district fails to explain special education processes and terms. Instead, parents are simply showed items and told to sign if they agree. (N.T. 106).

School culture and safety and security issues were also addressed during day two of the hearing. For example, Ms. Rivera-O'Bryant stated that African American children were "consistently being suspended for. . . [failure] to bring. . . pencils and things like that to class. . . Sometimes kids come to school, and. . . their parents can't afford to buy them the uniforms, so they wear the clothes that they have and they're getting in trouble for it." (N.T. 55).

Ms. Rivera-O'Bryant stated that even elementary school students, who have no control over when they arrive at school, can suffer consequences for coming into school late. (N.T. 56). Ms. Rivera-O'Bryant also stated that despite the school handbook, discipline is administered subjectively. (N.T. 62).

Jacqueline Rosario, who works at Southwest Middle School, discussed the arrest of her 14-year-old son, who has an IEP for a learning disability, for having a dispute over a knife, and shared her fear that now her child won't be able to obtain employment with a criminal record. (N.T. 101).

Several witnesses suggested methods to improve safety and security in the district. Ms. Rivera-O'Bryant stated that she had served as a long-term substitute in a life skills class that had been misbehaving and having security called on them. She cleaned, hung visuals, created a seating chart, informed students that they were there to learn, and called parents instead of security when students went astray. (N.T. 58). She would telephone parents and ask them to speak with their children immediately to assure that the child behaved and respected the teacher. (N.T. 59).

Dr. Norman discussed the district's disciplining students for minor infractions, including violations of the dress code. According to him, administrators were ordered to lock students out on the first day of school if they were not in uniform. And those who are suspended, "They're sitting at home watching TV, they're on the corner . . . And then you say why the kids are not learning, because we are forced to follow rules made by other people for this generation of kids." (N.T. 125, 126).

Dawud Felton, a resident of Reading since 1999-2000, stated that suspending students for bullying is not helping. (N.T. 178). He also discussed how students' being grouped with "troublemakers" negatively impacts their future. (N.T. 181-183).

Edward Terrell, a self-taught artist who is the parent of a now home-schooled student, stated that he and his son are Hindus. What led to his withdrawing his son in the sixth grade was constant bullying: he insisted that his child be well groomed, wearing a suit and tie, the "uniform of success." The child was bullied as a result of his appearance. (N.T. 194). Mr. Terrell stated that the only actual guidance and supervision on the school bus was provided by the driver. When he complained to the Gateway school principal, she told him "it takes two" to be involved in bullying. (N.T. 195). His child ultimately said that he hated the school so much he wanted to "blow this school up . . . and was classified as a terrorist because people have terrorized him to become a terrorist." (N.T. 196)

September 30, 2010

The purpose of this, the third day of the hearing, was to accept testimony about safety and security issues as they impact minority students. Individual witnesses gave background information and discussed equal educational opportunity and equal employment issues as well.

The first witness was Colonel Robert Miller, who is retired from the U.S. Army, teaches eighth-grade American History at the district's Northwest Middle School, and is President of the Reading Education Association. A Caucasian, Colonel Miller discussed his own problems in being rehired by the district after serving in the Army and the district's failure to respond to his communications. (N.T. 17-20). This witness had many suggestions for the district to improve instruction, employment, and safety and security. For example, he stated that he had unsuccessfully encouraged the district to participate in the Troops to Teachers program as a way to increase professional staff diversity at a very low cost. (N.T. 23). He noted that 25% of the district's instructional staff has between one and five years of service. (N.T. 25). To improve hiring procedures, Colonel Miller suggested having professional staff serve as non-voting members of hiring committees to provide insight. Turnover in the district is such that there is no continuity; no opportunity for experience to work. (N.T. 30, 31). Colonel Miller also claimed that the "Turbulence in the administrative ranks is just huge." (N.T. 32). Further, the collective bargaining unit "membership is subjected to a work environment of fear and intimidation." (N.T. 33). Colonel Miller stated that he is "fearful for the safety of the staff, the students, the administration, the clerical staff for fear of bodily harm and injury." He claimed that students go out when the doors are opened at one of the high schools that provides night classes, and others come into the school at the same time. (N.T. 34). He acknowledged that cameras are in place, but questions whether they are being monitored: "some days. . . [there are] as many students standing outside of the school as . . . inside." (N.T. 35). He noted that money for the Student Assistance Program has been used to hire a large number of security guards. (N.T. 37). However, it is unclear who security staff works for, who they receive their direction from, what their mission is, what their duty position is, and when they're at that position, what they do. (N.T. 41).

As an example of ineffective security staff, Colonel Miller discussed an officer who was also a pastor of a church, and used his cell phone a majority of the day, "shepherding his flock." Colonel Miller had a confrontation with a student and asked for the guard's support. The guard said, "Excuse me. I'm talking on the

telephone.” Colonel Miller asked whether it was a personal call. The guard replied, “It’s none of your business.” (N.T. 42). Colonel Miller expressed appreciation for the new security director, who, he said, has excellent credentials and potential. (N.T. 43). Additional suggestions which Colonel Miller offered include the following: appointing a community outreach coordinator. (N.T. 44).

According to Colonel Miller, staff have been forced to teach what they have not chosen and have no certification to teach: reading, English Language Acquisition, and special education. (N.T. 49). One new non-Spanish-speaking teacher was given half a class of non-English-speaking Latino students and three special education students along with English-speaking regular education students. With no special education teacher to co-teach, she was fired for cause during her first year because of her lack of classroom management. She was an honor graduate from Immaculata. (N.T. 52). Colonel Miller stated that the Reading Edge Program was instituted without reading specialists, requisite training and support staff. (N.T. 53).

To improve, Colonel Miller recommended course of action analysis; feasibility studies; appropriate instructional strategies; commitment; having co-teachers in every classroom: special education, regular education and English Language Acquisition; setting high expectations; involving labor in management’s development of curriculum, strategic plans, and strategies; reviewing best practices; prioritizing staff and funding; fully staffing the inclusion model with a full-time regular teacher by subject, special education teacher, and ELA teacher; emphasizing the Student Assistance Program; assuring that staff in such positions as guidance counselor and teacher are not expected to perform administrative and other duties for which they are not prepared or qualified; and balancing a “top heavy” administration. (N.T. 55, 56, 64, 66, 74-76, 78, 79).

Colonel Miller acknowledged Amanda Stout school as one of the most successful elementary schools in the district, but noted that it has just experienced a loss of staff and an increase in students. (N.T. 58).

Adelina Candelario, a ninth-grade student at Reading Intermediate High School, discussed one teacher’s shouting at students so loudly that their scolding could be heard in the hall, being suspended, and having the principal favor Caucasian students over Latino and African American students. (N.T. 105, 106).

Louis Paris, the father of five district students, two with IEP's, stated that he had received no explanation of IEP processes or services. (N.T. 112). His children are now in grades 10 and 12 reading on a fourth- and third-grade level. Mr. Paris believes that students are "pushed through" to graduation and stated that his daughter was harassed by teachers and "jumped" by students because of gossip. (N.T. 113). He expressed particular concern about the "chaos" and fights that occur outside the Citadel and at the city park across from the school. (N.T. 114). He stated that there is only one bus provided per area of the city. His family lives on the north side; once the bus is full, there is no second bus. He also testified that some students do not have their own books, and worksheets are insufficient. (N.T. 115).

Mr. Paris recommended more security on the streets when school is dismissed and security for several blocks from the schools. (N.T. 117, 119). He also claimed that some security officers have become too close to students; if a problem involves a guard's "friend," that guard turns his back. (N.T. 120). Concerning academic achievement, Mr. Paris stated that his daughter in tenth grade was bringing homework home that looked like kindergarten work. (N.T. 122). One of his daughters is ready to graduate, and cannot fill out an employment application. (N.T. 123)

Willie Hutchinson, a Reading graduate with a master's degree in community counseling and family therapy and a bachelor's degree in substance abuse and mental illness and minors in computer programming and network operations, stated that he had applied twice for intervention specialist and school counselor positions. The district, after two interviews, considered him unqualified. (N.T. 125). Mr. Hutchinson stated that, as a city resident who grew up in the city, he could have provided excellent service for city children and been a role model for young men. (N.T. 126, 128). Instead, all of the intervention specialists that he has encountered so far have been White females. (N.T. 128).

Scarlet Rogers, an African American Reading High School security guard, testified that she was taken out of her preferred assignment, the Citadel, and reassigned to Reading High School because a parent had a problem with her. She received no support from her supervisor and does not know if it was because of her race or sex. (N.T. 131, 132). She stated that all of the male guards at Reading High School are Latino. (N.T. 144).

Dora Perez, the mother of the student who earlier recounted a weapons incident, stated that "Parents are giving up in attending Reading High School meetings because nothing ever gets done. Teachers don't speak in fear of being fired." Her son was involved in a fight. The other student, suspended and sent home, gathered some friends and went to Perez home to assault the witness' son. Police came. Her son was taken to the hospital, suffering head and facial trauma. Perpetrators were arrested. Ms. Perez questioned why police were not called when the fight happened at school. (N.T. 147).

Like several other witnesses, Ms. Perez expressed appreciation for staff, particularly Ms. Rucker, Vice Principal at Reading High School, whom she has found responsive. (N.T. 148).

According to Ms. Perez, night school students can enter Reading High School during the day to fight. No police are called; no lockdown of the school occurs. And district staff do not reach out to parents when there is an incident. Even after her child was cut by a box cutter, she received no call from the school. Instead, other students and her child called to notify her. When she arrived at the school she was told to wait. (N.T. 148, 149).

When she finally arrived at the nurse's office, she asked why an ambulance had not been called. The school nurse on duty said that an ambulance could be called, but "just to let you know, we won't cover that." Ms. Perez asked that an ambulance be called, and her child was taken to the emergency room. Then he was afraid to return to school. His fear increased then his principal told Ms. Perez that he could not guarantee her son's safety. The school tried to place him in an alternative school, but Ms. Perez refused. (N.T. 150).

To improve security, Ms. Perez suggested a walk-through security system, an automatic lock on every door exit, an alarm warning when a door has been opened during school hours, and training for guards to prevent their walking away from a fight involving weapons. (N.T. 151).

Cynthia Weaver, the African American grandmother of a second-grade student and the mother of 27-year-old graduate with a learning disability who has twice lost jobs because she can't spell, discussed her grandchild's suspension in Kindergarten. The child's IQ is 120. Ms. Weaver believes that she belongs in accelerated classes, but has been told that the district does not provide accelerated classes for second graders. (N.T. 156). Ms. Weaver also discussed staff's seeming lack

of concern and disrespect for students. According to her, a “lunch lady” came into the school office where Ms. Weaver was waiting to see her grandchild and made disparaging remarks about the child in the presence of many other people. (N.T. 158). One day when her daughter went to pick the child up, the child was “in a hold” and screaming, Ms. Weaver said. (N.T. 159).

Sunilva Tejada, a business owner and community organizer, discussed the district’s lack of an English as a Second Language (ESL) program (N.T. 162), need to provide the right courses for students to reach high school graduation level (N.T. 163), and many parents’ being fined because their children failed to attend school, including one child who left school early to avoid getting into fights after being threatened. (N.T. 163, 165).

Perla Tinoco, the mother of three district students, alleged that Northeast school has no air conditioning (N.T. 168), that her fourth-grade son attends school in a trailer with no water (N.T. 169), and that she was not permitted to transfer one of her children to another school after receiving notification of failure to make AYP. (N.T. 170, 171). According to this witness, students who had the lowest grades at the failing school were accepted for transfer first. (N.T. 171).

Nohemi Tinoco, the mother of four district students, stated that her 10-yr-old fifth-grade son’s teacher was telling him that he was the clown of the class. When Ms. Tinoco approached her, the teacher denied it. Ms. Tinoco attempted to speak with the principal, but was, instead, referred to the vice principal to address the issue. (N.T. 173-178).

Collette Rathman, a teacher at Gateway School for Communication and Technology (ComTech), discussed a variety of student safety issues. She claimed that a student had marks on his nose and forehead where his face was pushed into the divider wall by a teacher (N.T. 180); another student came back from the same class with welts on his arms where he had been picked up and thrown to the floor as his teacher used the “F word” to reprimand him. (N.T. 181).

When Ms. Rathman reported this teacher, the principal told her, “[P]eople get worked up, it’s to be expected because of what we deal with having the kind of population we have.” (N.T. 182). The same teacher allegedly threw a Latino student into the trash can and told him he was nothing but trash. (N.T. 183).

Ms. Rathman claimed that she, herself, is half Latino and that staff make offensive comments about religion and nationality. (N.T.

194). She corroborated the testimony of several other witnesses that the district does not contact parents when incidents occur. (N.T. 196).

Jeffrey White, a Reading School District graduate and former district employee, stated that after graduating from college, he came back to the city. He worked first as a manager at a Fortune 500 company, then as assistant athletic director for the district. When his district responsibilities became overwhelming, he asked for a raise, which wasn't approved. He was later informed that his budget had been prepared improperly and accused of taking ticket money and selling tickets from his house. His wife, too, was accused of helping him skim ticket money. He stated that, while he suspected that the district's motivation could be racial, he had no proof of that. He resigned in 2008 and is now athletic director in Pottstown. (N.T. 215). He stated that the district replaced him with younger White male. Then the district hired "an African American gentleman." (N.T. 216). The witness stated that the new employees received the support he had requested but was unsuccessful at receiving and were hired at a higher salary. (N.T. 217).

Hillary Aponte, a 2004 district graduate who is now a family-based therapist in Reading, discussed the need to change the curriculum "to educate our students about their own people, blacks and Hispanics, so students can be part of where they come from." (N.T. 221). She stated that achievement can be improved by a curriculum that is appealing to these students. (N.T. 221).

Gerard Tyson, an African American teacher at the district's Northwest Middle School, corroborated some of Ms. Rathman's testimony. He described the management style at Rathman's school as "more like a frat house mentality with cliques." (N.T. 226). He also discussed discipline. He stated that ComTech had a demerits system. With a certain number of demerits, the student could not receive an "incentive," such as a trip to Ozzy's. At one point, Mr. Tyson wanted to provide games for his students who were not allowed to go on a trip. First, the principal approved; later the principal denied the request and ordered Mr. Tyson to give those students work and put them in the demerits room. The principal was White. (N.T. 227–229). This witness claimed that he was only African American teacher of about 20 and that Rathman was the only Latino teacher. (N.T. 230).

Carlos Zayas, whose youngest son has graduated, discussed legal issues generally and legal issues involving the district. He alleged that former Superintendent Dr. Flores, the district's only Latino leader, had been "pushed from his position." (N.T. 236). He pointed

out that the city's Latino population is very young compared with the Anglo population and that Latinos are the future of the city. (N.T. 238). The city Police Department includes very few Latino and African American members, which is relevant because the district has become so involved with the Department. (N.T. 238, 239). He alleged that staff do not respect parents and deny parents due process when students are being suspended. (N.T. 241). He further stated that the composition of the school board is not reflective of the community population. (N.T. 242).

Maria Tinoco, testifying for the second time, stated that she has witnessed children running away from improperly trained and non-certified security guards (N.T. 246) and that the district's former English Language Acquisition Director had resigned because she had insufficient staff and resources to do her job. (N.T. 247).

Sor Angel Fontanez Rucker, testifying for the second time, stated that students are thought to be violent and uninterested in learning. Of about 2,000 students who begin ninth grade, only about 800 graduate. Students "are treated as lower class people, insulted, belittled. Advocates are few, not because administrators and teachers do no care, but because they are afraid to speak up. Those who advocate are harassed, mistreated, fired or made to resign. Administrators who mistreat students and parents...are treated well and are popular." Students are suspended three days for being late to class; five days for being defiant, ten days for cursing. She questioned, "Why should our children have to walk two or three miles to go to school when other school districts bus students for less than that?" (N.T. 249). She noted that education is difficult to obtain when "students are scared, tired, belittled, insulted, confused, have no role models and there are no expectations." (N.T. 250).

RECONVENED HEARING DATE: February 24, 2011

School District Witnesses in Response to Community Testimony

The Commission Chairperson set forth the purpose of the hearing, the Commission's use of hearing evidence to make recommendations, and the possibility of additional action:

The stated purpose of this hearing is for the Commission to "...resolve the problem promptly by the gathering of all the facts from all the interested parties and making such recommendations as may be necessary." AS THE STATED PURPOSE MAKES CLEAR, THIS IS NOT AN

ADVERSARIAL PROCEEDING. Consistent with the fact that the hearing is not an adversarial proceeding, the Commission has invited the School district not only to attend the hearing in order to hear the testimony and other evidence presented by all other witnesses but also to present witnesses and other evidence that it believes is relevant.

The Commission uses this hearing as an integral part of the process that seeks to obtain sufficient facts from all interested parties in order to make any necessary recommendations intended to insure that an equal educational opportunity is provided. The Commission, also as a part of its fact finding effort, has requested and received a significant amount of data and documents from the School District. Be assured that all of the materials received, although not all will be introduced during the course of this hearing, will be thoroughly reviewed and, as necessary, incorporated by the Commission into the record as it engages in its fact gathering process.

Pursuant to the PHRA, should the recommendations of the Commission not be accepted within a reasonable time the Commission may, with the consent of eight members, on its own behalf initiate a complaint and the hearing findings and Commission order shall proceed the same as where a complaint has been filed.

(N.T. 8, 9).

SUMMARY OF TESTIMONY:

February 24, 2011

The first witness introduced in response to community testimony was Frank J. Vecchio, Acting Superintendent, Reading School District. Dr. Vecchio stated, in part:

As we collectively seek resolve in a collaborative spirit, there is no motivation or intent to disregard any complainant or to discredit their experience with the Reading School District. We value their input and concerns, as we reflect on our practice in the hope of becoming more transformational in serving our constituents. (N.T. 17).

[W]e recognize that our call to serve, the reality at times, we fall short. . . It is my hope that when the formality of these proceedings are over, our relationship will continue. We do care about the children and families of this city and have determined to lead the way in transforming this community toward developing young men and women of character, which leads to academic excellence. (N.T. 18, 19).

Dr. Vecchio read a statement, admitted into the record as the district’s Exhibit #S.D.-2-A. He then discussed student demographics. From 2004-05 to 2010-11, the percentage of Latino students increased from 66.6% to 76% percent of the student population; the percentage of African American students decreased from 14.6% to 11% of the student population; and the percentage of White students decreased from 16.7% to 9% of the student population. (N.T. 19-25). While total student population has fluctuated around 17,000 to 18,000, the major change has been the dramatic increase over the years in the Latino population. (N.T. 23, 25).

The district’s second witness was Susan Shultz, the third-year Director of Special Education, who summarized the district’s special education demographics, including the percentages of the total population of students receiving special education who were Latino, African-American, and White (N.T. 33-40):

School Year	Total Special Ed Students	Total % of Student Population Receiving Special Ed	Latinos Represented in Special Ed Population	African-Americans Represented in Special Ed Population	Whites Represented in Special Ed Population
2007-08	2,555	14.6%	71.08%	13.42%	14.95%
2008-09	2,987	17.08%	72.92%	12.22%	14.03%
2009-10	3,063	17.5%	74.27%	11.49%	13.35%
2010-11	3,270	18.86%	n/a	n/a	n/a

The average special education percentage, according to Ms. Shultz, is approximately 14%. (N.T. 35). The district’s largest

disability category is learning disabled. (N.T. 40). She explained that the district has bilingual speech pathologists who test students in their native language. (N.T. 50). Ms. Shultz said that the district also has a Special Education Supervisor who is deaf and has taught deaf and hard of hearing students. (N.T. 53).

After discussing percentages of students with specific disabilities, Ms. Shultz testified as to how parents are informed about special education. She explained "procedural safeguards," or the rights of the parents document which is distributed in English and in Spanish. (N.T. 59). Permission to evaluate is sought from the parent, to whom is sent a consent form along with a copy of their rights. The district does not proceed until it receives the parent's signature. With that signature, district staff ask for information from school staff, interventions that were tried, data on test scores, and weaknesses. The student is then assigned to a certified school psychologist, bilingual if necessary; translators are available for the parent. (N.T. 61).

The psychologist observes, prepares summary sheets for teachers and the parent, and receives input from the parent; the parent completes multiple questionnaires, depending on the screenings. The child is tested. Then a multi-disciplinary team meeting is called. The meeting includes the parent and whomever they need or want to bring. If the student is 14 years of age or older, the student is there as well. The special education teacher, regular education teachers, legal educational agency, principal or vice-principal or special education supervisor, and school psychologist discuss the rough draft of the evaluation report. The draft is sent home before the meeting so that the parent can peruse it. On average meetings take an hour. (N.T. 62, 63).

Another copy of the initial letter to the parent is offered when the parent arrives for the meeting. (N.T. 65). While the letter is lengthy and includes acronyms that the parent might not understand, parent facilitator Susan Roth, provides provide explanations during the meeting. (N.T. 68). The district also has some workshops for parents to educate them. The district does not many documents that are translated into Spanish. (N.T. 66).

The rights of parents document is state mandated and must be given to parents once a year, according to the witness. (N.T. 67, 76). Ms. Shultz also stated, "There is a Pennsylvania Parent Guide that kind of explains it a little bit easier in English and we're in the works of translating that . . . I looked to Lancaster and Allentown and some of

the other districts that have more Latino populations. And they do not have a Spanish copy.” (N.T. 67). The Pennsylvania Department of Education publishes “Pennsylvania Parent’s Guide to Special Education for School-Aged Children,” but it does not publish a Spanish version of that publication. (N.T. 69, 70).

According to Ms. Shultz, the district will translate glossary terms, provide a more parent-friendly definition, and suggest websites to visit; this information will then be available in schools and on district’s website. (N.T. 74).

At the IEP meeting, the student’s classification is designated, and the parent signs a Notice of Recommended Assignment agreeing that the child has a disability. Within 30 days after the meeting, an Individualized Education Plan, (IEP), is created to place the child in one of the following: in a regular education teacher’s room with support from a special education teacher, in a regular education teacher’s room with “pull out” support, or in a different type of classroom. All of this information, according to the witness, is discussed at the IEP meeting. (N.T. 77).

According to Ms. Shultz, the “district . . . has promoted . . . response to intervention, meaning . . . what can we do with the students within the regular classroom before we classify them . . . we are not seeing the over classifications . . . We’re also training the teachers . . . teachers know now, you set their goals high.” (N.T. 78). Ms. Shultz explained that the district also has “supplemental” and “full time” special education services and is moving steadily toward the supplemental itinerant support model, coping within the regular classroom setting and co-teaching. (N.T. 81). She noted that no funding is provided for testing, and that every year a child count for the state affects funding for following year.” (N.T. 83).

The district has two Spanish-speaking psychologists, and nine English-speaking psychologists. No other Spanish-speaking professional evaluates students, and parents do not engage their own private psychologists. (N.T. 85, 89). She clarified that those students who need bilingual services are assigned to Spanish-speaking psychologists. Many Latino students’ main language is English. Many times it’s the parents who need a translator. (N.T. 86). To determine the primary language, district staff “talk to the parent.” (N.T. 88).

Wanda Gonzales-Crespo, Kindergarten to grade 12 “LS” Supervisor for the district, currently in her third year, stated that she is a district graduate. Her daughter attends a district school. She has

a degree in Spanish along with Elementary Education and began her career as a second-grade ESL self-contained teacher. (N.T. 93).

Ms. Gonzales-Crespo described the district's English Language Acquisition (ELA) program, which now serves approximately 3,500 English Language Learners, or approximately 20% of the student population. Three district testers on staff assess students, who are identified through an assessment process required by state and federal law. (N.T. 94). The district uses the required WIDA Access Placement Test, W-APT, to decide whether students qualify for ESL services. Then it provides instruction. (N.T. 95). The W-APT is content based, developed by the WIDA consortium of Wisconsin; at lower levels testing is social cultural, but also used to determine proficiency in math, science, social studies, and English language arts. (N.T. 96).

Ms. Gonzales-Crespo stated that over the past few years, the district has been moving from a self-contained structure to a more inclusive model. (N.T. 97). Now teachers either have ESL certification or they have ESL resource teachers who provide push in or pull out support. She stated that 164 ELA teachers are certified to teach ESL, 54 teachers are not ELA teachers, but regular education teachers who hold ESL certification. She stated, "We also made the effort to offer up ESL certification programs to other teachers who are also working with English Language Learners (ELLs) in their classroom. And they took advantage and got their ESL cert as well." In addition, 19 teachers have completed coursework, and their ESL certification is pending. The witness believes that an additional 30 teachers are currently taking coursework towards ESL certification. (N.T. 98, 99).

Ms. Gonzales-Crespo said that it takes three to five years for a child who does not speak English to acquire social language and six to ten years to acquire academic language, depending on the student's academic background. Those with more education in their native language have an advantage. (N.T. 102).

Ms. Gonzales-Crespo stated that students are not thrown into any particular classroom without support. The district is providing professional development for teachers to work with the ELLs and has resource teachers available to push in and pull out when necessary. Her experience is that students in inclusive environments develop social language fairly quickly. (N.T. 103, 104).

Ms. Gonzales-Crespo stated that co-teaching does occur. She believes that the language barrier affects the dropout rate to some degree. (N.T. 105).

Next to testify was Eric Turman the Director of Elementary/Director of Secondary for the district. He summarized his professional experience as being a teacher for the district for seven years, then vice-principal at Northeast Middle School for half a year, then principal at Northeast for two years, high school principal in Philadelphia, Director of Elementary Education for the district for three and a half years, and Director of Secondary Education for past two months. Mr. Turman discussed PSSA test results. In 2003-04, roughly 40% of elementary students were proficient or advanced in reading, and 60% were basic or below basic in reading, he stated. (N.T. 113, 114). During the same academic year, 50-51% were proficient or advanced in math; 49% were basic or below basic. (N.T. 114). The district has seen "tremendous growth, especially at the elementary level" since it started "power teaching" in math three or four years ago. (N.T. 114). Scores increased to about 57% over a two or three-year period. Two subgroups are falling behind: ELA and IEP. After power teaching, IEP scored at 42%; ELA at 53%. (N.T.114).

The ELA subgroup almost made AYP last year in math outright. Last year third and fifth grades were at 68% overall—as opposed to 50% in 2003: a gain of 18%. The scores of two subgroups, ELA and IEP, nearly doubled. (N.T. 115).

Mr. Turman stated that the district initiated full-day kindergarten in 2005-06, but is not able to provide full-day services at 13th & Union or 12th & Marion because of lack of space. (N.T. 116). In addition, the district has some pre-K and has a pre-K council as well as some Head Start programs. (N.T. 117).

At higher levels, for middle school, grades six to eight, PSSA scores have improved following the provision of Reading Edge, research-based strategies through Success for All Foundation. (N.T. 118). High school, however, has been a challenge. Scores overall were 22% earlier, and only 25-28% proficient or advanced now, seven years later. (N.T. 120). "It's roughly between 40 percent for Caucasian and Hispanic and African-American; it's anywhere between 20 and 30 percent, in mathematics." In reading roughly 38% total; 45 – 50% for Caucasians and 27-28 to 35% for Latino and African-American students. (N.T. 121). Disparities among subgroups of elementary students are "not there," but the IEP subgroup has been a struggle. (N.T. 122).

Mr. Turman explained that splitting the high school into an Intermediate High School, which includes grades nine and ten, and the high school, which includes grades eleven and twelve, decreases the

number of students in the high school building and may affect achievement testing by eliminating the overcrowding and lessening the difficulty involved in changing classes and in beginning class as soon as the change occurs. (N.T. 124).

In addition, according to Mr. Turman, previously, so many students being in one school led to "some types of disruptive activities in the hallways. It was definitely something that had to be fixed." (N.T. 125). Approximately 600 students attend half-day vo-tech. (N.T. 125).

One of the district's problems has been transience. Now there is consistency across schools, which has led to increased achievement at the elementary level. The district is considering power teaching at grades six through twelve. (N.T. 126).

The witness stated that the lowest poverty rate in district schools is 85%. (N.T. 132). The district is striving for 90/90/90 status: 90% proficient or advanced; 90% free and reduced lunch status; 90% minority. (N.T. 134).

Mr. Turman discussed the district's high achieving elementary schools. Amanda Stout, Millmont, and Lauer's Park are well over 80% proficient or advanced in math and over 61% proficient or advanced in reading. The highest reading score was at Millmont Elementary School: slightly under 90%, Mr. Turman believes. Stout was at 71%, and Lauer's Park at 61%. (N.T. 135). The witness attributed the success to strong leaders having expectations and demands for an effective teacher for every classroom and effective leader for every building. (N.T. 136). There are no differences in teacher training, classroom size, and other variables, Mr. Turman said. (N.T. 136).

Mr. Turman stated that individual schools compete. Principals at Lauer's Park and Amanda Stout collaborate as well as compete to be the first 90/90/90 building. (N.T. 138). Elementary schools share best practices, holding "data meetings" to see where improvements can be made and to make those improvements. (N.T. 139).

Mr. Turman stated that the district has not determined why students score less well at higher grades, but noted that consistency and curriculum and number of times a student moves through the year affect performance. (N.T. 142).

Concerning not being able to provide full-day Kindergarten classes for all students, the witness admitted that people do complain

because their children aren't receiving the same services as the full-day students. Seventy-five students do not receive full-day at 12th and Marion, where enrollment is approximately 100. At 13th and Union, Kindergarten enrollment is approximately 160, 170; only about 75 receive full-day. The district has investigated using some local church space, but was not successful in obtaining that space. (N.T. 144). Mr. Turman stated that the district has IEP tutors who work with the half-day Kindergarten students if they need support. (N.T. 147). District staff admitted that only a few elementary schools are high on the facilities improvement priority list. (N.T. 146).

The next witness was Wynton Butler, the Principal of Reading High School. Now in his fifth year, Mr. Butler graduated from the district and from Kutztown University, had a military commission from Lehigh University and is doing graduate work at Alvernia toward a Ph.D.

Mr. Butler discussed the district's scholarship program. He stated that in value the program is probably 1.2 million dollars worth of scholarships, but some is in "product" like computers, and some is in free local college tuition. (N.T. 150). Roughly 200 students benefit from scholarship program a year. (N.T. 151). "There are approximately 125 scholarship/awards available" and approximately 700-800 students in the senior class. (N.T. 151). School has some discretion over only 17 of those. (N.T. 151).

According to Mr. Butler, all scholarships have criteria such as race, gender, grade point average, major or interest or talent. In providing scholarships where there is some discretion, a 13-member selection committee made up of each one of the departments in the building deliberates. Selections are based on the vote of the 13. (N.T. 152). Mr. Butler, himself, selects the committee and participates in the meetings. He tries to make sure "that the racial makeup of the committee is balanced." (N.T. 153).

Mr. Butler stated that female students tend to win more scholarships. (N.T. 157). There are 17 academic scholarships based on grade point average and class rank, which is out of the committee's control. (N.T. 153). Noting that the district expects to have its first Latino valedictorian this year, Mr. Butler stated that race is a criterion of the scholarship only if it is a criterion of the scholarship itself. (N.T. 158). For instance, the NAACP might award a scholarship to the highest ranking African-American in the class. (N.T. 158).

A student must be accepted to college, and then he or she is in the scholarship pool. (N.T. 159). Mr. Butler said that three members

of the scholarship committee are "of color," and three are female. (N.T. 160). Scholarships range between \$1,000 and \$1,500. (N.T.163).

Mr. Butler stated that the Patriot Act has had an impact: it requires banks that administer scholarships to have social security numbers, and the district has "a number of undocumented students." (N.T. 165). That status also affects a student's ability to attend college: few colleges will accept undocumented students; the student would be required to attend as a foreign student, going back to the country of origin and applying. (N.T. 166).

Mr. Butler stated that Latino students are probably the most transient, but African American students leave fastest, moving to the suburbs. (N.T. 170). He credited the school board with splitting high school enrollment 60/40. (N.T. 170). He also suggested pursuing additional resources, emulating the elementary school's consistency vertically and horizontally, addressing transience in the district, and educating the whole family. (N.T. 170-171).

Mr. Butler, when asked what the district is doing about security problems and murders, stated that murders have occurred outside of school, off school property, outside of school time. Mr. Butler testified that "95% of the violence . . . is generated on a weekend [involving] in-house parties held around the city, illegally where kids are drinking and doing all kinds of things they shouldn't be doing. And that's the stuff that comes to school on Monday morning. . . you're asking the school to control things that we actually don't have sometimes control over." (N.T. 174, 175). To assist with security, Mr. Butler said, the district has tip lines, which students are using to head some off some issues; peer mediation; Junior ROTC; and Marine Junior ROTC. (N.T. 176).

Next to testify was Joel Brigel, the Director of Human Resources for four months. Mr. Brigel was a special education and sixth-grade teacher, then an instructional supervisor, a vice-principal, and principal before becoming the Human Resources Director.

Mr. Brigel explained the district's hiring procedures and requirements. To become a professional employee, one must be certified in one or more areas, complete the required college program, take required PRAXIS examinations, and provide Act 34, child abuse, and criminal record, clearances. (N.T. 180, 181). To apply, a prospective employee submits to the district a letter of intent, resume, Pennsylvania standard application, three letters of reference, copies of college transcripts, clearances, and FBI registration fingerprint number. (N.T. 184).

Mr. Brigel also discussed employee demographics. Of 127 administrators in 2007-08, 22 (17%) were Black; 5 (4%) were Latino; and 100 (79%) were White. In 2010-11, of 142 administrators, 19 (13%) were Black; 11 (8%) were Latino; and 112 (79%) were White. (N.T. 185, 186). Asked, since numbers do not match population of the city or school, whether the district uses any procedure to separate the races and make qualification more difficult for Black or Latino candidates, Mr. Brigel testified that it does not, and "in fact [is] not supposed to ask race, birth date, weight, height, etc." (N.T. 186).

Teacher demographics are even more disproportionate than administrator demographics. In 2007-08, of 1308 teachers, 1214 (93%) were White; 44 (3%) were Latino; and 43 (3%) were Black. In 2010-11, of 1363 teachers, 1275 (93%), were White; 39 (3%) were Latino; and 43 (3%) were Black. Support staff demographics are more proportionate. In 2004-05, of 732 employees, 498 (68%) were White; 175 (24%) were Latino; and 55 (8%) were Black. 2010/11, of 1,830 employees, 1048 (57%) were White; 570 (31%) were Latino; and 200 (11%) were Black. (N.T. 190 – 192). Mr. Brigel stated that while the district does "recognize that the numbers are not necessarily equal," there has been no effort to funnel jobs to White people. (N.T. 192, 194).

Mr. Brigel noted that more than two sets of interviews occur, with a different rubric scale, depending on the direct supervisor. There is no direction from the school board, but there is preferential treatment for candidates who attended district schools and for those who live in the city of Reading. (N.T. 187, 188).

As to the district's seeking qualified Latino candidates, Mr. Brigel states that despite job fairs at Penn State, University of Delaware, Philadelphia, Kutztown University and Millersville University and other efforts, there has not been an increased number of candidates: of 2525 candidates, 76 were minority. (N.T. 188, 189). Mr. Brigel stated that before he became Human Relations Director, the district had listings in nationwide publications to reach minority candidates. (N.T. 190). Except for Delaware, the district limits recruiting to Pennsylvania. (N.T. 196). It does not recruit at Temple University, Cheyney University, Lincoln University or Howard University. (N.T. 196, 197). When asked whether any management objectives hold Human Resources staff accountable for increasing diversity, Mr. Brigel stated, "To be quite honest, as an HR director I'm supposed to. . . obviously be an equal opportunity. . . employer and find the best candidates." (N.T. 198).

When asked whether the district should consider a policy dealing with nepotism, Mr. Brigel stated that it has such a policy. (N.T. 200, 201). In practice, the district looks at qualifications and does not say that a candidate cannot work for the district because he or she is related to someone." (N.T. 203). Mr. Brigel noted that the district's Recruiter, Anita Bubel, is a minority, Puerto Rican, and that the district no longer eliminates a candidate with any criminal record. (N.T. 203, 204, 210).

Anthony Georeno, PH.D., retiree, former Human Resources Director, Pottstown School District Superintendent, and Human Services Director in Middletown School District, certified school psychologist, and certified special education teacher, testified next. He pointed out that the Philadelphia recruitment fair that Mr. Brigel addressed "covers all the mainstream universities in Philadelphia, New York, NJ, and Temple . . .," but the district has not recruited at Howard or Morgan State. (N.T. 208). He stated that while the district, in the past, recruited in Puerto Rico, doing so is not uncomplicated because of reciprocal certification issues between Pennsylvania and Puerto Rico. (N.T. 209). Mr. Georeno stated that the district had considered setting up a program at the high school for students who would become educators and return, but did not follow through. (N.T. 211).

According to this witness, the last few bargaining agreement contracts with paraprofessionals had included tuition money for them to attend college, and the district had started working with Penn State to pursue grants to obtain English as a Second Language program certification for teachers without it. (N.T. 215).

Asked whether the district has examined best practices used across the country by districts that have been successful in recruiting and retention of minority administrative and teaching staff, Mr. Georeno stated that the district belongs to the State Personnel Association, National SHRM groups, and National School Personnel Association. (N.T. 216, 217).

Rose Merrell-James, Ph.D., African American Director of Student Services for nearly five years, formerly a school counselor in Rochester for some 22 years, and family studies teacher in West Chester County outside New York City for alternative education program, testified next. Dr. Merrell-James presented high school graduation and dropout statistics which are summarized in the chart below. (S.D. #14, #15, #16, #17; N.T. 219 - 230).

School Year	Total Graduates	Latino Graduates	Senior Year Drop-out Rates Total Students	Latino Dropout Rates Senior Year
2006-07	713	450 (63%)	n/a	n/a
2007-08	712	440 (61%)	383	262 (68%)
2008-09	764	494 (64%)	485	373 (77%)
2009-10	857	602 (70.2%)	468	374 (80%)

Asked whether the district provides an opportunity for dropouts to continue their education, Dr. Merrell-James stated that over the past two years, the district has opened its doors with a "graduation achievement program" that allows students who are at least 16 years of age to earn high school diplomas. (N.T. 230, 231).

Asked about professional staff's cultural sensitivity, Dr. Merrell-James stated that at the end of 2007-08, the district developed web-based professional development diversity programs, initiated a Spanish educators' class from Penn State Berks which provides an opportunity to learn language and culture, began using its own teachers to teach cultural aspects. (N.T. 231, 232). Dr. Merrell-James noted that the district is including diversity for all, gender aspects of diversity, bullying and harassment. (N.T. 232). She gave an example of the district's contracting services as well as building its own programs: I-LEAD, through a company, instructed staff in "style flexing," which means that everyone has special needs. (N.T. 233). A facilitator helped staff look at differences and celebrate them to work and build healthy relationships. (N.T. 234). In addition, Dr. Merrell-James stated, the district is doing more with "parent academy facilitators" and a parent leadership committee to help the district in the community and in school. (N.T. 234, 235).

Dr. Merrell-James stated that the district's seasonal stand-alone migrant education program, working with its parent academy and special education department and school counselors, has as its goal to serve parents by providing such services as English Language Acquisition, special education, testing, assessment of transcripts, ESL classes, computer classes, and training for parents. (N.T. 236, 240). The district also offers a family literacy program and a community outreach program. (N.T. 236).

According to Dr. Merrell-James, in the last several years the district has hired eight more truancy officers, for a total of nine, whose

responsibilities are broken up between quadrants. (N.T. 237). These officers knock on doors and try to help parents assure that students go to school by establishing relationships, talking with students, encouraging students, staying on "their case," and finding out what the issues are. (N.T. 237, 238). Truancy officer demographics are as follows: two White males, two Black females, one Latino female, one Latino male, and three Black males. (N.T. 238, 239). Three of the officers are bilingual and bicultural. (N.T. 239).

Asked about the district's bullying program, Dr. Merrell-James stated that the Olweus bullying prevention program is being used, but it is not provided in all schools yet. (N.T. 243). Three schools have it, Tyson-Schoener, Southern and 13th and Green, and every staff member in those three schools is being trained. (N.T. 243, 244). The district plans to apply for a \$7500 for additional training. (N.T. 243). Asked whether the district has any policies related to "sexting," the witness noted that the policy includes cyberbullying, but needs to be updated to be even more specific. (N.T. 248).

Asked about discipline, Dr. Merrell-James stated that cyberbullying issues have surfaced. And that if personnel have a report or indication that bullying is occurring, the district involves school counselors and home and school visitors and holds everyone accountable. (N.T. 245).

Next to testify was Russell DelRosario, who has been the district's Supervisor of Security for one year, is a 20-year veteran of the New York City police department who retired in 2008 as Lieutenant and was Lieutenant for Harrisburg International Airport before joining the district. Mr. DelRosario discussed security improvements. According to him, the district now has a total of 700 cameras, which now cover every school and 85-90% of the high school, has tripled the total number of guards, and provides more police coverage. (N.T. 251, 254). According to Mr. DelRosario, there are 17 officers at the Citadel, 17 at Reading High School, 2 each at the middle schools, 1 each at the magnet schools, 1 at the administration building, and 1 at certain elementary schools. (N.T. 252).

In addition, two people hired after Mr. DelRosario; one is a retired Reading Police Officer with 23 years of experience who was a district school resource officer for the last 8 or 10 years; the other has police and military backgrounds and was a member of a security force promoted to supervisor. (N.T. 254, 255). Mr. DelRosario stated that the district hopes to increase police officer status to give more guards authority to make arrests and issue citations for such summary

offenses as disorderly conduct, truancy, and vandalism, thereby reducing number of officers. (N.T. 255).

Asked how dividing the high school into two schools has affected security, Mr. DelRosario stated that the district is now better able to monitor students in the halls, identify students who belong in the building, identify who the students with problems are, manage issues especially in cafeteria, and, at dismissal, handle smaller numbers. (N.T. 256). He explained that there are three metal detectors at the Citadel and two metal detectors at the Excel (alternative education) School. (N.T. 257). At Excel, every one of the 100 to 150 students is searched coming in; at the high school and the Citadel, random searches occur on random days. (N.T. 257). Staff search a certain number of students in a ten-minute span. Doors open at 8:05 and close at 8:15. (N.T. 258). Concerning weapons, the witness stated that the district relies mostly on information from students and that staff search lockers randomly. (N.T. 259).

Mr. DelRosario said that at the high school, where doors and access are problematic, the district has "created video alarms where the camera reads if there's someone in that area and it becomes larger. (N.T. 260). In addition, a guard is assigned to the problem door. (N.T. 260). All students have ID. (N.T. 260). At the Citadel, students show ID when they are walking in. Identification at the high school is more difficult: many students keep their IDs in their lockers, and verifying slows down the process. (N.T. 261). The witness acknowledged that this is an enforcement, which has been addressed with vice-principals. (N.T. 261).

Mr. DelRosario presented security staff demographics as follows: Of a total of 55 guards, 14 (25%) are White, 22 (40%) are Black and 19 (35%) are Latino. (N.T. 262, 263). Human Resources staff are in charge of recruitment. (N.T. 263). Asked about programs to impact gang violence, the witness stated that security officers are "well versed on the gangs within the city." (N.T. 264). Information from students is key; guards relay information to administrators, then to police assigned to the building, one of whom is gang officer for Reading Police Department. (N.T. 264). The district has attempted to ban gang identification. (N.T. 264). Violence outside impacts the schools must be addressed; gang recognition and information training with Reading Police Department occurs "all the time," according to Mr. DelRosario. (N.T. 265).

When asked the role of security in the discipline process, Mr. DelRosario stated that guards complete incident reports and deliver

the reports and student to the vice-principal; guards have no say in discipline administered. (N.T. 266). District counsel confirmed that discretion for suspension lies within individual school buildings, and noted that he handles expulsions, most of which involve weapons. (N.T. 267, 268).

INVESTIGATORY HEARING REPORT CONCLUSION

The facts gathered during the investigatory hearing process do not lead the Commission to conclude that a systemic pattern of intentionally discriminatory treatment of minority students, employees and/or applicants for employment exists within the district. In fact, the Commission, in convening an investigatory hearing, was not seeking to determine whether such a statutory violation had occurred.

The facts gathered during the investigatory hearing process do demonstrate that the Reading School District does continue to struggle with a number of inter-related equal educational opportunity issues; does continue to struggle with a number of school safety, school security and school climate issues; and does continue to struggle to increase staff diversity, especially among administrative, teaching and other professional staff positions.

Because of the above conclusion, and consistent with the Commission's Section 8.1 statutory responsibility, this Investigative Hearing Report includes a series of Primary and Subsidiary Findings in each of the three identified areas of concern. The Report also includes a series of Recommendations.

As will become apparent, because of the inter-connectedness of the three identified areas of concern, findings, and especially recommendations, may overlap. The Commission has attempted wherever possible to include the recommendations only in one section rather than repeat those that overlap.

The Commission welcomes the remarks made by Acting Superintendent Vecchio at the beginning of the February 24, 2011 reconvened hearing, especially his stated desire to work collaboratively on the issues at hand. The Commission looks forward to the opportunity to work with the Board and school district staff to insure that all students obtain an equal educational opportunity.

INVESTIGATORY HEARING FINDINGS AND RECOMMENDATIONS

I. ISSUE #1 - EQUAL EDUCATIONAL OPPORTUNITY

A. PRIMARY FINDING

The Reading School District graduates a lower percentage of students, has a higher percentage student dropout rate and its students perform significantly less well on state mandated standardized achievement tests when compared with students in general attending public schools in the Commonwealth.

Because the district is some 87% minority and 76% Latino, these performance disparities have a disproportionate negative impact on Latino and African American students. Moreover, the noted disparities, when compared with White students in general and/or with White students within the district itself, represent a continuing trend of ethnically and racially identifiable differences that undercut efforts to obtain an equal educational opportunity.

B. SUBSIDIARY FINDINGS

1. According to the latest available Pennsylvania System of School Assessment (PSSA) scores for the Reading School District, those for the 2009-2010 academic year, the district did not achieve Adequate Yearly Progress (AYP).⁵ It is in Corrective Action 2 status (for the fourth year), which requires such substantial changes as reconstitution, chartering, or privatization. (PHRC #14, #36).
2. Despite its failure to achieve AYP, the district is experiencing higher achievement levels overall than in the previous academic year, with the following exceptions: the total number of students testing at or above proficient in reading in grades six through eight decreased by 0.8%, and the total number of students testing at or above proficient in mathematics

⁵ To meet the federal No Child Left Behind requirements for Adequate Yearly Progress (AYP) in 2009-2010, districts must achieve the following: (1) 95% of students must participate in PSSA reading and math testing; (2) 63% must score proficient or better in reading, and 56% must score proficient or better in math; (3) schools must achieve an 85% graduation rate or a target of 82.5% or a 10% reduction of the difference between the previous year's graduation rate and 85% and (4) schools must achieve a 90% attendance rate or any improvement from the previous year.

in grades nine through twelve decreased by 2.3%. In addition, the district's scores have improved generally and incrementally since the 2006-2007 academic year. (PHRC #2, #14, #36).

3. The greatest gains over the past year occurred in math at the elementary- and middle-school levels. All disaggregated student groups in grades three through five and in grades six through eight met the math target. Overall, 67.8% of students in grades three through five scored at or above proficient. The achievement gap between Latino and White students and between Black/African American non-Latino and White students was identical: 5.9%. Overall, 64.6% of students in grades six through eight scored at or above proficient; the achievement gap between Latino and White students was 10.8%; the achievement gap between Black/African American non-Latino and White students was 11.9%. (PHRC #2, #14, #36).
4. At both grade levels, three through five and six through eight, math scores were substantially higher than reading scores. English Language Learners made the greatest single reading gains: in grades three through five, those reading at or above proficient levels rose 12.5%; in grades six through eight, those reading at or above proficient levels rose 11%. (PHRC #2, #14, #36).
5. Conversely, no student group in grades nine through twelve met the math target. The only groups to increase their scores of proficient or above were Latino (by 0.1%); IEP Special Education (by 3.7%); and English Language Learners (by 3.5%). Perhaps more importantly, only 42.6% of students in grades nine through twelve overall tested proficient or above in reading, and the number of English Language Learners testing proficient or above in reading decreased by 2.9%. (PHRC #2, #14, #36).
6. The achievement gap between Black/African American non-Latino and Latino students and White and Asian students is not as substantial as the state averages. In mathematics, Pennsylvania's average achievement gap is 27% for African American students compared with White students and 22% for Latino students compared with White students. In reading, Pennsylvania's average achievement gap is 28% for African American students compared with White students and 27% for Latino students compared with White students. (PHRC #2, #13, #14, #36).

7. Reading School District's gaps are lower, as the disaggregated breakouts on the following two pages indicate:

2009-2010 PSSA Scores in Mathematics

		<u>Advanced</u>	<u>Proficient</u>	<u>Basic</u>	<u>Below Basic</u>
White					
	PA	52	28	11	8
	Reading	36	32	16	15
Black					
	PA	24	31	21	25
	Reading	28	32	20	20
Latino/Hispanic					
	PA	28	31	20	22
	Reading	28	33	19	19
Asian					
	PA	71	19	6	4
	Reading	57	31	7	5
Native American					
	PA	39	32	15	15
	Reading	NA ⁶	NA	NA	NA
Multi-Ethnic					
	PA	38	31	16	15
	Reading	NA	NA	NA	NA
IEP					
	PA	17	28	23	32
	Reading	12	27	23	38
ELL					
	PA	15	29	24	33
	Reading	11	29	26	35
Migrant					
	PA	17	32	23	28
	Reading	24	26	21	29
Economically Disadv.					
	PA	31	32	19	18
	Reading	28	33	19	19

⁶ NA indicates too few in a disaggregated group to include scores separately

2009-2010 PSSA Scores in Reading

		<u>Advanced</u>	<u>Proficient</u>	<u>Basic</u>	<u>Below Basic</u>
White					
	PA	41	36	13	10
	Reading	23	37	19	20
Black					
	PA	17	34	22	28
	Reading	14	36	26	24
Latino/Hispanic					
	PA	18	34	21	28
	Reading	13	34	23	29
Asian					
	PA	52	31	10	7
	Reading	29	43	17	12
Native American					
	PA	30	36	17	17
	Reading	NA	NA	NA	NA
Multi-Ethnic					
	PA	27	38	18	17
	Reading	NA	NA	NA	NA
IEP					
	PA	10	25	22	43
	Reading	3	16	23	58
ELL					
	PA	4	21	24	50
	Reading	2	15	24	59
Migrant					
	PA	7	25	22	46
	Reading	6	31	19	44
Economically Disadv.					
	PA	20	36	20	23
	Reading	14	34	24	28

8. However, the lower-than-average achievement of White and Asian students, rather than the higher-than-average

achievement of African American and Latino students, appears to be the reason for the reduced gap.

9. This lower-than-average achievement is reflected in the district's graduation rate of only 68% for all students and its even lower 66% for Latino students in 2008-2009.⁷ (PHRC #4). Pennsylvania's rates were 89% and 72%, respectively.
10. Parental involvement in district services is impacted by lack of vehicles, lack of child care, work schedules, insufficient English language skills, inability to explain problems, undocumented status which could lead to immigration issues, and insufficient information.
11. Overcrowding has resulted in half-day, rather than full-day, Kindergarten classes for more than 150 students.
12. Some schools were identified as lacking appropriate air conditioning, ventilation and heating.
13. Some students, according to witness testimony, are not permitted to take their textbooks off school grounds.
14. Some community members, parents, and employees perceive that district staff lack cultural competency and treat parents and students disrespectfully.

II. ISSUE #1 - EQUAL EDUCATIONAL OPPORTUNITY

A. PRIMARY RECOMMENDATION

The Reading School District should create an Office of Educational Equity and appoint an educational equity coordinator to run the office. The stated purpose of the office should be to identify, develop and implement best practices intended to maximize equal educational opportunities within the district as well as to monitor and measure progress within the district. The office's primary functions should include direct oversight of student achievement throughout the district including areas related to school climate, safety and security and staff diversity efforts.

⁷ Graduation rates measure the number of students receiving a regular high school diploma in any given year against the total number of dropouts over four years.

B. SUBSIDIARY RECOMMENDATIONS

1. The district should recruit an equity advisory panel of five to seven volunteer members to recommend best practices to the educational equity coordinator, who would meet with this panel at least once during each semester and during each summer session to exchange information and accept comments and suggestions for improvement to equal educational opportunity, equal employment opportunity, and equal school climate, safety and security practices and procedures.
2. The district should include equity goals in the district's mission statement and all planning documents; write equity and cultural competency considerations into subcontractor agreements, employment announcements and interview questions, job descriptions, and performance evaluations; disseminate, tabulate, and use school climate surveys; provide for staff development activities to improve cultural competency; and develop a multicultural curriculum.
3. The district should consider and institute, as appropriate, the recommendations presented by its own staff, parents, education experts, partner agency representatives, and community members over the four days of hearing. Those recommendations are summarized above in the "Summary of Testimony" section of this report.

Administrative Support

4. The educational equity coordinator's responsibilities should include, but not be limited to, the following:
 - a. Review and analyze the district's disaggregated student data for inequities in discipline, grades, standardized test scores, and special programs such as the scholarships program and gifted programs;
 - b. Data to be reviewed and analyzed should include, but not be limited to, the following:
 - i. The ethnic and racial enrollment of the district at each organizational level: entire district, each grade level, each school, and each class/course offered in each school;

- ii. Disaggregated student achievement data including the Pennsylvania System of School Assessment, value-added assessment information and any other standardized test score results, letter grades, graduation data, dropout data, discipline data, participation in magnet schools, participation in advanced classes such as calculus, participation in extra-curricular activities, participation in remedial programs, assignment to alternative programs, and other disaggregated data that assist in identifying ethnic and racial achievement differentials within the district; and
 - iii. The allocation of operational and capitol resources, from whatever source received, to schools and students throughout the district including professional and non-professional staff assigned to each school, support services such as tutorial available at each school, facility resources such as computer or science laboratories available at each school, curriculum and course offerings available at each school, extra-curricular activities available at each school, after-school and/or extended-day or extended-year programs available at each school, instructional materials such as texts which students are permitted to take home to use and computers available at each school, and other resource allocation data that assists in identifying ethnically or racially identifiable resource allocation differentials and/or in identifying ethnic and racial needs-based resource allocation differentials within the district;
- c. Maintain, monitor and disseminate statistics on discipline, grades, standardized test scores, value-added assessment information, safety and assignments to remedial and gifted special education programs to appropriate district personnel and the equity advisory panel, whose appointment is recommended in this section;
 - d. Oversee the district's alternative programs to assure ethnic/racial balance by evaluating data on alternative programs including enrollment by ethnicity/race, gender, English-language-learner status, socioeconomic status, and disability status; reasons for referral disaggregated by

- race and other measures; achievement of students using the same standards and benchmarks as for regular education students; and an analysis of the program's efficacy in supporting students' return to regular education programs;
- e. Evaluate or arrange for outcomes-based evaluation, using disaggregated data and accepted research practices, of the district's equity programs and initiatives;
 - f. Recommend for elimination or appropriate modification the district's equity programs and initiatives;
 - g. Review best practices information for equitable education programs from sources which may include, but not be limited to, the following: the Pennsylvania Department of Education, the United States Department of Education's Office for Civil Rights, the United States Department of Education's National Center for Education Statistics and its Institute of Education Sciences, the Mid-Atlantic Equity Center, Council of the Great City Schools, Pennsylvania School Boards Association and National Association of State Boards of Education, The Education Trust, teachers' unions; American Association of School Administrators and other school administrators' associations, Public Education Network; colleges and universities; and Manhattan Institute's Education Research Office;
 - h. Assist in the district's initiative, as described in its Strategic Plan;
 - i. Seek, obtain, and monitor essential additional equity-specific funding sources as required;
 - j. Develop and implement program initiatives and otherwise take all steps necessary to remedy ethnic and racial isolation and imbalance found to exist within the district and to remedy the adverse educational consequences caused by past and ongoing ethnic and racial isolation and societal discrimination.

Instructional Support

- 5. The district should replicate appropriate instructional and administrative programs and techniques used at schools at all operational levels which, according to district documents and

- Pennsylvania System of School Assessment data and/or value-added assessment information, have outperformed, as defined in Paragraph 5 below, their Pennsylvania peers within and outside the district for at least two consecutive school years.
6. Schools identified as outperforming their peers shall have Latino/African American student enrollments of 90% or greater, have met or exceeded the state average for Pennsylvania System of School Assessment participation and attendance rates, have met or exceeded the state's mean scores in mathematics and reading, and met or exceeded the state's averages for percentages of students scoring proficient or above in mathematics and reading at each grade level tested.
 7. The district should evaluate instructional materials that will assist in providing comprehensive holistic instruction in Latino and African American history and culture as part of the regular curriculum and as an integrated part of cross-discipline learning.
 8. The district should provide in-classroom supports, including but not limited to additional teachers, paraprofessionals and highly qualified tutors in the schools which, according to the district's own records and standardized test data and in accordance with federal and state education guidelines, underperform, as defined in Paragraph 8 below, their Pennsylvania peers within and outside the district for at least two consecutive school years beginning with the effective date of the Agreement.
 9. Schools identified as underperforming their peers have Latino/African American student enrollments of 90% or greater, and have students that have scored at least 15 percentage points lower than state averages for those students reaching proficient or above standards in mathematics and reading at each grade level tested.
 10. The district should demonstrate and articulate high expectations for all students in developing and revising curricula; training teachers, administrators, security staff, support staff, and school board members; imposing disciplinary sanctions, and admitting enrollees into special programs.
 11. The district should devise and initiate a plan to provide full-time Kindergarten classes to every child who meets its criteria for enrollment.

Special Education Services

12. The district should provide teachers adequate support, training and time to collaborate on addressing the needs of children, including English language learners, with disabilities and on enhancing instructional strategies to meet the needs of those students experiencing instructional and/or behavioral problems.
13. The district should monitor, develop and revise as necessary the array of strategies and interventions available to increase the frequency and quality of strategies and interventions for those students experiencing learning difficulties by providing for problem solving among teachers, related service personnel, family members, and education administrators whose goal will be to improve attitudes and supplement skills of school-based staff to address students' academic and behavioral needs and determine whether curriculum instructional materials, instructional practices, teacher perceptions, or other factors impact the student's difficulties.
14. The district should document difficulties students experience and determine possible reasons for the problems, provide and document classroom modifications and/or other strategies, assess interventions to ensure that they are appropriate and successful, monitor students' progress for a significant period of time, and identify students for whom the learning and/or behavioral difficulty persists despite suggested interventions.
15. The district should provide a sufficiently rigorous curriculum accessible to all to encourage potential student candidates to improve their academic skills and prepare for advanced coursework.
16. The district should educate all persons involved, including school board members, about special education issues, including the overrepresentation of Latino and African American students.
17. The district should collect and monitor district data to determine the extent to which overrepresentation of Latino and African American students is occurring.
18. The district should ensure that the evaluation process

- employs valid assessment tools free of racial/cultural bias, takes into account cultural differences and includes appropriate assessment and support for English language learners.
19. The district should develop exit plans to ensure that children who are misidentified or who make sufficient progress are returned to regular education status.
 20. The district should provide cross-cultural training for teachers and staff, particularly in communications.
 21. The district should collaborate with community agencies and higher education institutions to ensure that children receive necessary auxiliary services.
 22. The district should provide the following forms in Spanish and in any other first language used by the district's parents: Evaluation Report, IEP, Invitation to Participate, Notice of Education Placement, Permission to Evaluate Consent Form, Permission to Evaluate Request Form, Permission to Re-evaluate Consent Form, Permission to Reevaluate Request Form, Agreement to Waive Re-evaluation, and Procedural Safeguards Notice.
 23. In accordance with Special Education for Gifted Students Regulations, 22 Pa. Code § 16.3, the district should seek and obtain the approval of Pennsylvania's Secretary of Education to operate and provide an experimental gifted program anticipated to improve student achievement and meet unique programmatic needs of gifted students.
 24. In accordance with Special Education for Gifted Students Regulations, Chapter 16 of the Pennsylvania Code, the district should adopt and use a system to locate and identify all students within the district who are thought to be gifted and in need of specially designed instruction; inform the public of gifted education services and programs and the manner by which to request these services and programs; and, after discussion with teachers and administrators and following appropriate staff training, use multiple criteria to place students in the gifted program.
 25. The district should develop and monitor strategies for reducing the ethnic and racial disparities in gifted program placements with the goal of significantly reducing the overall gap

between the district's students and Pennsylvania's students.

Professional Development

26. The district should evaluate and, based on the evaluation, appropriately continue, modify or discontinue existing professional development programs which were created to achieve equal educational opportunity and educational equity.
27. The district should strengthen professional development through needs assessment and/or by holding a mandatory teachers' forum to discuss and address issues; providing cultural competency training, which acknowledges multiple Latino cultures, for all staff: security officers, janitors, bus drivers, secretaries, counselors, and administrators as well as teachers; offering specialized training for those teachers who refer Latino and African American students for discipline in statistically significant disproportion to their class enrollment; and providing positive discipline, behavior management and conflict resolution training for all teachers and security staff.
28. The district should continue to use a train-the trainer approach to external professional development, encouraging staff who attend events to share information with other appropriate school staff.

Parent and Student Involvement in District Programs

29. The district should appoint, meet with, and memorialize the appointment and meetings of a committee of students, parents, school personnel, and community resource people to offer suggestions and support and monitor the district's progress in achieving equal educational opportunity and educational equity.
30. The district should evaluate and, based on the evaluation, appropriately continue or modify efforts to involve parents through use of existing programs and any other initiatives developed, which may include the following: Volunteer Parent Engagement Specialists to provide parents and caregivers with support in parenting, academic, special education processes and terminology and technology areas; Parent/School Community Councils to assist in developing the Strategic Plan; Head Start Policy Council to support Head Start objectives; a volunteer Parents Steering Committee to network with other parents,

parent organizations, and groups and to share information with the educational equity coordinator; and/or School Volunteer Tutors Program.

31. The district should enhance parental/community support by approaching parents where they are (at church, at sporting events, at community centers, at home) and giving positive input and seeking more positive parental involvement from traditionally underrepresented parents.
32. The district should continue to support the collaboration of parents, school board members and district staff in making improvements in the special education program.
33. The district should offer parents evening English courses, computer classes, bullying/cyberbullying/violence prevention workshops, GED instruction, special education workshops for those with children with disabilities, and other classes for which there has been an expressed interest with child care provided.
34. The district should involve students by expanding peer mediation to resolve minor disciplinary issues which do not include a power imbalance between students and by developing and/or modifying a student tutoring initiative, superintendent's student advisory committee, violence prevention project, and mentoring programs – all with diverse members.
35. The district should provide student support activities such as a summer program and before/during/after school tutoring, with student volunteers sharing responsibility for planning and staffing the activities.
36. The district should continue to encourage cooperation and coordination between the director of pupil services and the parental engagement committee, expand outreach efforts and recruit additional external partners among interested business groups, college and university educators, and such community members as the Rebuilding Reading Poverty Commission, Big Brothers/Big Sisters, the United Way, and the Holleran Center, in addition to those already contacted, which include the Parent Teacher Association, PA Parent Information and Resource Center, and Center for Schools and Communities.

Academic Achievement

37. The district should implement research-based initiatives that have proven effective in reducing the statistically significant racially identifiable academic achievement gap which exists between Latino/African American and White students.
38. The district should investigate the possibility of providing for multi-lingual students to take Advanced Placement Spanish and other Advanced Placement language courses and/or working with local colleges/universities to offer college credit for language courses.
39. The district should investigate the use of and develop multicultural curricula using such equity resources as the following: the National Governors Association; Maryland's Department of Education, Education That is Multicultural and Achievement (ETMA) Network; Gloria J. Ladson-Billings, Ph. D.; Tim Wise; Randall B. Lindsey, Laraine M. Roberts and Franklin CampbellJohnes; Beverly Daniel Tatum; Sonia Nieto, Ed.D.; Rosa Hernandez Sheets, Ph.D.; Dr. Pedro Noguera; Claude Steele, Ph.D.; Gary Orfield, Harvard Civil Rights Project; Department of Defense schools.

English Language Learners

40. The district should become familiar with and guided by findings of research conducted by The Council of the Great City Schools in October 2009,⁸ whose writers suggested that educators create "an environment conducive to implementing and sustaining district-wide reform efforts" by using the following best practices:
 - a. Develop a clear instructional vision and high expectation for ELLs. This means being clear about academic goals for these students, communicating these goals emphatically to stakeholders in the district, and ensuring that ELLs are held to the same high standards as other students throughout the district.
 - b. Approach external pressure to improve services for ELLs and other students as an asset rather than a liability. Rather than addressing state or court directives defensively or adopting measures aimed solely at ensuring

⁸ The Council of Great City Schools, "Succeeding With English Language Learners: Lessons Learned from the Great City Schools," October 2009.

legal compliance, external requirements should be approached as mandates for long-term, systemic reform efforts to raise student achievement.

- c. Incorporate accountability for ELLs organizationally into the broader instructional operation of the school district. This entails being clear at the leadership level that everyone is accountable for the academic attainment of these students—not simply ELL teachers and ELL department staff. This not only spurs collaboration, but it provides greater assurance that these students have broader and fuller access to the general education curriculum and resources.
- d. Empower strong ELL program administrators to oversee progress. Prioritizing ELL reform ELL reforms also means appointing and empowering someone in the district to serve as a “point person” on ELL issues. In improving districts, the office of ELLs and its director were included in the highest levels of decision making and given the authority to oversee implementation of the district’s strategy for ELL reform.
- e. Pursue community support for initiatives designed to accelerate achievement among English language learners. Having the community behind the district’s efforts to improve academic performance helps create the political conditions under which reforms can be sustained.
- f. Review general education and ELL programs to ensure that there is an explicit focus on building academic literacy and cultivating English language development. Focusing on academic literacy among ELLs—and all students—and providing them with specific language acquisition strategies are critical steps for ensuring the long-term academic success of students.
- g. Ensure that all teachers of ELLs have access to high quality professional development that provides differentiated instructional strategies, promotes the effective use of student assessment data, and develops skills for supporting second-language acquisition across the curriculum. This professional development should be made jointly available to ELL and general education teachers and

evaluated for how well it is implemented and its effects on student achievement.

- h. Assess district standards for hiring, placing, and retaining teachers, paraprofessionals, and staff members who work directly with ELLs to ensure that these students have access to highly qualified personnel.
- i. Conduct a comprehensive assessment of the level of access that ELLs have to the entire spectrum of district course offerings, including gifted and talented programs and special education. The results of these simple analyses can reveal to districts whether ELLs — and others—have equal access to educational opportunities and are held to the same academic standards as other students.
- j. Ensure that resources generated by and allocated for English language learners are properly and effectively expended to provide quality ELL instruction and services. Districts also should be careful to not allow the categorical nature of various funding sources to limit ELL programming or services.
- k. Develop a system for tracking multiple measures of ELLs' educational progress. The collection and analysis of data on the characteristics, teachers, English proficiency level, program placement, and academic attainment of ELLs are critical to ensuring the success of these students.

I. ISSUE #2 - EQUAL EMPLOYMENT OPPORTUNITY

A. PRIMARY FINDING

The Reading School District has not demonstrated any significant progress in efforts to increase staff diversity through minority hiring, especially in the areas of administrative, teaching and other professional staff positions. Increasing staff diversity is recognized as a critical component in achieving and equal educational opportunity.

B. SUBSIDIARY FINDINGS

1. The district has experienced considerable turnover of administrative and instructional staff, which has at times negatively impacted implementation and continuity of student services and the ability of teachers, particularly those just beginning their careers, to meet the district's requirements to maintain their employment.
2. Some prospective, current, and past district employees perceive that nepotism negatively impacts recruitment, employment, and retention decisions and that there has been a failure to recruit, hire, and promote qualified Latino and African American candidates.
3. Some prospective, past, and current district employees perceive that different employment criteria and standards apply to Caucasian as opposed to Latino and African American candidates and employees.
4. Human Resources staff are not consistently responsive to inquiries from prospective or current employees.

IV. ISSUE #2 - EQUAL EMPLOYMENT OPPORTUNITY

A. PRIMARY RECOMMENDATION

The Reading School District should promote itself as a school district that seeks to become a leader in diversity hiring of highly qualified individuals, especially in administrative, teaching and other professional staff positions.

B. SUBSIDIARY RECOMMENDATIONS

1. The district should recruit highly qualified certified teachers using such resources as the following: the National Alliance of Black School Educators, www.nabse.org, and the Hispanic Association of Colleges and Universities, www.hacu.net, historically black colleges and universities, The Mid-Atlantic Association for Employment in Education, www.maeonline.org; the Association of Independent Schools in New England's comprehensive guide to hiring and retaining teachers of color, available through the following website: www.nysais.org/uploaded/downloads/AISNE_Guide_to_Hiring.pdf, Duke University's [Office for Institutional Equity](http://www.duke.edu/officeforinstitutionalequity), publications such as Diverse: Issues in Higher Education, The Princeton Review, and U.S. News and World Report's campus ranking based on inclusiveness and diversity.
2. The district should develop and consistently use standardized district-wide hiring procedures, including but not limited to position interview questions and criteria for selection of candidates.
3. The district should make every effort to maintain a diverse faculty by fostering real inclusion in decision making, promoting equitably, arranging for such activities as diverse faculty members' involvement in team teaching, encouraging staff to exchange special knowledge and cultural competencies with other staff, and offering opportunities for inter-racial collaboration among members of the school community.
4. The district should assure that an experienced professional staff member mentors each first-year professional staff.
5. The district should provide staff with appropriate training and professional development to meet the needs of the diverse student population.
6. The district should develop formal and/or informal incentives to reward teachers who teach students of diverse backgrounds well.
7. The district should develop a positive work environment through a collaborative management style, open-door policy, team approach, and cooperation with bargaining unit officers and

staff to resolve problems and address student-related educational issues.

8. The district should develop a standardized communications protocol for its human resources staff and assure that prospective and current employees and community members receive timely and accurate responses to their inquiries.
9. The district should recruit, target and mentor its support staff and students who have an interest in future professional career opportunities.

V. ISSUE #3 – SAFETY AND SECURITY

A. PRIMARY FINDING

Student achievement is directly impacted by school climate issues, particularly safety and security. The Reading School District has experienced school safety and security issues that negatively impact student learning.

Such issues include: in-school and near school intimidation, threats and acts of violence; community/neighborhood and cultural conflicts; gang and gang-related violence; and student-on-student bullying. Issues related to ethnicity, race, ancestry and/or national origin are a frequently identified factor or undercurrent in many of the conflicts and further exacerbate efforts to achieve an equal educational opportunity.

B. SUBSIDIARY FINDINGS

1. Discretion for imposing student suspensions lies within individual school buildings; security staff have no voice in discipline administered.
2. Reading High School and the Citadel, the district's Intermediate High School of ninth- and tenth-grade students, experience the most serious safety and security challenges with such concerns as the following: insufficient time in the morning between the time the doors open and close to check all student identifications to avoid unauthorized access to the schools; unauthorized entries at other times during the school day; and Reading High School students' failure to carry their identifications with them consistently.

3. Parents are not consistently promptly notified when a student sustains an injury at school or becomes involved in a physical altercation.
4. The district has instituted a formal anti-bullying program in only three of its schools.

VI. ISSUE #3 – SCHOOL SAFETY AND SECURITY

A. PRIMARY RECOMMENDATION

Conflict reduction can be positively impacted by a belief that all students are treated equally. Because of this, the Commission recommends an approach that focuses on equity in discipline and seeks to develop and implement strategies intended to prevent and/or minimize events from occurring that affect school safety and security as a primary strategy with a compliance approach to such events becoming a secondary strategy.

B. SUBSIDIARY RECOMMENDATIONS

Equity in Discipline

1. Based on an assessment of needs, the district should provide annual research-based training and other professional development resources for teachers, administrators, and school board members concerning the impact of differing cultural norms, values, and belief systems on interpretations of student behavior, choices of strategies for influencing student behavior, application of formal discipline policies and procedures, and students' reactions to the discipline-related actions of teachers and/or administrators. Training should include enhancement of the knowledge, awareness and skills necessary to reduce any incidence of bias or disparate impact with regard to discipline.
2. The district should provide a challenging research-based curriculum for all students and academic support to low performing ones until they can function at grade level to reduce students' frustration-based misbehavior.
3. The district should improve the school's disciplinary climate through use of the following: collecting and analyzing data on

- referrals for discipline and disciplinary actions by ethnicity, race, and type of offense; providing specialized training for those teachers who fail and/or refer Latino/African American students for discipline in statistically significant disproportion to their class enrollment; and providing positive discipline, behavior management and conflict resolution training for all new teachers and for those expressing an interest.
4. The district should evaluate and, based on the results of its evaluation, continue, discontinue, or modify its student mediation program to resolve minor behavior infractions which do not involve a power differential between students.
 5. The district should develop guidelines for examining patterns of disparate discipline.
 6. The district, if it has not already done so, should establish a district-wide in-school alternative to suspension program and develop other positive behavior intervention strategies such as restorative justice.
 7. The district should assure that no student is disciplined or threatened with discipline for speaking his or her first language when under the district's supervision.

Other Security Concerns

8. The district should research sources and pursue additional alternative funding to increase transportation for students who live closer than the required distance from schools in order to avoid security problems near the schools.
9. The district should establish a timeline for including a bullying/cyberbullying/sexting prevention program such as Olweus in every school; until a formal program is instituted in every school, the district should conduct a district-wide school climate study or administer a district-wide school climate survey to determine pervasiveness of bullying/cyberbullying/sexting; update its bullying policy; permit all students to report incidents anonymously through electronic or drop-box means; examine specific practices of the system's safest schools and assist staff at other schools in using these practices; hold school and/or community forums to discuss and address bullying/cyberbullying/sexting issues; consistently enforce clear written policies prohibiting bullying and unlawful harassment;

- investigate student bullying complaints promptly, thoroughly, and in accordance with the school's updated policy; take appropriate action when a report of bullying has been determined to be founded; maintain communication with parents of alleged bullies and victims; discipline the bully, positively if possible, instead of the victim; discipline employee harassers appropriately; avoid disparate discipline based on ethnicity, race, or any other personal characteristics of an offender; provide counseling for victims; respond similarly district-wide to bullying reports and findings regardless of basis; provide follow through and take ongoing remedial action to prevent reoccurrence; be particularly vigilant in upper grades and in non-classroom areas; protect the victim from reprisals from the bully and others; and train all staff to identify signs that a student is being bullied and to take appropriate action if a potential victim is identified.
10. The district should eliminate use of peer mediation as a resolution strategy for bullying/cyberbullying complaints, which involve a difference in power between or among students.
 11. Based on observation and/or surveys, the district should update and train the district's board and all school staff and school volunteers on district policies and requirements related to security, violence prevention, and emergency preparedness.
 12. The district should, through collaboration of all staff, standardize security practices across all buildings by creating a table of organization for security staff with clear lines of authority and a uniform procedure for reporting potential violations by the entire school community, including security staff; investigate allegations of security breaches quickly and thoroughly; and, if allegations are determined to be founded, take appropriate action.
 13. The district should assign security staff to view surveillance camera monitors diligently, especially those which record activities in areas which have been most problematic in the past.
 14. The district should install audio alarms on those doors, particularly at the two high schools, which are known to be most vulnerable to security breaches.
 15. The district should institute, as applicable, the following no- or low-cost security measures: reduce the number of open doors, have an effective communications system, and promote

natural visibility of schools' external areas.

16. The district should develop and enforce a standard mandatory communications protocol involving parents and essential safety partners when a safety-, health-, and/or security-related incident occurs.
17. The district should follow a district-wide suspension policy to reduce individual schools' discretion in imposing discipline.

IN CLOSING

PHRC'S EQUAL EDUCATIONAL OPPORTUNITY GUIDELINES

Dr. Martin Luther King, Jr., challenged schools "to teach so well that family background is no longer an issue."

The PHRA requires schools to teach so well that race, color, sex, religious creed, ancestry, national origin, handicap or disability, relationship or association with an individual with a handicap or disability, use of a guide or support animal, and/or handling or training of support or guide animals are no longer issues.

The Commission's own eight equal educational opportunity guidelines for those responsible for providing public education within the Commonwealth will help the district in its quest to achieve excellence for all students and equity in employment and safety and security. Those guidelines include using (1) integration, (2) equitable allocation of resources, (3) educational results, (4) ethnic and racial composition of staff, (5) shared responsibility of the Commonwealth, political subdivisions and individual school districts, (6) curricular inclusiveness and programmatic equity, (7) continuous evaluation and preventive action, and (8) community participation as factors in meeting the obligation to provide equal educational opportunity irrespective of race or ethnicity. The Equal Education Opportunity Guidelines for Public Schools document is appended at Attachment "A."

READING SCHOOL DISTRICT

Equity Coordinator Responsibilities

1. Assists the District in meeting the requirements of the Consent Agreement and Order (agreement) between the District and the Pennsylvania Human Relations Commission (PHRC);
2. Coordinates all of the Reading School District's (District's) education, employment, and safety/security equity initiatives in order to (1) provide equal educational opportunities for minority students; (2) respond to minority employment-related issues; and (3) address minority student safety and security concerns;
3. Reports directly to the Superintendent and has access to the financial and programmatic records of all District offices, including but not limited to, the following: Assistants to the Superintendent, Financial Services, Human Resources, Communications, MIS, Federal Programs, Grants and Development, ELA, Elementary Education, Secondary Education, Student Services, Special Education, Construction, Facilities, Food Service, and Athletics;
4. Maintains, analyzes, monitors and disseminates data as set forth in the agreement to appropriate District and PHRC personnel and the Equity Advisory Panel;
5. Evaluates or arranges for outcomes-based evaluation, using disaggregated data and accepted research practices, of the District's equity programs and initiatives;
6. Recommends for elimination or appropriate modification District programs and initiatives which are found to be ineffective and recommends for replication, expansion and/or further development programs which are found to be effective in closing the academic achievement gap which exists between Latino/African American and White students;
7. Reviews best practices information for equitable education programs from sources which may include, but not be limited to, the following: the Pennsylvania Department of Education, the United States Department of Education's Office for Civil Rights, the United States Department of Education's National Center for Education Statistics and its Institute of

Education Sciences, the Mid-Atlantic Equity Center, Council of the Great City Schools, Pennsylvania School Boards Association and National Association of State Boards of Education, The Education Trust, teachers' unions; American Association of School Administrators and other school administrators' associations, Public Education Network; colleges and universities; and Manhattan Institute's Education Research Office;

8. Assists teams of instructional and support staff, parents, and community resource persons in offering Instructional Support Team services to those students experiencing instruction or behavioral difficulties to assure that they are not unnecessarily assigned to remedial special education programs;
9. Seeks, obtains, and monitors essential additional equity-specific funding sources as required;
10. Appoints, meets with, and memorializes the appointment and meetings of a committee of students, parents, school personnel, and community resource people to offer suggestions and support and monitor the District's progress in achieving equal educational opportunity and educational equity;
11. Serves, along with the District's solicitor, as the PHRC's point of contact;
12. Develops and implements program initiatives and otherwise takes all steps necessary to remedy racial/ethnic isolation and imbalance found to exist within the district and to remedy the adverse educational consequences caused by past and ongoing racial/ethnic isolation;
13. Meets with the Equity Advisory Panel at least once during each semester and during each summer session for the duration of the agreement to exchange information and accept comments and suggestions.

READING SCHOOL DISTRICT

Equity Advisory Panel Responsibilities

1. Monitors the Reading School District (District's) system-wide compliance with the terms of the Consent Agreement and Order (agreement) between the District and the Pennsylvania Human Relations Commission (PHRC);
2. Creates operational guidelines, schedules and meets with the District's Equity Coordinator at least once during each semester and at least once during each summer session for the duration of the agreement;
3. Establishes committees to accomplish its mission;
4. Reviews written reports submitted by the District's Equity Coordinator;
5. Advises the District's Equity Coordinator of and recommends research-based strategies, methods, and programs to assist the District in (1) providing equal educational opportunities for minority students; (2) responding to minority employment-related issues; and (3) addressing minority student safety and security concerns;
6. Analyzes, interprets, and summarizes numerical data provided by the District's Equity Coordinator to determine whether or not Respondent is making substantial progress in (1) providing equal educational opportunities for minority students; (2) responding to minority employment-related issues; and (3) addressing minority student safety and security concerns;
7. Reports equity concerns orally and in writing to the District's Equity Coordinator and to the Pennsylvania Human Relations Commission;
8. Reviews the District's progress at the end of each year of implementation of the agreement to assess the progress made under the agreement;
9. Provides a written report summarizing the District's progress at the end of each year of implementation of the agreement and at the end of the five-year term of the agreement.