



PUBLIC INTEREST LAW  
CENTER OF PHILADELPHIA

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

July 8, 2009

PRESS RELEASE

PUBLIC INTEREST LAW CENTER HAILS SCHOOL DISTRICT COMMITMENTS  
IN AGREEMENT TO END PHILADELPHIA SCHOOL DESEGREGATION CASE

The Public Interest Law Center of Philadelphia hailed the commitments of the School District of Philadelphia in its historic agreement to end the long running Philadelphia school desegregation case. “If these commitments are carried out with fidelity they should go a long way towards aligning resources with needs in Philadelphia schools and reducing the academic achievement disparities between minority and white students in the district,” according to Michael Churchill, attorney for community interveners in the case.

“It will be up to the School District to live up to its pledges, and for the community to monitor the District to ensure that all students are provided with equal opportunities, now that the court is ending its supervision. This Consent Agreement provides the foundation for progress, and the transparency to see if it is actually happening,” Churchill said.

The Consent Agreement signed by the District, the Pennsylvania Human Relations Commission and ASPIRA of Pennsylvania, ends the 39 year old desegregation case in exchange for the District’s commitment to implement its 5 year strategic Plan, *Imagine 2014*. It provides a public process for reviewing progress in reducing racial achievement gaps and resource inequities, and implementation schedules for specific reforms in the lowest performing schools. In turn, the Agreement gives the District flexibility to change plans if money is not available for implementation or in other circumstances. The Agreement binds the District for 5 years except for the provision for an independent body to report yearly on the progress in reducing achievement gaps and resource inequalities which runs for ten years.

The Consent Agreement must be approved by Commonwealth Court Judge Doris Smith-Ribner after a hearing to be held Monday, July 13, 2009. If approved, it will close a case brought in 1971 by the Human Relations Commission which initially sought mandatory transfers and busing. Instead the Court approved a voluntary transfer and magnet program proposed by the District. In 1993 Judge Smith-Ribner denied the PHRC request for increased bussing and the next year she denied the District’s request to end the case, finding that the District remained segregated and that the “District is failing or refusing to provide an equal educational opportunity and a quality education to children attending racially isolated minority schools.” Subsequently the District was ordered to undertake a number of reforms, including full day kindergarten, a more rigorous and uniform curriculum, and increased support services for students in low performing schools. Other changes like smaller class size were introduced and then abandoned when financial problems hit the District.



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The attempt of Judge Smith-Ribner to require the Commonwealth of Pennsylvania help pay for the cost of reforms she ordered as necessary to comply with the Pennsylvania Human Relations Act ended in 1999 when the Pennsylvania Supreme Court ruled that there was no procedure available to add the state to the lawsuit.

The Public Interest Law Center of Philadelphia has represented ASPIRA of Pennsylvania in the proceeding since 1993 in order to present the needs of students facing unequal opportunities. “This settlement is possible because for the first time the District, under the leadership of Superintendent Arlene Ackerman, has presented a five year plan for improvements which has closing the achievement gap between the races at the heart of the plan. Although the District has doubled the percentage of students proficient or better on the Pennsylvania state tests, the gap in reading and math scores is still approximately 24 percentage points between African Americans and Latinos on the one hand and White students on the other. We believe *Imagine 2014* and the specific programs spelled out in the Agreement will finally end this tragic failure,” Churchill said.

Churchill told the SRC: “We are here today because of the failure of your predecessors to insist that the job get done. It is your responsibility to make sure we do not say the same thing when this Consent Agreement expires in five years. The responsibility is yours.”

The Consent Agreement attempts to provide needed resource reallocation to low performing schools which have large concentrations of minority students. It requires that new programs which are phased in to begin in those schools. It requires additional resources be given to schools which have lower than average teacher payrolls because of inexperienced teachers, commits the District to ending the use of seniority in selecting teachers at the low performing schools beginning next year, and commits the District to a pilot program for giving schools additional funding based on factors related to the additional cost of educating students, such as the number in poverty, English language learners, or below proficient in achievement. Another provision calls for the District to improve teaching by evaluating teachers instructional practices and providing professional development based on those evaluations beginning this school year and provides for common planning time for those teachers starting next year. A summary of the Consent Agreement is attached.

When the case was brought White students were approximately 35 percent of the District’s students; today they are 14 percent. In 150 of the District’s 284 schools more than 90% of the students are African American and Hispanic. As a consequence, improving the education programs offered in those schools became the focus of Judge Smith’s orders, making the Philadelphia Desegregation suit one of the very first to focus on resource gaps between schools within a single district and on the achievement gap between minority and white students.

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SUMMARY OF PROPOSED CONSENT AGREEMENT

Under the proposed Order the District commits itself for the next five years to implementation of its 5 year Strategic Plan, called *Imagine 2014*, and will provide implementation schedules for major components by this fall and updates annually. The District also agrees specifically to:

1. Teacher instructional evaluations based on teaching standards, with professional development based on those evaluations, in low performing schools, to begin in the coming school year;
2. Provide common planning time for teachers in those low performing schools.
3. Reduction of the resource gaps in the District resulting from high teacher turnover through the use of strategic compensation of staff in low performing schools, beginning in 2010-11;
4. Reduction of the resource gaps in the District at low performing schools by comparing actual teacher cost with the average cost in developing school budgets, and supplementing resources if necessary to reduce the gap, beginning in 2010-11;
5. Implement full site selection in low performing schools in 2010-11;
6. Institute a form of weighted student funding in a pilot area in 2010-11 and district wide within five years;
7. Implement programs in the strategic plan which are phased in over time initially in the low achieving schools, unless a written explanation is provided for not doing so.

Low performing schools shall consist of at least the lowest quartile of schools based on PSSA scores. The Consent Order recognizes that implementation of the Plan and adherence to the schedules and other obligations is subject to the availability of funding and other conditions. It gives the District flexibility to change its commitments as long as the PHRC and ASPIRA are notified of such changes and provided an opportunity to comment.

As a key element the District agreed to independent reports for ten years by the Accountability Review Council or similar independent entity of steps being taken to reduce racial achievement gaps and the actual results, as well as on the resource gaps, including vacancies and experience levels on a school by school basis. The reports will be reviewed by the School Reform Commission and made available on the District's website.