Summary of AALDEF’s Complaint against the School District of Philadelphia and South Philadelphia High School

On January 19, 2010, the Asian American Legal Defense and Education Fund (AALDEF), on behalf of Asian students and their parents at South Philadelphia High School, filed a complaint with the U.S. Department of Justice regarding the unlawful discrimination against Asian students at South Philadelphia High School. The complaint alleged that the School District of Philadelphia (“District”) and South Philadelphia High School (“School”) have denied Asian students’ right to equal protection under the law in violation of the Equal Protection Clause of the 14th Amendment of the U.S. Constitution1 and deprived English Language Learner (ELL) students of equal educational opportunities in violation of the Equal Educational Opportunities Act of 1974 (“EEOA”).2

The complaint alleged that Asian students at South Philadelphia High School suffered severe and pervasive peer-on-peer harassment based on their race and national origin. The District’s and School’s deliberate indifference to the discriminatory hostile environment that exists for Asian students and intentional disregard for the welfare of Asian students constitutes unlawful discrimination on the basis of race and national origin. Furthermore, the District and School failed to take appropriate action to overcome language barriers that impede ELL students’ equal participation in school.

AALDEF urges the Department of Justice to commence an investigation3 and initiate prosecution for these civil rights violations.

Summary of Complaint Allegations

On Wednesday, December 3, 2009, a large number of Asian students were assaulted by fellow South Philadelphia High School students throughout the day in and around the school. On the morning of December 3rd, teachers and Asian students reported that groups of non-Asian students were searching classrooms for Asian students. As early as second period and continuing throughout the day, Asian students and teachers raised concerns about the safety of Asian students to school security and administrators. However, the school’s principal, administrators and security repeatedly ignored and disregarded the concerns of students and teachers regarding the safety of Asian students.

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1 The 14th Amendment of the U.S. Constitution states that “No State shall… deny to any person within its jurisdiction the equal protection of the laws.”

2 20 U.S.C. § 1703(f) states that “No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin by the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.”

3 The Department of Justice has initiated an investigation and AALDEF is cooperating with DOJ attorneys.
As a result of this inaction, Asian students were harassed and assaulted by their peers throughout the day. Asian students were harassed and assaulted both inside and directly outside the school building. In two separate incidents, Chinese students were assaulted inside and outside the cafeteria by large groups of students. As a result six students were sent to the hospital for medical treatment. After school, a group of ten Vietnamese students, including boys and girls, told both security and South Philadelphia High School Principal LaGreta Brown that they were afraid to walk home. Large groups of students had gathered on street corners, the students noted. Principal Brown responded, “If you are afraid, then I will walk with you,” and instructed them to follow her. Principal Brown walked the Vietnamese students partially into the public walkway and then decided to return to school, leaving them in an obviously dangerous situation. A few minutes later, the students were surrounded and assaulted by as many as forty students. Seven of the ten Vietnamese students were sent to the emergency room and treated for cuts, bruises, and other injuries.

Despite the ongoing harassment throughout the day, school staff failed to take appropriate steps to protect Asian students and acted with callous disregard for the welfare of the injured Asian students. School staff refused to allow Asian students to leave school early despite their parents’ permission to leave the dangerous school environment. Principal Brown refused to allow Asian students’ requests to remain in areas of the school where they felt safe, such as their ESOL classrooms during lunch. School staff, including nurses and security guards, failed to notify the parents of the injured Asian students about their children’s injuries and failed to call medical help to the school. In fact, school staff tried to deter one parent from calling 911 after his child was assaulted and injured inside the school.

Prior to December 3, 2009, the District and School received notice of the severe and persistent harassment of Asian students as early as the fall of 2008 from AALDEF and other community groups. Asian students reported the harassment directly to school administrators. Community advocates reported the harassment against Asian students to district officials through emails and during meetings. Community advocates repeatedly attempted to develop solutions to address the harassment of Asian students at South Philadelphia High School. Advocates attempted, often with no response, to meet with school officials to discuss the severe and persistent harassment of Asian students. Meetings that were held throughout the SY 2008-2009 with school and district officials were often fruitless and demonstrated the blatant indifference to the severe harassment that Asian students faced at the school.

In addition to the school’s egregious actions on December 3rd, the leadership of the school and district have engaged in questionable practices and, in some cases, displayed discriminatory attitudes towards the welfare of Asian students. Principal LaGreta Brown repeatedly displayed a discriminatory attitude towards Asian students at South Philadelphia High School, such as terming the advocacy on behalf of Asian immigrant students at South Philadelphia High School as “the Asian Agenda” and referring to the 2nd floor ESOL program as “that dynasty.” Individuals who reported Brown’s “dynasty” comment said they believed she was referring to Chinese dynasties and was using the term disparagingly towards Asian students.

Furthermore, in the days immediately following the December 3rd attacks, the School District of Philadelphia and South Philadelphia High School sought to minimize the severity of
the attacks against Asian immigrant students throughout the day. Regional Superintendent Michael Silverman stated that assaults at South Philadelphia High School were down 50% compared to last year. In reality, assaults are up by 32% this year. James Golden, the District’s chief safety executive, told media that “a minor incident occurred in Thursday in school, with no injuries or arrests.” As illustrated above, the attacks on Asian immigrant students during school on December 3rd were not “minor” – numerous students suffered injuries that required medical attention. AALDEF has also received reports that the District and School have sought to cover up their missteps (such as ordering a student not to complain about discrimination), sought retaliation against Asian student victims, and intimidated faculty to prevent them from speaking out about the school’s failure to address the harassment against Asian students.

Finally, prior to and after December 3rd, the District and the School failed to provide the parents of ELL students with language accessible information about the severe harassment of ELL students at the school. Parents were not informed about incidents of harassment involving their child. Additionally, the school failed to translate written notices sent home to parents into the appropriate home language.

The School District of Philadelphia and the staff of South Philadelphia High School repeatedly and deliberately ignored calls to address the severe harassment of Asian immigrant students from AALDEF and other community advocates. The December 3rd attacks are clear illustrations of the deliberate indifference of the District and SPHS to the harassment against immigrant students. Due to South Philadelphia High School’s and the School District of Philadelphia’s deliberate indifference to the violent attacks against and intentional disregard for the welfare of Asian immigrant students, AALDEF urges that U.S. Department of Justice to investigate violations of the Equal Protection Clause of the 14th Amendment of the U.S. Constitution and Equal Educational Opportunities Act of 1974.

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