

Release: Appeal challenges Philadelphia court's ruling that Pennsylvania school districts have no obligation to protect children from discriminatory bullying and harassment.

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Contact: Kevin Golembiewski; Berney & Sang; 215.690.1722; kag@berneylaw.com; @k_golembiewski (Twitter).

Philadelphia, PA: An appeal filed last week against the School District of Philadelphia seeks to overturn a Court of Common Pleas decision finding that Pennsylvania school districts have no obligation to protect children from discriminatory bullying and harassment. The appeal argues that the Pennsylvania Human Relations Act (PHRA)—Pennsylvania's flagship antidiscrimination statute—requires school districts to take corrective measures when they know a child is being bullied or harassed based on a protected characteristic such as race, sex, religion, or disability.

The appeal arises from a fourth grader's [horrifying experiences](#) at the William C. Bryant School in West Philadelphia: the boy was bullied, harassed, and ultimately raped at Bryant.

Several prominent civil rights organizations have filed amicus briefs in support of the appeal, including the Education Law Center, the Public Interest Law Center, the Juvenile Law Center, the Council of Parent Attorneys and Advocates, Disability Rights Pennsylvania, and the Pennsylvania Coalition Against Rape.

The appeal has broad implications for Pennsylvania students. A decision affirming the Court of Common Pleas would leave students with no protections against discriminatory bullying and harassment under Pennsylvania law. This would make Pennsylvania an anomaly—other states require school districts to protect students.

In 2011, the boy at the center of the appeal transferred to Bryant, and three classmates immediately targeted him, harassing him because he did not conform to norms about masculinity. The harassment was also racially charged. Every day the classmates called him names like "fa****," "gay," "homo," "b****," "pu***," "d*** eater," "black n****r," and "black a**." They beat him, kicked him, and shoved him. They broke his glasses, dumped his books out of his backpack, cornered him in bathrooms, and threatened to kill him. They bullied him into unwanted sexual acts, forcing him to watch a video of two men having sex and to simulate sex with a flagpole while a group of students watched and laughed. They also dared him to run into the girls' bathroom and sexually assault his classmates.

School officials knew about this sexual and racial harassment, but they failed to take corrective measures. So the harassment continued for weeks, culminating in

the three classmates raping the boy in a school bathroom while they screamed, “give it to the fag.”

After the rape, Berney & Sang, a civil rights law firm, filed this lawsuit alleging that the School District of Philadelphia violated the PHRA by ignoring the bullying and harassment.

Berney & Sang receives countless calls each year from parents who are desperate to protect their children from bullying and harassment. For all too many children in Pennsylvania, discussions of bullying and harassment trigger the well-known response: “Me Too.”

“Unfortunately, the Education Law Center hears frequently from families about issues of bullying and harassment in schools,” said Lizzy Wingfield, Stoneleigh Foundation Emerging Leader Fellow at the Education Law Center. “The issue of unaddressed bullying is pervasive and is particularly common when the bullied student is a child of color who does not conform to societal gender norms or is LGBTQ. Too many people who should intervene to stop bullying view the harassment of gender nonconforming or LGBTQ students of color as if it is normal, so they don’t take it as seriously as the bullying of white, gender-conforming students. That’s why it is so critical that the PHRA is available as a tool to root out discriminatory pervasive bullying.”

Catherine Reisman, counsel for the Council of Parent Attorneys and Advocates, added: “There is clear evidence from social scientists that students who are bullied at school—particularly students with disabilities—are effectively robbed of the benefits of a public education.” “In addition, bullying negatively impacts these students’ physical and mental well-being. The Council of Parent Attorneys and Advocates and Disability Rights Pennsylvania filed their amicus brief to ensure that the appellate court is aware of these devastating consequences.”

“School bullying damages our children in ways that can’t easily be undone. As a result, bullying is not only an education issue, it is also a public health issue,” David J. Berney, the lead attorney on the appeal, said. “In enacting the PHRA, the state legislature intended to protect children from discriminatory bullying—our appeal gives Pennsylvania’s appellate courts a chance to reaffirm that.”

Berney also criticized the School District of Philadelphia for spending hundreds of thousands of dollars hiring outside law firms to dispute the case rather than devoting those resources to combating harassment in schools.

The School District of Philadelphia will file its response to the appeal in the coming weeks. There is no timeline yet for a decision.