

Minority students' rights violated, complaint says

A Phila. legal advocacy group cited the students' greater likelihood of having uncertified teachers in its federal filing.

By Susan Snyder

INQUIRER STAFF WRITER

Minority students in Philadelphia's public schools are more likely to be taught by inexperienced and uncertified teachers, which violates their civil rights, according to a federal complaint filed yesterday.

The Philadelphia-based Education Law Center, an advocacy group for parents and students, wants the district to overhaul the way it assigns teachers so that schools with high numbers of poor and minority children get the same access to certified teachers as their white counterparts.

Its complaint was filed with the U.S. Department of Education's Office of Civil Rights.

The complaint comes after reports from several area education research groups have cited the disparities.

"There comes a point where it seems important to try and address that problem head-on in hopes of not being in the same place two years from now," said Len Rieser, co-director of the law center.

For example, only 79.8 percent of teachers are certified in middle schools in the Philadelphia School District where 90 percent of the students are of color, the complaint states. By contrast, in middle schools where the majority of students are white, 98.6

percent of teachers are certified, meaning they have education degrees and have passed state tests.

One piece of the federal No Child Left Behind law requires poor minority schools that aren't meeting their testing goals to fill vacancies with only highly qualified teachers, but the provision has not been enforced. By 2006, all schools will be required to have only highly qualified teachers.

The law center complaint largely blames the Philadelphia district's teacher-assignment process for the disparities. The system allows teachers to choose where they will work, based on their seniority. The process is a long-standing, coveted right that is part of the Philadelphia Federation of Teachers contract.

Forty-three of the district's 260-plus schools are exempt and are allowed to select their own teachers under a contract provision that permits site-based selection in schools where a majority of faculty members vote for it.

Paul Vallas, chief executive officer of the Philadelphia School District, was critical of the law center complaint, although he agrees with its premise.

"It's really the epitome of silliness to file a suit against the school district that has already made it part of its stated goal to accomplish exactly that. We want to get more experienced teachers into the highest-poverty schools," he said. "There's no dispute that we have to have changes in this area. If they want to put pressure on the teachers' union, then go sue the teachers' union."

The Vallas administration has stated that one of its primary aims in negotiating a new contract with the union is to have more input on teacher assignment, including expanding site-based selection. The teachers' current pact expires in August.

He also points out that the district recently completed one of its most successful recruitment drives, bringing 1,294 new teachers into the district. Seventy-three percent of those teachers are fully certified or intern-certified. The rest have emergency certification and are in college programs seeking education degrees.

Rieser acknowledged that the district's efforts have helped, but the problem persists.

"We haven't focused enough on where teachers go once we have them," he said. The group suggests that in addition to changing teacher-assignment rules, the district offer greater

incentives, both monetary and other, than are already in place to teach in hard-to-staff schools. It also should target more resources, such as extra intern teachers, to disadvantaged schools, the group said.

PFT spokeswoman Barbara Goodman said site-based selection has not erased all teacher vacancies in those schools or improved student achievement.

She also defended the assignment system that gives preference to senior teachers.

"In every industry, there is some recognition that you have some kind of say as you progress and prove yourself — some kind of say in where you ... work," Goodman said.

The Office of Civil Rights will first determine whether it has jurisdiction in the case, and if it does, it will investigate. An investigation usually takes about 180 days, said spokesman Carlin Hertz.

If it finds a violation, the office usually negotiates a settle-

ment with the school district, he said.

The complaint also cites higher levels of teacher turnover in schools with a largely minority student body. The Philadelphia Education Fund report found that, at the nine highest-poverty high schools, 41 percent of the staff were new to the school in the last two years. That contrasts with 31 percent of new teachers in the 10 high schools where income levels of families are highest.

Shelly Yanoff, executive director of Philadelphia Citizens for Children and Youth, which conducted one of the studies on teacher assignment, praised the law center's filing of the complaint: "It's long past time. We have to take some serious steps."

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Staff writer Dale Mezzacappa contributed to this article.