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January 27, 2021

The Board of Education  
The School District of Philadelphia  
schoolboard@philasd.org  
studentboardrep@philasd.org

*Re: Board Committees; Hibster bullying database; Reopening Communications*

Dear Board Members and Student Board Representatives,

I write on behalf of Education Law Center PA<sup>1</sup> to (a) urge the district to prioritize and plan for effective and accessible communications with multilingual families regarding reopening plans; (b) share concerns about Action Item 2 (Policy 004.1) which seems to significantly restrict opportunities for parents and communities to interact with the Board of Education contrary to Guardrail 3; (c) to share suggestions about Action Item 18 regarding the Hibster database for bullying reporting.

**A. As the district makes plans for reopening of schools, we urge the Board to prioritize effective and accessible communications with multilingual families.**

Throughout the COVID-19 pandemic and extended period of school closures, many multilingual families have reported limited engagement or communication from their schools. English learners and parents whose first language is not English have struggled with significant barriers to accessing their classes and completing assignments in remote learning. Too often they have not received timely and complete information in a language they can understand. School staff mistakenly rely on translations of Google Translate which can often be flawed and is not available for less common languages; or they rely on messages sent by email or the Parent Portal which is not accessible for the many parents who are preliterate or don't have the digital literacy to navigate complicated platforms entirely in English. Preferred modes of communication include text messages or phone calls in the family's native language; the district should also consider a multilingual texting app like the one Pittsburgh Public Schools uses.<sup>2</sup>

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<sup>1</sup> The [Education Law Center-PA](http://www.elc-pa.org) (ELC) is a nonprofit legal advocacy organization dedicated to ensuring that all Pennsylvania's children have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

<sup>2</sup> See <https://www.pghschools.org/talkingpoints>; <https://talkingpts.org/schools/>

As the district makes plans for reopening and changing schedules, it is imperative that the Board prioritizes creating a communication plan to ensure all families receive this important information in their native language as required by law. We have shared these concerns and suggestions with Dr. Brooks, Dr. Batista, Ms. Ryan, Ms. Monley, Ms. Lynch and others but it is critical that the Board ask for a detailed plan and hold district leaders and each school accountable for adequate and accessible communications in the home language of each family. The district is fortunate to have a great diversity of languages spoken among its families; it is the district's legal obligation to undertake effective communication to ensure parents' right to meaningfully participate in their child's education.<sup>3</sup> ELC and other community organizations are eager to work with the district on these communication needs.

**B. The dismantling of committees reflected in proposed Policy 004.1 suggests a very concerning decrease in meaningful opportunities for parents and community members to engage with the Board of Education – contrary to Guardrail 3.**

Proposed Policy 004.1 appears to dismantle all of the Board committees except the Policy Committee. This is very concerning because the Committee meetings have been an important and needed opportunity for more meaningful student, parent, and community engagement with Board members. Such meetings allow students, parents, and community to pose the type of questions and share discussion that has not been possible at the large Action Meetings. The new reduced number of speakers permitted at the Action Meetings – 10 students and 30 others for a district of 202,944 students – unreasonably restricts students, parents and community members from raising concerns. Many district parents are working multiple jobs and have numerous obligations competing with the already-limited options to engage with the school board. To remove committee opportunities for engagement with the board does a great disservice to the students, parents, and community members that seek to engage with the Board members about concerns and potential solutions – in direct contradiction to the stated commitment in Guardrail 3 that “every parent or guardian is welcomed and encouraged to be partners in the school community.” For example, in the prior system, parents and community partners that support English learners were able to work with Board members to dedicate a particular meeting of the Student Rights and Achievement Committee to share testimony about English learners and their families – this format allowed for Board members to develop a deeper and more holistic understanding of these students and families' experiences. How would something like this be possible in the new proposed structure where only the Policy Committee and large Action Meetings are available for comment from a much smaller list of speakers? The proposed

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<sup>3</sup> Schools must identify a limited English proficient parent's preferred language and provide translation and interpretation support sufficient to allow parents the opportunity for meaningful participation in their child's education. *See* Title VI, 42 U.S.C. § 2000d. *See e.g.*, 34 C.F.R. § 300.322(e) (schools “must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting” including providing an interpreter for parents whose native language is other than English); 20 U.S.C. § 1415(b)(3) (limited English proficient parents must receive prior written notice in a language they understand when a school proposes to initiate or change a child's identification, evaluation, or educational placement unless it “clearly is not feasible to do so.”).

dismantling of committees, in combination with the Board's limitation of the number of speakers at Action Meetings fails to meet the Board's obligation to engage with district families – and fails to uphold the standard set in Guardrail 3. It should be rejected.

**C. The Hibster database reportedly allows for increased data collection about the instances and patterns of bullying and harassment reported by students across the district. That data should be shared publicly in a report to the Board and the district community.**

Since the district's adoption of the Hibster platform, we have received calls from families reporting accessibility problems with the reporting form – including that the interface does not work well on a mobile phone - which we will raise separately with district staff. We are pleased to learn that the district is pursuing greater data collection and analysis of the instances and patterns of bullying and harassment reported by students and caregivers across the district through the Hibster platform. This information is critical for the district to inform and direct targeted intervention and supports for particular school buildings or grade levels that report hot spots of bullying or harassment incidents. The district's Administrative Procedures to Policy 249 require the district to post to the website annually the number of bullying complaints and the number of complaints that were deemed substantiated. This is a good step toward transparency and accountability. With increased data capacity through Hibster, the district should make a presentation to the Board about the data on student bullying and harassment reports in greater detail. For example, the district should continue to evaluate the wide discrepancy in the number of complaints and those deemed substantiated – because the data and our conversations with families suggest that the investigation process and evidentiary standard is biased to finding complaints unfounded. Disaggregating these numbers by protected class status, school building and grade or classroom will be most useful to identify schools that have climates that harm students and hamper learning in order to provide the support schools need to ensure the education all of our children deserve. A public report about the way that the district identifies schools for interventions, and data about how effective those interventions are, would also better inform the Board's guidance of this important issue for all students and schools. The Board should annually ask the district for this analysis to be shared in a public meeting.

We are happy to work with the Board and district on any of these matters. Thank you for your commitment and efforts to equitably serve our students.

Sincerely,



Kristina Moon, Staff Attorney  
EDUCATION LAW CENTER PA

cc: Lynn Rauch, Esq.; Rachel Holzman, Esq.