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## EXECUTIVE SUMMARY

On April 24, 2023, Lower Dauphin School District (“District” or “LDS”) retained our firm to conduct an investigation to address concerns and complaints from parents, students and community members arising under Board Policy 103, including reports of discrimination, harassment, racially-motivated behavior and anti-LGBTQ rhetoric; to provide an assessment of LDS’s responses to such reports and complaints; and to conduct a review of policies and procedures in place to determine if efforts to address such allegations and concerns are being implemented effectively. The scope of the investigation is intended to inform the Board of areas where the District has met requirements or excelled and areas where improvements could be made.

### I. Fact Gathering

Immediately after being retained, on April 26, 2023, requests for information were sent to the District seeking 22 categories of information including, but not limited to:

- LDS policies, procedures, administrative regulations, forms and associated documents addressing discrimination, harassment, intimidation, racial slurs, threats and/or bullying;
- Student Handbooks, Codes of Conduct, Employee Handbooks or conduct guidelines in place for the last four school years;
- All complaints (written or verbal) filed under Policies 103 or 104 since July 1, 2019, and for each, copies of the complaints or written record of the complaints and all associated investigative files, findings and reports;
- Information about all reported allegations of discrimination, harassment, hostility or intimidation on the basis of race, color, ethnicity, age, creed, religion, sex, sexual orientation, gender identify, ancestry, national origin, marital status, pregnancy, handicap/disability or special education status received since July 1, 2019;
- Information about all reported instances since July 1, 2019 of LDS students, staff, contractors, volunteers or officials allegedly engaging in comments or conduct

- involving the use of a racial slur, racially derogatory or other language with a racial connotation
- Information about all reported instances since July 1, 2019, of LDS students, staff, contractors, volunteers or officials allegedly engaging in comments or conduct towards students based on their gender identity or sexual orientation or because they may identify or are perceived to identify as lesbian, gay, bisexual, transgender, intersex, non-binary, queer/questioning or asexual.
  - Student enrollment and student demographic information both district-wide and for individual buildings in LDS for the last four school year;
  - Known demographics of the faculty, staff, and administrators of LDS and, if possible, broken down by building;
  - Procedures and guidelines in place in each building on how to input and code in the SIS incidents or complaints that may involve a student's race, ethnicity, gender identity or sexual orientation, either for discipline or other purposes;
  - Any complaints filed against LDS or any LDS employee or official with the Pennsylvania Human Relations Commission and/or the Equal Employment Opportunity Commission since July 1, 2019.

In response to those requests, during May and June, 2023, LDS provided thousands of pages of responsive documents.

On May 20, 2023, direct outreach was made to 33 people who provided public comments during the School Board meetings on March 20, 2023; March 17, 2023; April 3, 2023; and April 17, 2023 ("the School Board Meetings"), on the subject of the investigation, inviting them to share more details about experiences or concerns that they or their family members have had. Beginning on or around May 21, 2023, LDS announced on its website and at public board meetings the ability of any current or former member of the LDS community to contact the investigator and the means to do so.

Following the direct outreach and the various public announcements, only six individuals contacted the investigator. Those six individuals represented current and former parents of LDS students, a community member, and one former LDS student. Zoom interviews were conducted with four of these individuals plus their family members. One individual never responded to multiple requests to schedule an interview. Another individual did not have any first-hand information.

Information continued to be collected from LDS throughout the Summer, including targeted information addressing specific incidents and issues raised at the School Board Meetings and directly with the investigator. Interviews and calls were also conducted with multiple current and former LDS administrators to seek clarity regarding various incidents or concerns that had been identified; to discuss processes in place; and to obtain feedback on certain recommendations

that were being considered. Administration, IT staff and various other employees provided information from time to time at my request, and their assistance was invaluable.

## II. LDSB Schools and Demographics

LDSB is a suburban public school district located in Dauphin County, comprised of the municipalities of Hummelstown, East Hanover Township, Londonderry Township, South Hanover Township and Conewago Township. LDSB operates 5 elementary schools, 2 secondary schools and other programs. LDSB's Mission Statement is: "The mission of the district is to provide students with a safe and supportive environment enabling them to engage in a quality education that empowers them to be successful in their next step in life." This Mission Statement is set forth in various LDSB documents, including the Strategic Plan and the student handbooks published to parents and students.

Child accounting information reported by LDSB reflects that, since the 2019-2020 school year, overall enrollment has been declining while LDSB has simultaneously been educating an increasingly diverse population of students. During the 2022-2023 school year, out of the total enrollment of 3,478 students, approximately 81% identify as White, 9% identify as Hispanic, 5% identify as Multi-Racial, 3% identify as Asian and 2% identify as Black.

According to the Staff Information Report filed by LDSB with the Equal Employment Opportunity Commission for 2022, as of September 30, 2022, LDSB employed 480 full-time staff and 47 part-time staff. Out of the 527 total positions, only 519 were filled with individuals who identify as White. Of the other 8 individuals, 4 of the 8 held non-professional, support staff positions. LDSB does not employ any minority administrators or principals.

## III. Review of Allegations

On March 17, 2023, PennLive published an article entitled "Racial slurs unnerve Black students, families in Dauphin County school district". The article addressed circumstances involving a family living in LDSB and raised allegations that administrators in LDSB are tolerating a racially hostile school environment. During Board meetings on March 20, 2023; March 17, 2023; April 3, 2023; and April 17, 2023, various members of the LDSB community provided public comment to the Board raising additional concerns and allegations about instances of discrimination, harassment, hostility, and bias against students who may be members of various protected classes. For confidentiality and privilege reasons, the full description and discussion of the allegations and areas reviewed are only generally summarized herein.

Multiple community members described rampant use of the "N-word", other racial or ethnic slurs, and homophobic behavior and language targeting LGBTQ students such as use of the terms "faggot" or "queer". Students transitioning from one gender to another received targeted comments, sometimes questioning or challenging their identity, and raised concerns about inconsistent use of correct pronouns and names by both staff and students. People said, at times, they heard the "N-word" being used among friends, regardless of the race of the friends, without

anyone taking offense. Some people felt that building administrators did very little to stop such conduct or to discipline students for such conduct, and that some unspecified staff did not address or report such behavior, particularly behavior in the hallways, that they assume staff heard. Parents and students of many races, ethnicities and backgrounds expressed anger, frustration, disappointment, fear and/or sadness at what they believed were systemic problems and demanded that steps be taken so that all students have a safe and supportive environment in which to learn.

A common theme existed – that LDS staff perceived the District failing to take appropriate and sufficient steps to address these issues. These perceptions were fueled by various factors: a belief that LDS staff remained indifferent to known behavior or denied there was a problem; responses from administration indicating the District did not have the legal ability to address the behavior, particularly behavior that occurred on social media or outside the school environment; inadequate or ineffective communication to affected parties and the community regarding what actions and efforts the District had taken or why action could not be taken; and concerns about the lack of diversity among District staff that did not match the changing student diversity. Others conveyed examples of how they believed their children had not been adequately or consistently supported or served by District staff when issues were brought to the District's attention. Individuals also heard rumors about specific actions by staff or students but did not have first-hand knowledge of what occurred, when it occurred or how things were handled.

One of the purposes of the investigation was to determine with what frequency students were being disciplined for use of the “N-word”, racial slurs, and anti-LGBTQ language, whether there was consistency with discipline for such conduct; and how the discipline might have been impacted by a student's age, grade, disability or other factors. The investigation also sought to determine to what extent the existing Codes of Student Conduct impacted actual or perceived disparities in discipline or the District's responses and where improvements could be made.

#### **IV. Findings and Recommendations**

The investigation reviewed background information about complaints that implicated Policies 103 and 104, which protect against unlawful discrimination and harassment. Those policies are clear and comprehensive. However, few individuals utilized the complaint process under those policies, which calls into question the public's awareness of the availability of such processes. There were instances when District administrators investigated incidents using the processes under Policy 103 and 104 even without a precipitating complaint, which reflects an adept understanding by administrators of what triggers the policy. It is important that building administrators consistently and repeatedly receive training and guidance from the central office on (i) what types of matters might trigger a Policy 103 report, whether filed by a student, parent or third party, or the administrator themselves; (ii) under what circumstances families and staff should be informed of and referred to Policy 103 for the ability to file a complaint; and (iii) how Policy 103 will be implemented depending on the matter being addressed.

The investigation did not uncover any evidence of intentional disregard or indifference by District staff to known improper behavior by staff or students. The specific incidents identified during the investigation were found to be taken seriously, immediately addressed, and promptly reviewed. District administrators exhibit a deep and profound commitment to fostering an inclusive, caring and safe environment for all students and are dedicated to improving student experiences within the confines of the school walls. Administrators sometimes feel that their hands are tied or limited due to legal requirements, a lack of credible evidence to support discipline despite the public perception of what occurred, or a lack of support from the family of the offending student to address the behavior in positive or meaningful ways.

Regarding the few allegations raised about specific staff member conduct, the investigation revealed that once allegations became known to administration, steps were taken to address those specific circumstances through timely interactions with students, parents and the personnel involved. In most cases, where warranted, personnel actions were taken or directives given to address the behavior. An area where improvement could occur is with the creation of centralized workflow procedures to provide guidance to building-level administrators, the “boots on the ground” personnel, on how and when to involve central administration to ensure that complete and consistent procedures are followed, including greater reliance on Human Resources.

A problem that became apparent upon review of the District’s data is that the District does not have clear and concise Codes of Student Conduct in place that provide sufficient direction to students, staff or administrators about types of misconduct, the delineation of conduct within the differing levels of offenses, and the range of disciplinary options or responses for each level of misconduct. This lack of clarity and vagueness creates at least three problems: (1) principals, assistant principals or deans within each building are not provided guidance for what should fall within each type of misconduct and for what the resulting consequence should be; (2) parents and students are not given sufficient information to know or understand the universe of conduct that might fall within each category of violation and the resulting ramifications for each; and (3) building administration have significant discretion to implement the Code of Conduct, which could then result in inconsistent responses when conduct arises.

Because of the lack of clear guidance under the Code of Conduct, discipline data showed a lack of consistency with the coding or classification of incidents within the Student Information System (SIS). Many different codes were used to classify similar types of incidents involving discriminatory or harassing conduct, which fell among the various levels. Further, information inputted by building disciplinarians to describe the offending behavior were inconsistent – for some incidents, the descriptions provided very detailed information about the offending speech or actions while other descriptions included only vague terms such as “inappropriate language” or “offensive comments.” Vague language in the description would not allow LDSO to review or track systemic issues within its own schools.

It is important that consistent responses and discipline be imposed by the buildings when harassing behavior based upon race, ethnicity, sex or other protected class occurs, as a deterrent to future offenders and for victims or others to see that there are ramifications when this behavior occurs. The information obtained reveals that the buildings were responsive and some sort of discipline was imposed in almost every instance, except where the student may have been a special education student where the behavior was a manifestation of the student's disability. However, consequences for the incidents ranged from warnings, detentions, in-school suspensions, and out-of-school suspensions. Factors that appeared to impact what discipline was imposed included: the offender's age, special education status, how it was coded, and whether it was a repeat offense. Following the School Board meetings, incidents began to be consistently coded as "Discriminatory Conduct" and more consistent discipline was imposed across the buildings.

Multi-layered steps should be taken to address these issues: (i) revise the Code of Student Conduct to clearly identify what types of conduct fall within which Levels and the varying consequences associated with each Level, with accompanying definitions, explanations and examples of conduct to differentiate the type of conduct that falls within each Level; (ii) update the SIS coding to be congruent with the types of offenses listed in the Code of Conduct; (iii) create a specific type of offense under the Code of Student Conduct called "Discriminatory Conduct" so that matters implicating Policy 103 can be coded consistently for purposes of tracking across the District; (iv) train building-level administrative staff and disciplinarians on appropriate and consistent disciplinary responses to the offense type and level in the Code of Student Conduct; how to properly code incidents within the SIS for consistency purposes; how to enter sufficiently detailed descriptors into the SIS so that details about each incident can be conveyed, understood, tracked and reviewed by third parties solely by pulling reports from the SIS; and how to apply and enforce the Bullying policy's unique standards for addressing out of school and social media behavior; (v) implement restorative practices as a means for structured engagement between accused, victim and even third parties to restore the relationship/climate and consider the impact of statements and actions on all individuals involved; (vi) annually train and direct all staff about reporting potentially discriminatory behavior to administration; and (vii) continue to ensure that regular building-level meetings with pertinent personnel occur to discuss incidents, student/family concerns, truancy, community/cultural/mental health emerging issues, trends and other impacts on the school environment to avoid isolating individual infractions without seeing the emergence of systemic issues. The District should also consider implementing a zero tolerance policy for use of the "N word" except as necessary for legitimate educational purposes, and a pronoun use policy and training for staff.

It is difficult for all schools to balance legal requirements associated with student privacy and due process rights and the need for victimized students to feel safe, protected, trusted, and valued. Prompt and effective communication is required. Protocols need to be put into place and training should occur, with the involvement of legal counsel, on how to improve communication with students, parents and the LDS community when incidents in or connected to schools impact student safety or the overall school culture. A student's special education status and diagnosis can

implicate what the school can or cannot do in the way of discipline, which other families may not understand and are not entitled to know. However, that should not stop the administration from taking steps to inform the school community that they are aware of concerns, that such conduct will not be tolerated in school, that immediate steps will be taken to address such issues if they occur in school or disrupt the school learning environment, what resources parents might have to address this conduct in their own homes, and what avenues students or families have to report inappropriate behavior, including use of Policy 103 or other reporting mechanisms. Perception is as important as implementation because unless students and parents see the District following through, they may perceive that something different is happening.

The investigation also revealed the need for LDS D to provide regular training to all staff by in-house staff and/or third-party consultants on serving English Learner (EL) students and ensure that sufficient personnel or resources are available within the school environment to provide EL students with necessary supports, educational opportunities and language services. Recruiting a more diverse applicant pool for employment vacancies and a workforce that is not insular to LDS D while still hiring the best qualified candidates for the position would also address many of the concerns raised by community members. While it is and should be a point of pride that LDS D graduates want to return to their alma mater to teach, live and work, it is equally important to attract a diversified staff for the benefit of all students.

Finally, what became clear from listening to the public comments at the various board meetings and speaking to community members is that many people in the District and surrounding areas of all races, ethnicities and backgrounds want to be part of the solution. Tap into that desire. Invite a cross-section of the diverse LDS D community to volunteer in the buildings at all grade levels; serve as speakers for whole-school assemblies or class-based opportunities; and participate in other initiatives that can highlight their contributing presence in the community and their ties to LDS D. Doing so would give all students exposure to individuals with a wide range of backgrounds, experience, skills and interests.

These multi-layered steps should be implemented with the goal of effectuating LDS D's mission "to provide students with a safe and supportive environment enabling them to engage in a quality education that empowers them to be successful in their next step in life."