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**Asian Americans United, Philadelphia**

U.S. Commission on Civil Rights: Briefing on Peer to Peer Violence and Bullying  
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On December 3, 2009, more than two dozen Asian immigrant students were beaten in a series of assaults at South Philadelphia High School. The assaults began before 9 a.m. when teachers reported groups of students roaming the halls looking for Asian students. In one classroom, a dozen students rushed inside and assaulted an Asian student, reportedly beating him and throwing a desk on top of him. Before 11 a.m., there was a rush of 20-40 students into a hallway where English Language Learner (ELL) students took classes. While school police held the crowd back, teachers hurried students into classrooms and locked their doors. At lunchtime, Asian immigrant students expressed fear of going to the cafeteria but their request to remain in the classroom during lunch was denied by the school principal who ordered them downstairs where a number of them were subsequently attacked. More than 60-70 students surged upon small groups of Asian students, while security cameras showed other students egging them on. Around 1 p.m., a group of 3-5 students dragged an Asian girl down the stairwell by her hair. Afterschool, ten Asian students requested to remain in the building, expressing fear of larger than usual crowds that had amassed on street corners. They were ordered outside. Although the school principal offered to walk them home, she quickly dropped from sight. A crowd of more than 100 chased, cornered and surrounded the students, mostly young girls, as 20-40 of their peers beat them. At the end of the day, more than two dozen Asian immigrant students had been assaulted, many more were terrorized, and 13 went to the emergency room for treatment.<sup>1</sup> Afterwards, a regional superintendent shrugged the day off as a “blip,” and both the District’s safety chief and school principal reported that a minor incident had happened off campus with no injuries.

As shocking as the events of this day were, they were far from isolated. For more than a year prior, Asian Americans United, the Asian American Legal Defense and Education Fund and a number of community advocates had raised alarm bells about repeated anti-Asian violence at

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<sup>1</sup> Giles, James T. “Report to the School District of Philadelphia of an Independent Investigation Into Possible Racial/Ethnic Conflicts at South Philadelphia High School on December 2-3, 2009: Report and Recommendations.” Released February 23, 2010.

South Philadelphia High School. My involvement began in October 2008, after five Asian immigrant students were severely beaten in a subway by dozens of their classmates. Asian students stayed out of school and 20 Chinese youth met with community leaders to request our involvement. Over the ensuing months, we documented dozens of incidents, from multi-student assaults to random beatings, threats and intimidation, racial slurs, and near constant harassment and ridicule for students who were Asian and recent immigrants.

The harassment didn't come just from students. "Yo Dragon Ball," "Hey Chinese" "speak English," "are you Bruce Lee?" Those are some of the comments students reported that staff members said to them, staff members who also turned their faces away when classmates threw food at them in the cafeteria or shoved them out of lines, a staff member who mimicked Asian students accents in front of others, security personnel who failed to investigate reported complaints or worse, refused to file incident reports unless students spoke in English, and who failed to call for translation assistance for concerned parents and families.

As one student said: "As soon as we open our mouths, we're treated like we're animals."

In response to the October 2008 beatings, immigrant students began organizing to raise their concerns. They formed a Chinese Student Association, and one immigrant student leader volunteered on the school's safety task force. Community advocates and students met on multiple occasions with administrators and District leaders about addressing the school's anti-Asian/anti-immigrant violence. But the reaction we received was stubborn resistance, denials and delays.

One former principal told us: "This is South Philadelphia High School. Everyone gets hurt here."

When the December 2009 violence happened, these students did the unexpected. They boycotted their school. For eight days, more than 50 and upwards of up to 70-80 students met every day for eight hours a day to analyze the situation at their school, document the violence, and work on solutions. They demanded recognition about racial and anti-immigrant bias against them, a responsible and responsive safety plan, intense dialogue among staff and students, multicultural

curricula, and above all, moral leadership from adults charged to serve them. They held press conferences, testified about their experiences at a school board hearing and before a state human relations commission, filed civil rights complaints with the Dept. of Justice and the Pennsylvania Human Relations Commission, met with city and District leaders, forged relationships with multiracial citywide student groups, and in the process raised citywide and national attention to the responsibility of schools to address violence against Asian immigrant students.

### **Failure of schools to recognize and address anti-Asian/anti-immigrant bias**

In our 25 years in working with Asian youth in our public schools, many of whom are recent immigrants, we have been struck by the failure of schools to recognize and address racism in general and anti-Asian/anti-immigrant bias in particular.

In the 1980s, Southeast Asians were targeted in rampant violence at another Philadelphia public school. Even when one Vietnamese student had his neck broken in an attack, the school was unresponsive to addressing anti-Asian bias. Years of advocacy eventually resulted in the creation of an Office of Multicultural Curriculum and the hiring of Latino and Asian American studies curriculum professionals who provided curricular and academic resources as well as training for staff and schools. In the 1990s Philadelphia developed a national model for inclusion in schools when it passed Policy 102: Multiracial, multicultural gender education policy, which not only celebrated and acknowledged diversity but created a framework to infuse anti-racist pedagogy into curricula, support services, disciplinary practices and school climate, staff development and hiring, and testing and assessment. Over the past decade, the District disbanded its Asian and Latino studies curriculum offices. Today, the District's current anti-harassment policy does little more than reiterate that students and individuals are prohibited from harassment rather than creating a fuller context for defining and addressing bias based harassment in schools.

In our work at South Philadelphia High School over the past two years, what has been most striking was how little school staff and leadership knew about immigrant student issues – even at a school where almost a quarter of the students are Asian and 20 percent are enrolled in the

English as a Second Language (ESL) program. There was a general lack of knowledge about ESL services to the point that a number of staff we met thought they were special privileges; a fundamental misunderstanding about language needs and a repeated failure to translate materials or interpret appropriately; and in a failing school that focused heavily on test scores and basic education, there was reluctance to support expanding the curriculum around multiracial/multiethnic studies or even creating space for students to have time to collectively address clear racial misunderstandings and stereotypes. Instead, staff members would often throw up their hands and complain why students just couldn't get along<sup>2</sup>.

One would hope that the attacks on December 2009 would have served as a wake-up call to address serious anti-immigrant, anti-Asian violence within the institution at the school. Instead school and District officials denied that the attacks against Asian immigrant youth had anything to do with race, failed to communicate with student victims and families, refused to hold adults in the school accountable for their actions, and even retaliated against Asian student victims. As appalling as the December 2009 attacks were, it was the egregious conduct of school and district officials in the months leading up to that day and the months following that warranted federal intervention.

It is this experience which has shaped our firm belief in the necessity of federal intervention in bias-based harassment at schools and the valuable role the U.S. Department of Justice has in its collaboration with communities to implement a ground-breaking settlement agreement to address such bias in schools across the country.

I would like to address the Commission around three central points:

1. First, school and district officials bear responsibility for not addressing a pervasive climate of bias and harassment. This is not solely or even primarily a student-to-student problem.
2. Second, there is a difference between bias-based harassment and generalized violence and bullying in school and each requires a different approach toward remediation.

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<sup>2</sup> Many of these concerns are detailed in the report: "Comprehensive High School Region Committee Report," Task Force for Racial and Cultural Harmony, May 2010. pp 4-10.

3. The settlement with the U.S. Department of Justice addresses important areas of developing effective anti-harassment policies and procedures and working with student victims as well as perpetrators through a collaborative process that we hope will be considered an effective model for other schools.

### **Bias harassment at South Philadelphia High was an institutional problem not a student one**

The U.S. Department of Justice settlement charged the School District of Philadelphia with “deliberate indifference” to Asian students at South Philadelphia High School. Despite the fact that District administrators were well aware of the persistent problem of anti-immigrant and anti-Asian bias and harassment, these were the reactions we received from District officials:

- **Denial of anti-Asian, anti-immigrant bias:** On repeated occasions District officials denied that targeted violence against Asian students was racial. The District blamed “a few bad apples,” violent homes and communities, gangs, and a generalized pandemic of violence in society. When students or community members raised concerns about racial bias and racial slurs, these concerns were characterized as emotions and sensitivities unrelated to physical attacks, or worse as part of an “Asian agenda,” according to the school principal at the time. The school superintendent told student victims to “let it go” and “move forward” on an issue that had “taken up a lot of time.”
- **Failure to investigate or document incidents:** District officials repeatedly failed to investigate incidents of violence or document incidents that were reported to them. Students who reported complaints found that those reports were often dismissed as accidents, mutual fighting, or misunderstandings.
- **Failure to provide language translation:** The District consistently failed to translate documents or provide students and families with interpretation. Students reported that school security did not offer translation assistance to non-English speaking student victims and therefore did not investigate complaints or only heard the perspective of the English speaking student. In one of the most egregious cases, an immigrant student who was victimized in an attack was accused of starting a fight that culminated in the December 2009 violence and was suspended and expelled from the school. Throughout the disciplinary proceedings, neither he nor his family received written communication

from the school or District in a language other than English and many of the proceedings continued without his or his family's knowledge. Those charges were eventually dropped.

- **School and District official spread misunderstandings about ESL services** referring to the ELL program at the school as a “dynasty” that needed to be broken up, implying that language services were special privileges or a desire for “segregation,” and blaming the violence in part on immigrant students for failing to integrate with English-speaking youth. Such an approach spawned confusion and resentment about perceived resource inequity.

Sadly, the District resorted to racially divisive tactics as well:

- The school superintendent claimed the violence in December 2009 was retaliation for an attack the previous day when Asian students assaulted a disabled black student. Her comment heightened racial tension, fueled suspicion and was widely interpreted as justification for the violence. A District investigation would later find the Superintendent's charge unsubstantiated.
- The school formed a ‘student ambassador’ club which excluded Asian immigrant student victims while chaperoning other student leaders to forums, hearings, and commissions often during school time to deny that violence against Asian students was racial. These students spoke frequently about how accusations of racial bias hurt other students' feelings at the school.

Not a single elected official openly addressed the violence at South Philadelphia High School. The Mayor's first comments supported the school principal and praised the superintendent for her “timely” and appropriate response. There was no serious investigation by the police or the District Attorney's office. The District commissioned a \$100,000 formal report by a retired federal judge which limited the scope of the investigation to only two days, did not address a longer history of anti-Asian violence at the school, and which absolved adults of any wrongdoing, despite multiple instances of adults failing to follow appropriate protocol.

Meanwhile, characterizing the violence as solely a problem among students resulted in some hostile public reactions toward African American students, further polarizing relations within the school and burying the broader concerns of Asian immigrant youth under diversionary political agendas.

From a community perspective, this was how localized violence becomes institutionalized: the silence of the District around racial and ethnic hate, the retaliation against students, and the denial of student voices. When institutions remain silent about racism and racially motivated violence, they tell us to do the same by default. To move on. To bury the voices of the hurt, the fearful, the silenced. The line between the message of “move on” and “get over it” to “get used to it” becomes indiscernible.

### **Bias based harassment vs. peer to peer bullying**

There is a significant difference between bias based harassment and generalized violence and bullying in schools. The difference is critical because victims of bias based harassment extend well beyond the individuals who are attacked at any given instance. Bias-based harassment sends a message to an entire group – based on their race, national origin and so on – that they are not safe and that they are not welcome. Anti-Asian/anti-immigrant harassment at South Philadelphia High has caused students to drop out, to walk in groups for their safety, to limit where they can go in the building.

Sources of bias go well beyond individual personality conflicts and need to be addressed as a pervasive approach by groups toward other groups that results in harassment and violence. A punitive approach fails to address bias substantively. We often found that verbal attacks – racial slurs, mimicking accents – did not rise to certain levels of punishment but contributed to the sense of pervasiveness of bias that allowed increasing violence to occur. Taking a one-on-one approach also failed to identify patterns of bias. “Peer mediation” is often cited as a recourse when problems arise from student conflict but is wholly inappropriate when dealing with bias. In one case, a district administrator set up a “peer mediation” session between a recent Asian immigrant student who spoke no English who complained of being threatened and shoved out of

line by another student. The two students were placed in a room with student mediators but no formal translator. The conclusion of that session resulted in the Asian immigrant student allowing his harasser to cut in line whenever that student pleased.

In our experience, school officials were quick to divert concerns about bias and harassment into generalized issues of bullying and school climate. They relied on their typical repertoire of response: suspensions, beefed up security and surveillance technology. They were willing to engage in generalized diversity and sensitivity training, but refused to address core issues about race and bias, particularly against Asian immigrant youth.

There was a refusal to address misunderstandings about language services for immigrant students which were viewed as special privileges by non-immigrant students, teachers, and former administrators at the school. As a result a major effort by the school was to scatter ELL services throughout the building, an effort characterized as integration and equity by the principal and superintendent of schools and as retaliation and misunderstanding of students' pedagogical and legal rights to such services by advocates.

In forums and surveys, many non-immigrant students exhibited complete lack of awareness of what constituted racial violence and how it differed from other forms of violence. Adults in the building also referenced a lack of understanding about how to address racial tension. The school pointed its efforts to a few outings with the "50-50 Club" which brought Asian immigrant youth and African American youth to basketball games and museums. However there was little if any dialogue, much less training, around what constituted bias harassment, the history of violence at the school, and how to effectively address it.

In contrast, students and community based members held an orientation for incoming ninth graders to discuss bias and harassment issues at South Philadelphia High School. The orientation trained students on how to identify harassment, procedures to document and report incidents, a "know your rights" session, and contact information for key resources and personnel in the school and community.

### **A collaborative settlement effort with the Department of Justice**

In our work at South Philadelphia High School I cannot underscore enough how positive our collaboration with the U.S. Dept. of Justice has been on this effort. As community members with a long history in the public schools, we knew that what was happening at South Philadelphia High School extended far beyond a student to student bullying. But because of the lack of responsiveness at the District and local level, we felt that there was little recourse to address institutional bias and effect change at both the school and district level without the DOJ's involvement.

The collaboration between local community groups, the DOJ and the state human relations commission has resulted in a process that has both engaged and empowered students and community members as we work toward an effective implementation of the settlement. In addition to the process, I wanted to point to several particular aspects of the settlement:

- Establishment of an effective anti-harassment policy and procedure, particularly around timely investigations
- Required anti-harassment and anti-bias trainings for staff as well as students
- Language access and quality interpretation: Requiring that schools be responsible for translation and interpretation, including resources like Language Line, a 24-hour telephone interpretation service. Some bilingual staff also became certified in formal interpretation.
- Victim services and counseling: Typically a process kicks into place for perpetrators, but student victims of harassment are rarely acknowledged.
- Establishment of an independent consultant and compliance monitor
- Public documentation of records and statistics regarding violence at the school

At a time when we felt that there was almost no recourse to on-going violence and violations of policies around language access and equal protection, there was no other place but federal authorities to address our concerns. We remain deeply encouraged by the settlement agreement which addresses areas we believe would otherwise not have been acknowledged by the School District.

### **Conclusion**

Ultimately, we hope the story of South Philadelphia High School is not told solely through the media or through the courts, but also through the actions of young immigrant students to the U.S. Over the past 18 months these students, some of whom had only arrived in the U.S. a few weeks before violence descended, have worked tirelessly to address school safety issues at their school. They won a new principal and new administrative leadership, a new school police force, new approaches toward language interpretation, and helped structure new conversations to begin at the school around race and bias. They formed the Asian Student Association of Philadelphia bringing together students across the city to address anti-Asian violence and school safety issues District-wide. They have led workshops across the country with students, educators, and community members. They met with multiracial student groups across the city to improve their understanding of the violence faced by students in other schools, and co-sponsored the Campaign for Non-Violent Schools which seeks to improve school climate District-wide and reduce a punitive oriented approach toward school safety.

Through circumstances, most of us would find unimaginable, these immigrant youth, some of whom have spent only weeks in the US epitomize the possibilities that young people have in transforming educational practice.

On December 3, 2010, more than 100 people gathered outside of South Philadelphia High School to mark the one year anniversary of the attacks. At the core were Asian immigrant youth organizers, but surrounding them were students of all races from their school and from a number of schools citywide. They stood next to their principal, who promised to address school safety and build community and they tied blue ribbons to their school gate to mark their hopes for peace.

“We will always remember December 3, but we refuse to be defined by that day. . . . Through this work we have shown we have the power to make change.”



**Helen Gym** is a board member of Asian Americans United (AAU), which has been working with South Philadelphia High School students since October 2008. AAU is a founding member of the South Philadelphia High School Asian Student Advocates, a coalition of community organizations which formed in the wake of the December 2009 anti-Asian assaults at South Philadelphia High School. Coalition members include Asian Americans United, Boat People SOS, Victim/Witness Services of South Philadelphia, and the Asian American Legal Defense and Education Fund. SASA is a sponsoring organization for the Asian Student Association of Philadelphia.

AAU has a 25 year history in Philadelphia on issues centered largely around youth leadership, educational quality and community development. In 2005, we established the Folk Arts-Cultural Treasures Charter School, a K-8 elementary school in Philadelphia Chinatown which was founded as a model for folk arts education and services for immigrant families within a diverse community.

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