

## Pennsylvania Lesbian and Gay Task Force

### ABSTRACT

## Pennsylvania Human Relations Act and the Fair Educational Opportunities Act

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Discrimination is **legal** in 65 of 67 counties (excepting Philadelphia and Erie, PA), and in every city, town, and borough (excepting Harrisburg, Pittsburgh, Lancaster, York and Allentown).<sup>1</sup> Subsequent to the publication of the 1996 study, PLGTF convened a series of community wide meetings across the Commonwealth [8 meetings, 150 people, September 1996 through May 1997] to advance civil and education rights statewide. A comparison of four PLGTF statewide studies over the 1988-2000 shows that discrimination and violence remain at **high levels**.<sup>2</sup> The proposed amendments to the Pennsylvania Human Relations Act and the Fair Education Opportunities Act await introduction and adoption with no weakening amendments or insulting caveats.

To date, 6000 people have signed petitions in support joined by 100 gay and non-community organizations supporters, e.g. the PSEA, the PAFT, and the AFL-CIO Pride At Work Committee; the IGLHRC; NBLC; NGLTF; NLRC; locally, the ADL; the Jewish Labor Committee; the Philadelphia NAACP; Men of All Colors Together; Project Home; Triangle Interests; the William Way Community Center. *Core principles* guide the organizing process.

### I. The Core Principles:

The Core Principles, intended to assure public officials and organizers' **accountability to the community**, are summarized herein: We commit to organize, to educate, and to negotiate with integrity for a Pennsylvania wide civil rights bill, inclusive of sexual orientation and gender identity or expression. We will be grounded in and guided by the principles that we deserve our full rights. We will support the achievement of civil rights protections, minimally, in employment, housing, public accommodations, and in education. We will not suffer any restriction of our rights (e.g. parental rights, domestic partnership rights, the recognition of marriage) nor homophobic insults (e.g. the presumption of criminality or immorality) in a Pennsylvania civil rights law. We will assure the strengthening and *enforcement* of civil rights laws on behalf of all women and all minorities.<sup>3</sup>

### II. The Pennsylvania Human Relations Act. A summary of relevant sections to be amended follow to expand the Act to include the categories "sexual orientation" and "gender identity or expression" within the areas of employment, housing, and public accommodations, and in education. **Education** is added as a category at Section 3. At Section 8 re: Education, the language is strengthened to support multiracial, multicultural and gender fair pedagogy. These are minimalist goals.

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<sup>1</sup> Please also see PLGTF Comparison of U.S.A. Statewide Civil Rights Statutes that Include Sexual Orientation and Gender Identity or Expression, 1982-2002 as an accompanying document.

<sup>2</sup> See for instance, plgtf Year 2000 Pennsylvania Study of Discrimination and Violence. (Authors: Larry Gross, Ph.D. with Steven Aurand) For a copy of the study and the proposed legislation, go to [www.plgtf.org](http://www.plgtf.org) See also, Transgender Equality: Handbook. NGLTF Policy Institute and National Center for Lesbian Rights ([www.ngltf.org](http://www.ngltf.org) and [www.nclrights.org](http://www.nclrights.org))

<sup>3</sup> For a full copy of the Core Principles' *Objectives*, see the *PLGTF Civil Rights Briefing Packet, September 1996*

Amending the act of October 27, 1955 (P.L. 744. No. 222), entitled as amended, an act prohibiting certain practices of discrimination because of race, [class], color, familial status, religious creed, ancestry, age, sex, [**sexual orientation or gender identity or expression**], national origin, handicap or disability, use of guide or support animal because of the blindness, deafness, or physical handicap of the user or because the user is a handler or trainer of support or guide animals as well as by employers, employment agencies, labor organizations, and others as herein defined...The General Assembly enacts as follows:

- Section 2: Findings and Declaration of Policy [a, b]
- Section 3: Right to Freedom from Discrimination (*adding Education to the Title and within the text*)
- Section 4: Definitions [adding “bb”, please see below]
- Section 5: Unlawful Discriminatory Practices [a, b1, b2, b3, b4, c, f, g, h1, h2, h3, h4, h5, h6, h8(i) (ii), and i(1)(2); Section 5.3 [a, b, c, d]
- Section 7: Powers and Duties [f 2, g, i, j, and k]
- Section 8: Educational Program - See V below for a background/summary
- Section 12: Remedies [c]; [c (1); and adding g.

**III. The Pennsylvania Fair Educational Opportunities Act** [post-secondary only] to be amended inclusive of sexual orientation and gender identity or expression. Summary of Relevant Sections follows:

Amending the Act of July 1961 PL 776, declaring the policy of the Commonwealth with regard to discriminatory practices in educational institutions based upon race, [class], religion, color, ancestry, national origin, sex, handicap, or disability [**sexual orientation or gender identity or expression**]...

- Preface: Amending the Preface to include: sexual orientation and gender identity or expression
- Section 2: Findings and Declaration of Policy [a, b, c]
- Section 3: Definitions: Add a new definition as Paragraph (9). (See definitions below)
- Section 4: Unfair Educational Practices [a(1, 2, 3); a.1.(1, 2, 3)]
- Section 6: Powers and Duties [4]
- Section 9: Construction [a, c]

**IV. Definitions.**

“Sexual orientation” shall refer to a person’s actual or perceived homosexuality, bisexuality, or heterosexuality. “Gender identity or expression” shall refer to a person’s self-identification as male or female, distinguished from the person’s biological sex. Sex shall be defined as the gender of a person, as perceived, presumed, or assumed by

others, including those who are changing or who have changed their gender identification [Pittsburgh, PA Human Relations Act definition of “sex” as enacted in 1997].

**V. Education: Amendment to Section 8 of the Pennsylvania Human Relations Act**

(note: *the word “education” is also amended to Section 3*)

*Background:* With the support of an extraordinary coalition among gay and non-gay communities, minority and non-minority, the Task Force’s Education Equity Project resulted in Pennsylvania’s adoption of a *statewide education regulation* which prohibits discrimination in educational programs on the basis of sexual orientation together with a statement of equity principles to encourage multiracial, multicultural, and gender fair curricula [1993]. It is time to assure that education is regarded as a **civil and human right** as well as a vaguely defined constitutional right *i.e.* every child is entitled to a “thorough and efficient education.” The Human Relations Act and Title 22, Chapter 5 must be conformed inclusive of sexual orientation and gender identity or expression.

**“Section 8:** Each student is entitled to an educational experience that is free from bias and discrimination and that reflects and supports the gender, race, and cultural diversity present in the Commonwealth of Pennsylvania. The twin goals of the state’s educational system are to provide equal opportunity for all students in all state supported elementary, secondary, vocational, post-secondary, and higher educational institutions and to maximize the potential of all students regardless of race, class, or color, religion or creed, national origin or cultural heritage, gender or gender identity, sexual orientation, national origin, ancestry, handicap or disability. The Commission, in cooperation with the Department of Education, is authorized to support a multiracial-multicultural-gender fair educational program in order to promote knowledge about and respect for diversity and pluralism to further good will among all persons, inclusive of race, color, familial status, religious creed, ancestry, age, sex, sexual orientation or gender identity or expression, national origin, handicap or disability.” [Cite Title 22 and Pennsylvania Department of Education Statement of Equity Principles, 1993)

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*Pennsylvania Civil Rights Initiative.* Call your local organizing team or Rita Addressa, PLGTF. 215-772-2000. In Pennsylvania, toll free 1-877-PRIDE-2000. Email: [plgtf@plgtf.org](mailto:plgtf@plgtf.org) Web: [www.plgtf.org](http://www.plgtf.org). New Mail Address: 1501 Cherry St. Philadelphia, PA 19102-1479.

***Volunteers and contributions are welcomed.***