

Equity Suit Updates From The Courtroom

DAY 16 - May 19, 1997

This was the last day of testimony in PARSS v. Ridge. Briefs in the case will be due by July 18, 1997 and oral arguments will be after that, sometime in August. After that Judge Pellegrini said ³We will see where we go.² As a sidelight to today's court session. It was learned that the Philadelphia PHRC case will be heard at the Supreme Court sometime in mid December. There may also be arguments in the Philadelphia equity case in September.

Today's session began with a cross examination of plaintiff's witness, historian, Dr. Richard Altenbaugh of Slippery Rock University. He was asked by the attorney for the defense if the ideals of the Common Schools in the 19th Century were reached. Dr. Altenbaugh answered that the ideals of democracy and representative government are sometimes not achieved. They are ideals that people aspire to. In Massachusetts, in the era of Horace Mann, local communities organized schools under the first common school law. The state then organized teacher certification, and essentially created a curriculum. Local schools were originally voluntary, but if they were created, they had to be continued.

There has always been a tension between state control and local control in this country. The term Common Schools may have had differing meanings to different people. In the evolutionary spread of public education in the country, the Northeast began, with a rapid spread in the Midwest and the mid-Atlantic States and a much slower process in the South. There were districts, even in Pennsylvania that were not organized until the 1860's.

In 1874 the legislature created a cohesive system by introducing a Constitutional framework for a complete educational system in Pennsylvania. Funding remained essentially local with state participation. The state wanted students to learn specific core things and invented a curriculum, list of subjects that had to be taught. Other subjects could be added. In 1874 school calendars were made uniform with relation to days in the month that could be used for schooling. According to Dr. Altenbaugh, Thorough and Efficient System meant uniform.

Under redirect by Mr. Schmidt, Dr. Altenbaugh described an evolutionary process between 1834 and 1874 in Pennsylvania education. There was created a ³superintendent of Common Schools, later to be called Superintendent of Public Education. Certification was raised to the County level and County Superintendents were created. The state even began to look at the architecture of school buildings.

Under additional cross from Ms. Forney, Dr. Altenbaugh indicated that there was a core curriculum, but that it continued to grow through the years.

Dr. Charles Glenn has his Bachelor's (theology) and Masters (educational administration) from Harvard university and a Phd. from Boston University in Religion and modern culture. He has read much of the history of education in foreign countries such as Netherlands, Germany, France, Great Britain and reports and legislative matters about the state role of education in our country. His research for his book ³The Myth of the Common School,² went beyond just Massachusetts and the state role in education. There never was really a ³Common School² (in his definition of the word). There were differences in religion, social class, ethnic backgrounds. The ideal of having everyone sitting in the same "long bench" never came to be. He is presently writing another book on the subject of the history of Education. For 21 years, he was the person in charge of equal rights in education in Massachusetts in elementary and secondary education. Much of his research is in Eastern and Western Europe.

Mr. Schmidt asked that Dr. Glenn not be allowed in as a historian of Pennsylvania educational history. Judge Pellegrini said that his testimony would help with the set up before 1874 and with such things as Bismarck and the Prussian Schools. A 24 page report submitted to the court by Dr. Glenn as his precis was objected to by Mr. Schmidt. If the text is his testimony, why do we need him and if it isn't his testimony why do we need this report. The background of this argument was the introduction of historical witnesses. Dr. Altenbaugh was allowed to have a precis and was not objected to by the defendants. However, there was not decision to accept all of these documents without review by the other side. The report was not given the plaintiffs until this day and without review by the plaintiffs was problematical to the case for the plaintiffs. Judge Pellegrini asked that this be taken care of later at the end of Dr. Glenn's testimony.

Dr. Glenn began his testimony by saying that Dr. Benjamin Rush was not significant in the establishment of the Common Schools in PA. He was only among a group of philosophers of the Enlightenment that offered suggestions about schooling. He has no evidence to show that anyone in the 1820's and 1830's in Pennsylvania was affected by him directly. Rush was rejected by legislative leadership in the state in trade for particular suggestions that might have come from European sources. Although Rush did make proposals that land be set aside and that variable taxes be imposed for schooling. Rush suggested support for higher education and did not believe in uniform education, just universal. Horace Mann was the president of the state senate when the public school law was passed in Massachusetts. He then became the Secretary of the Board of Education. He was a successful popularizer of public education. If people were educated, he believed, then there would be a golden age and be no poverty. He did not spell out the common elements of schools, but there was a common morality for all citizens. He believed in shaping the morality of teachers in his own way which was the Unitarian way, which Dr. Glenn described as the "Wishy Washy" way of current mainline Protestantism. He only believed in state leadership, not state control as there is in France where all employees of schools are employees of the central government. When he suggested that there would be reference or library book suggestions there was a great furor that this was beyond the scope of the state. Americans were observers of the European system of education. He referred to Stowe's report on the Prussian system of education. Europeans did not see American education as valuable or successful, much in the way that they see it today. DeTocqueville liked state mandates and also local control. Local initiative was wonderful. It came from Massachusetts. There was no standardized curriculum. This was described by Dr. Glenn as how to teach in the classroom, not the subjects that teachers were required to teach. There was no uniform system of education in this country. Dr. Glenn referred to public schools as government schools and discussed the use of the

word public in other countries. It will be that some private or parochial schools are public much in the way restaurants are public and the way higher education institutions are public.

The state gave "carrots" to communities in Pennsylvania to start Common Schools. Dr. Glenn said that he was not certain that some of these schools did not have tuition paid to them at the outset. We did not have a "system." The term system refers to individual school districts and not the total group of school systems in the state. The role of the state was to stimulate the local people into action. All the regulations since then are not state control, but stimuli to local authorities to do things properly. Thaddeus Stevens comments do not mean that all schools are exactly the same and when thirty years later he talked about ³no barren spot² where schools did not exist, he was talking about the existence of schools, not that they were exactly the same. Dr. Glenn said that there was more rhetoric about common schools than there was action and that the constitution of 1874 was just a restating of what was already in existence and not a radical departure. Statements at the convention of 1873 did not say that children were creatures of the state, but that children of deceased civil war veterans should be ³wards² of the state. Members of the convention did not want all the same textbooks or other curricular decisions to be made by salesman trying to convince the state to buy their textbooks.

Mr. Schmidt cross examined Dr. Glenn. He referred to his book "The Myth of the Common Schools" in which Dr. Glenn said that it was a meditation and not a history. He did not claim to be a historian and that he had studied the history of Pennsylvania. He was asked if he had read any primary sources. He said that he had¹t. He was asked about the Dutch system that he said was in his area of expertise. Did that system allocate public dollars in an equal way for all students. He answered that it did. He will be writing a new book that will be even more historical. Dr. Glenn was asked about Dr. Wickersham, a former state school superintendent, who he had referred to previously. Dr. Glenn said that he was only familiar with some of Wickersham's reports and not all of them. He was asked about Benjamin Rush's effect on public education in Pennsylvania. He indicated that there was very little resonance in Rush's philosophy with the establishment of the common schools in Pennsylvania. He said that racial integration is part of the Common School Agenda.

He was asked about his term "Common School Agenda." He answered that this was the establishment of Common Schools with little or no state control. He was asked about the establishment of Normal Schools, County Superintendents, curriculum, certification, specific courses to be taught, etc., and weren't these the hallmarks of state control and also a "system". Dr. Glenn said "No." Schools could not legally refuse to offer the common courses that the state had prescribed. Dr. Glenn was asked if he had read the school code as it appears today. He said that he had not, but had read the succeeding constitutional amendments.

Judge Pellegrini asked what the words "thorough and Efficient" meant. Dr. Glenn gave several answers: thorough means everywhere and efficient means effective. Massachusetts does not have those words. Judge Pellegrini asked what these terms meant to Dr.

Altenbaugh. Dr. Altenbaugh replied that it was a term "thorough and efficient system" not just the first two words and that was its importance. The word system connotes uniformity. Dr. Altenbaugh was called upon for rebuttal to say that mandated attendance was as a result of the work changes in our country where children were being used for labor to earn money for the family as a result of the changes in our country as it was changing to an industrial base. The state saw its role as having an educated population an important one for the future.

The last housekeeping detail was Dr. Glenn's report. It was agreed that Mr. Schmidt would review the document and x out those things he thought were not testified to. The Court would have the final say in the matter.