

On December 7, 2020, in the matter brought against the Neshaminy School District by the Pennsylvania Human Rights Commission, the Neshaminy School District finally had an opportunity to present its argument to the Commonwealth Court of Pennsylvania against what the District contended was the overreach by the PHRC. The Commonwealth Court heard our appeal and reviewed the record made at the week-long PHRC hearing conducted in January of 2019.

On June 7, 2021, the result of our appeal ended in a unanimous decision and Order issued by the Commonwealth Court ruling in favor of the Neshaminy School District and reversing the PHRC's decision and Order.

While the Court by a vote of 2-1 did not agree with the District's position that the PHRC has no jurisdiction over another government entity, the Commonwealth Court did agree with the District and ruled the PHRC FAILED to present any evidence to support a claim of discrimination against Native American students, and did not present any evidence of harm to any student.

While such a conclusion was actually supported by the decision the PHRC itself reached in the January 2019 hearing, the Commonwealth Court also concluded, without a result of discrimination and student harm, the PHRC had inappropriately imposed conditions upon the District. Of course, it is an understatement NSD is satisfied with the results from this court decision and accept this as the conclusion of this issue.

In an effort to maintain transparency with the public, from time to time the Board has updated our community on the status of this case.

In that regard, our District's total financial burden for this defense over 8 years has cost approximately \$500K with our insurance carrier covering about \$115K of that netting a final cost of \$385K to the taxpayers of this community. Over 8 years, those legal costs average about \$48K per year from our budgets. We want to acknowledge how diligent and professional our legal team was in representing this community.

We also want to share that if we did not do what we did to defend the District and the community;

The cost in dollars would have been significantly higher in order to comply with the PHRC's demands. But there is no value that can be assigned to the reputational harm to our community; what is the value of not being labeled as a district that discriminates?

I am sure there are many in our community that seeks a better understanding of how this issue developed and how we got to this place? One of the questions that were commonly presented to us was why didn't you try and work it out with the PHRC before it reached such a level? The answer is we did try. On more than one occasion the representatives from the District met with representatives of the PHRC. The PHRC had no interest in compromising and trying to achieve a fair resolution—it demanded total capitulation and the expenditure of money on an ongoing basis to do what the PHRC demanded. I must point out that the PHRC was biased and conflicted. It was the prosecutor, judge and jury—all mixed up in one entity. It had an agenda and did not issue a decision based on the proper application of the law to the facts. As you can interpret very easily from the Commonwealth Court's decision,

the PHRC had inappropriately applied the facts, the law and its own authority in this case.

Another question often asked, not only from our public, but others concerning this case is why you would spend so much money to defend a name? The answer is we were never defending only the name! We were defending the District from being labeled as discriminatory. We were defending the District against having to spend much more money to remove Native American imagery and to take other actions that the PHRC demanded we take. The incurred legal fees were ultimately less costly than the estimated costs of complying with the PHRC demands. But our decisions were not solely based on dollars!

The PHRC claimed the Neshaminy School District was in some way contributing to a climate of discrimination and intimidation through its use of the word "Redskins" and its use of Native American symbolism and images. According to the PHRC, this alleged discrimination and intimidation denied students access to an education.

However, as the result of this final order the School District was vindicated, because the PHRC's claims were unsubstantiated and was never supported by any evidence, and investigation. The PHRC took these actions against the School District without any proper investigation and the School District proved that their investigation was shoddy at best. Importantly, the PHRC's claims were contrary to the history of support for Native American culture that the School District sought to advance.

While that alone in our eyes would be enough reason to bring a defense, the PHRC also wanted to subvert and interfere with the duly elected public school board's rights and responsibilities as to the curriculum of its students. This level of interference and subversion was too great not to defend against not only for the reputation of our district but the Community that supports it.

This brings us to what we believe is the most important question...where do we go from here?

First, this district and community has been through a lot over the last 16+ months we need to take some time to review and digest this decision in its totality but more importantly we need to recover from the social and educational isolation this pandemic has brought upon us all. Our first priority is to allow the district to regain the status of where we were before March 2020 in areas of academic achievement and social interaction between our students.

Once we are confident we have achieved such we need to foster a dialogue between our community members about how we want our District to continue representing itself. This conversation is not just about team names and symbols; it needs to be deeper than that.

The formation of the Neshaminy School District dates back to 1951 and the Native American linkage we employ dates back farther than that all the way back to the 1930's from the old Langhorne High School that was located on Cherry Street in Langhorne Manor.

These conversations need to focus on what we believe as a community and those linkages to the historical and cultural past that are representative of those that inhabited this area before us.

We need to discuss the importance of such and if we are to continue them? If so, by what symbolism and associations do we employ to maintain that? How to link them into more of our school curriculum? Or do we totally walk away from those historical associations and institute new ones?

These are the questions from day one I believe this Board has embraced - that it should ultimately be the community that makes those decisions, not an agency that has no relationship or knowledge of our areas heritage and culture.

On behalf of the School Board of Directors and the Neshaminy School District I want to thank you the Neshaminy Community for your support during this time and maintaining the strong sense of integrity and dignity Neshaminy is known for.