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Garfield School District cited for discrimination, deception

Education » India native was rejected as substitute teacher.

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Harshad Desai has endured racial slurs and harassment since moving to Panguitch in 1992, so a ruling that he be allowed to substitute teach in Garfield public schools comes as long overdue vindication.

But the 58-year-old native of India, a U.S. citizen, doesn't hold a grudge. He says he just wants a shot at teaching, to see if it's something he is good at and likes.

Cheryl D. Luke, an administrative law judge for the Utah Labor Commission, determined that Garfield School District officials engaged in racial profiling and prejudice when in 2001, they rejected Desai for a substitute teaching position based on his perceived similarities to the 9/11 terrorists.

Desai "has a brilliant resume," holds master's degrees in chemistry and plastics engineering, and owns and operates two hotels in Panguitch, yet was rejected in favor of Caucasian applicants with no college education, Luke found in her ruling, issued last week.

He is the only applicant rejected in at least five years, a period in which people with criminal convictions (some involving minors) were cleared to substitute teach, the ruling states.

And the district made its decision in secret during a closed board meeting that wasn't properly advertised.

Citing this and other "evidence of deception and [a] cover up," Luke ordered the district to add Desai to its roster of qualified substitute teachers. The district must pay Desai eight years of wages, money he might have earned between October 2001 and July 2009.

And it must create policies to prevent future discrimination.

Garfield school board president Ken Platt declined to comment on Tuesday, saying he hasn't yet read the ruling.

Garfield superintendent George Park, who inherited the complaint from his predecessor Myron Cotton, could not be reached. Park is on paid administrative leave pending an investigation by the Garfield County Attorney's office, which Platt said is unrelated to the discrimination case.

The district can appeal last week's ruling, which his Salt Lake City lawyer, Rachel Otto, fears could defer Desai's teaching dreams indefinitely.

Desai is more optimistic.

He and his wife have lived in the United States since the mid-70s. They fell in love with Panguitch after a family vacation to Bryce Canyon and left their big city life in California to open two hotels, the Marianna Motel Inn and Panguitch Inn.

"His wife wanted to run a business where she could be home with her kids," said Otto.

Desai's three girls are since grown. Business is good, but seasonal. So, to supplement his income and stay busy, he applied to substitute teach in August 2001.

He thought his background in science would be welcomed, considering the statewide shortage of qualified math and science teachers. He underwent training and assumed he had been cleared to teach.

At one point, he received a letter saying he wasn't needed, but Desai figured it was sent in error since the district continued to solicit substitutes in newspaper ads.

After waiting a year to be called, Desai filed a discrimination complaint with the labor commission, only then learning about an Oct. 24, 2001 school board decision to reject his application. The board's agenda contained no

reference to Desai, nor did the meeting minutes, the labor commission found.

District officials argued Dasai was rejected for "legitimate" reasons, out of concern over his temper and evidence of altercations with area teens. But the evidence amounted to "stale, petty" accounts from a middle school math teacher and school board member whose children had repeatedly harassed Desai, the commission ruled.

The teens had been told to stay away from Desai but would drive by his motel properties shouting racial slurs and disrupting the guests. One of the teens commonly harassed "slow kids, a town drunk and Mr. Desai" just to get a rise out of them, the commission found.

Desai responded by yelling at the kids, reportedly placing a hand on one and threatening to drive by their homes and disrupt their families -- neither criminal, nor unexpected responses given the situation, the commission ruled.

Those incidents happened years before Desai applied to teach and the problems ceased as soon as the youth "discontinued their racial torment," the ruling states.

District officials also cited a complaint penned by Desai, in which he alleged unfair hiring practices and compared the district to Osama bin Laden. They interpreted the letter as a threat, an unfounded fear in the eyes of the labor commission.

Desai has no intention of leaving Panguitch. "There are a lot of good people here," he said.

He has forgiven the teens, saying "they didn't know any better," and says the district's actions are a reflection of the times.

He pursued his complaint as a matter of principle, and hopes the school system embraces it as a learning opportunity.

"Our education system is responsible for keeping up with the outside world and 21st century," said Desai. "I have a lot to give [as a teacher] and they have a lot to gain."

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