

**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF SAFE SCHOOLS ADVOCATE**

ANNUAL REPORT FOR 2012-2013

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Safe Schools Advocate**

June 30, 2014

Mr. Mark R Zimmer
Chairman
Pennsylvania Commission on Crime and Delinquency
3101 North Front Street
Harrisburg, PA 17110

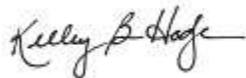
Dear Chairman Zimmer:

Enclosed please find the annual report of the Office of Safe Schools Advocate for the 2012-2013 fiscal year. By statute, the report is to be submitted to the Superintendent for the School District of Philadelphia, the Secretary of Education for the Commonwealth of Pennsylvania and the chairpersons of the House and Senate Education Committees.

The report reflects the activities of the Office of Safe Schools Advocate for the prior fiscal year and any recommendations for remedial legislation, regulations, or District administrative reforms based upon the reported data provided by the School District of Philadelphia to the Pennsylvania Department of Education, the analysis of the reported data provided by the School District of Philadelphia and the observations of the Advocate from August 1, 2012 through June 30, 2013.

I am available to discuss the findings and recommendations contained in this report at your convenience.

Respectfully submitted,



Kelley B. Hodge, Esq.
Safe Schools Advocate

Table of Contents

I.	Introduction	1
	- Role and Purpose of the Office of Safe Schools Advocate	
II.	Executive Summary	2
	- Main Findings	
III.	Overview of OSSA Functions.....	4
	- Office of Safe Schools Advocate Daily Operations	
	- Disciplinary and Expulsion Hearings	
	- Additional Office Activities	
IV.	Data Collection and Analysis.....	9
	- Source and Definition of Reported Data	
	- Compilation of Data and Graphs: EPISCenter at Penn State	
	- Reference: Addendum	
V.	Observations of the Advocate	10
	- Statutory and Legislative Observation: The Memorandum of Understanding, Act 26 and Chapter 10 (Safe Schools Act)	
	- Mandatory Notification of Weapons Offenses	
VI.	School District Divisions.....	13
	- Alternative Education	
	- Office of School Safety	
	- Office of Student Rights and Responsibilities	
	- Code of Conduct	
VII.	Recommendations	21
VIII.	Glossary of Terms	25
IX.	Appendices	29
	- Appendix A: Safe Schools Act (“Act 26”)	
	- Appendix B: Memorandum of Understanding	
	- Appendix C: Student Code of Conduct	
	- Appendix D: Statement to Philadelphia City Council	
X.	Addendum(s): School District of Philadelphia Reported Data to Pennsylvania Department of Education for 2012-13	

Introduction

The Office of Safe Schools Advocate (“OSSA”) for the School District of Philadelphia (“SDP” or “District”) was originally established under the Pennsylvania Department of Education by virtue of Act 91 of 2000 (“the Act”) 24 P.S. 13-§1310 A. Pursuant to the enactment of Act 24 of 2011, the OSSA was reassigned to be housed under the Pennsylvania Commission on Crime and Delinquency (“PCCD”). Per the Act, the OSSA powers and duties are defined (in part) as follows:

1. To monitor, review, and analyze the District’s reporting practices to the OSSA of incidents involving acts of violence; possession of a weapon; possession, use or sale of controlled substances as defined in “The Controlled Substance, Drug, Device and Cosmetic Act;” or possession, use or sale of alcohol or tobacco by any person on school property.
2. To monitor the school district’s compliance with the procedures set forth in the memorandum of understanding (“MOU”) with the appropriate police department regarding incidents involving acts of violence and possession of weapons.¹
3. To obtain documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the appropriate police department consistent with the requirements of the memorandum of understanding.
4. To monitor the District’s compliance with the mandatory expulsion requirements of section 1317.2 (“Act 26”)².
5. To receive inquiries from school staff, parents, or guardians of students who are victims of acts of violence on school property.
6. To establish a program to assure extensive and continuing public awareness regarding the role of the advocate on behalf of victims of acts of violence on school property, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.
7. To review and analyze Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property, and to prepare reports making recommendations for changes to the statutes which would promote school safety and facilitate effective and expedient disciplinary action.
8. To review and analyze court decisions applicable to the school district’s disciplinary process and procedures, to make recommendations to the school district regarding any negative impact these decisions have upon the effective maintenance of school safety and to make recommendations relating to the existing provisions of consent decrees.

9. To provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies.

Kelley B. Hodge is the current Safe Schools Advocate (“the Advocate”) and has served as the Advocate since being appointed in December 2011. The OSSA has been open and operating as a victim advocacy office since December 5, 2011. The OSSA is located in the Education Center for the School District of Philadelphia and in addition to the Advocate is staffed by a legal assistant and an administrative assistant. During the 2012-13 school year a Temple University Law student also assisted.

The 2012-2013 school year was a year of transition and reorganization for the School District of Philadelphia. This was the inaugural year for the newly hired Superintendent, Dr. William Hite, Jr. Ed.D, who joined the district in September 2012. Dr. Hite was and remains clear in his commitment to formulating and developing a plan of action for the district that incorporates one of his key foundational goals of improving the quality of schools by promoting a positive school climate and safety.

The OSSA was able to forge a new and ambitious relationship with the new school administration with the hope of also being able to facilitate the implementation of the District’s goal for a positive and safe learning environment for all students. There were several opportunities for the OSSA to partner with the District in promoting evidence-based prevention strategies to reduce school violence and the details of those partnerships are included in the body of this report.

As a result of the 2012-13 school year beginning with a new leader guiding the District, and the OSSA being engaged from the beginning of the year, it was possible to make a full year observation of the Philadelphia school community, their reported incidents of violence and the District’s ability to respond. The OSSA was able to note the inner workings of the school district and gain a more comprehensive understanding of the types of incidents and the types of community concerns that were at the forefront of the minds of parents, guardians and teachers. It is based on the various observations, communications, data analysis and overall working relationship with the District and the Philadelphia community that the Advocate authors this report.

Executive Summary

Annually, the OSSA is required by law to prepare a report concerning the activities of the office for the prior fiscal year and to analyze the school violence data provided by the Philadelphia School District to the Pennsylvania Department of Education. The report is required to be submitted to the Superintendent of the School District of Philadelphia, the Pennsylvania Secretary of Education, the Executive Director for the Pennsylvania Department on Crime and Delinquency, the Chairperson for the Senate Committee on Education and the Chairperson for the House of Representatives Committee on Education.³

The OSSA is also authorized to make recommendations for remedial legislation or other reforms which would promote school safety and facilitate effective and expedient disciplinary action.⁴ The main findings of our report are listed below:

1. **Increased Communication.** Similar to the Advocate's conclusion in the 2011-12 annual report, in order for the District to significantly reduce school violence, it must increase communication. While communication has improved at isolated levels within the District, they must promote communication on a larger scale, at all levels and between all parties invested in school safety.

The Advocate will readily note that with the selection of Dr. Hite as Superintendent and allowing adequate time for his executive team to be selected and acclimate to their new roles, communication has improved. However, many of the concerns that existed last year are seemingly deep rooted and institutional. Thus, presumably, they will take time to dismantle and rebuild. However, the need for rebuilding efficient and effective lines of communication not only within the District but with the community at large is paramount. Once this is done, the Advocate sees a natural rippling effect of transparency, trust and accountability that will inherently elevate the reputation and effectiveness of the school district to do what is required—teach children.

2. **Constant Review of District Policies.** District policies and procedures relating to the reporting and response to school violence have been revised, in part. However, despite those revisions being implemented over the past year, there must be constant review of policies and procedures in order to seek continued improvement and a willingness to adapt policies to accommodate the constantly changing technological and social environment. Additionally, all levels of the District must provide a consistent response to school violence while promoting proven prevention and restorative justice techniques. Continued training on best practices regarding all aspects of school violence and promoting mentoring relationships are essential for District personnel.
3. **Data Collection and Coding.** Data collection functions, such as coding incidents of violence, should be a standardized process that is instituted uniformly throughout the District. There are discrepancies in how certain crimes are reported which is affecting the overall accuracy of the District's reporting.
4. **Weapon Violations.** Reporting weapon violations to the police, per the District's MOU, should be standard practice. Educators and administrators must be trained that there is no discretion in reporting to law enforcement for these types of crimes.
5. **Professional Development.** Everyone involved in the school discipline process must be on the same page in order for the system to work. Educators and administrators alike should be educated as to the function of the OSSA and their responsibilities under the Act. Hearing officers should know the role of OSSA in disciplinary hearings in order to facilitate the process.

Overview of OSSA Functions

Office of Safe Schools Advocate Daily Operations

During the 2012-13 school year, the OSSA continued to take deliberate steps to observe, learn, and participate in the day-to-day operations of the District's disciplinary system. On a daily basis, the OSSA reviewed approximately 40-60 individual "Incident Control Reports" via limited accessibility to the District's serious incident management ("SIMS") reporting database. Based upon the daily review of incidents, the OSSA sent out approximately 20-30 victim outreach letters each day notifying victims of the existence of the OSSA and how the office could assist them. Also, through a review of the Incident Control Reports, the Advocate was able to identify any discrepancies in the code description compared to the short narrative/notes describing the incident. The conclusions drawn from this review process are more thoroughly discussed later on in this report. However, in short summation, there is still a great concern with how matters are coded by the school district's incident reporting desk and this concern directly affects how data and trends are identified and interpreted regarding violence in the school district.

The OSSA also answered numerous calls from parents/guardians, teachers, victims, school principals and administrators seeking assistance or guidance with the disciplinary process of the Philadelphia School District or, in certain cases, with the delinquency hearing process of the Juvenile Courts. The OSSA is accessible through many different mediums, such as calls to the OSSA's main office line, calls to the hotline, emails, as well as people walking into the office seeking assistance. The office noticed an increase in persons seeking assistance from every school arena, specifically those who were referred from state and local legislators. The OSSA had more frequent interactions with the Philadelphia City Council as well as state legislative bodies focusing on school safety and violence prevention. The support received from these bodies and their communication was significant in promoting the success of OSSA in having a direct impact on combating violence and enhancing safety in the Philadelphia school community.

Cases are opened by the OSSA through phone calls, emails and personal in-office contact. Most case files are opened based on a named victim being identified in the incident. However, the Advocate also sought to focus attention on incidents that took place in schools that may not have identified a named victim but reflected a level of concern for the school community as a whole. As a result, in these instances the Advocate would make direct contact with the school principal or with an executive team administrator to notify them of the factual circumstances and the need for their response or attention. The OSSA would create files that were linked to a school in those instances where there was no direct victim contact but still a heightened level of concern. The Advocate wanted to make sure that, if there was pattern of behavior in a school, it was able to be easily extracted and the incidents provided to the Chief of Student Support Services so it could be given the appropriate level of attention and responsiveness. From September 1, 2012 through June 30, 2013, the OSSA opened 141 individual victim cases and maintained 19 school files based on school-related violence or other incidents reported by parents/guardians or school personnel.

In total, the OSSA reviewed 7,811 incident reports, handled approximately 800 phone calls for varying levels of assistance and mailed 2,746 victim outreach letters during the 2012-13 fiscal year. These numbers do not include the number of walk-in requests for assistance or e-mail and facsimile communications.

Unlike in 2011-12, where the mid-year opening of the office made advertising in schools more difficult, the OSSA was able to create the signage and distribute posters and brochures to schools and victim services organizations to promote the availability of the office as a resource. The OSSA also created a website in 2011-12 to help disseminate information and connect victims and their parents/guardians with OSSA's services. Currently, the website is in the process of being updated in order to maintain accurate information on resources within PCCD, the District and the Philadelphia community. The OSSA has seen an increase in its usage over the 2012-13 school year and hopes for continued increase in contact from victims and their parents/guardians in future years.

Disciplinary and Expulsion Hearings

During the 2012-13 school year, the office formerly known as the Philadelphia School District, Office of Student Discipline was re-titled the Office of Student Rights and Responsibilities ("OSRR"). Along with the implementation of a revised student Code of Conduct, that was voted on and approved in August 2012 by the School Reform Commission ("SRC"), the OSSA observed some changes in the disciplinary process through regular attendance at disciplinary hearings. The disciplinary hearings were conducted for a wide array of school based incidents of violence or for possession and/or distribution of controlled substances. The OSRR provided notification to the OSSA regarding the scheduling of hearings. Details of the observations made by the Advocate and her designee are noted at greater length later in this report.

The OSSA was present for, or participated in, approximately 256 disciplinary hearings during the 2012-13 school year. These hearings were primarily those that had victims, but many were hearings for weapons and drug offenses which are of equal statutory importance for the OSSA.

Additionally, based on the nature of the offense and the harm that resulted, certain offenses were referred by the disciplinary hearing officer for an expulsion hearing. The OSSA was present or participated in thirty-four (34) expulsion hearings from September 2012 through June 30, 2013. Based on reported data received from the SRC, the District's Office of General Counsel prepared fifty-six (56) cases for expulsion hearings. Of the 56 cases, 34 cases were voted on for either approval or denial of expulsion by the SRC; 12 cases were withdrawn due to special education, due process and/or equity concerns; two cases were rescheduled to September 2013 due to continuance requests and eight cases were voted on by the SRC on August 22, 2013.

Also, based on the reported data from the District's Office of Student Rights and Responsibilities there were 1,671 disciplinary hearings held in 2012-13 compared to 1,471 held in 2011-12. Of the 1,671 disciplinary hearings conducted this past school year, 315 were referred to the expulsion review committee, 470 students received disciplinary transfers and on 380 occasions principals elected to waive having a student transferred from their school based on the disciplinary infraction. Additionally, this past

year introduced the option of entering a behavioral contract as an alternative to a disciplinary or lateral transfer of a student for their violation of the Code of Conduct. The District reports that 90 students received a behavioral contract in lieu of being transferred from their current school assignment. Finally, 185 students received lateral transfers versus being transferred to a disciplinary school setting.⁵

Additional OSSA Activities

The OSSA took a more active role in providing support and assistance to the District in trying to combat school-based violence. The Advocate continues to see a clear need for proven evidence-based prevention strategies to be used as tools by the school community to reduce incidents of violence and, hence, victimization. To this end, the Advocate consistently took affirmative steps to engage the District, City Council, State representatives, community organizations and various additional stakeholders in a collaborative approach to addressing all levels of school violence and promoting a positive climate for students. What remains uncontroverted is that all vested parties agree that in order to increase a student's academic performance, reduce dropout rates, increase literacy and attack truancy, a school must be a safe place to learn. Therefore, the Advocate, in addition to supporting victims on a case-by-case basis in hearings and in schools, also participated in or facilitated the following:

- Provided funding to the District, through Temple University, for Conflict Resolution Education Training in Education (“CRETE”) training for school district teachers and administrators. The training was conducted by Dr. Tricia Jones, Ph.D. from Temple University.
- Provided funding to the District to have Outward Bound provide a six (6) week summer intensive training and instruction session on conflict resolution, team building and positive behavioral support for students from four large high schools that were affected by school closures and will be merging into two schools for the 2013-14 school year (South Philadelphia and Bok High School; Martin Luther King Jr. and Germantown High School). This was offered as a prevention strategy to allow students to work together and then become school-based ambassadors and mentors with the hope of preventing any potential for school-based violence this school year.⁶
- Co-sponsored an event along with St. Joseph's University to invite author Emily Bazelon to speak about her book entitled “Sticks and Stones: Defeating the Culture of Bullying and Discovering the Power of Character and Empathy.” The two-day program included a showing of the movie “Bully” at High School of the Future and participation in panel discussion with the student body about the movie, along with one of its producers and US Attorney Harvey Bartle IV.
- Testified before the Pennsylvania House of Representatives Special Committee on School Safety.
- Provided testimony to Philadelphia City Council's Joint Committees on Education and Public Safety at their request in February 2013 for input post the January

2013 abduction of a kindergarten student from Bryant Elementary School.⁷ Also provided testimony to the Committee on Education in October 2012 to discuss introduce the OSSA to Council.

- Conducted training for school district administrators and personnel on Mandatory Reporting of Child Abuse along with forensic interviewer Jacqueline Block Goldstein from the Philadelphia Children's Alliance who served as co-instructor.
- Participated in weekly school safety phone conferencing that is facilitated by the Northwest Community Coalition for Youth (NCCY). These weekly phone conference calls with various stakeholders in the Northwest section of Philadelphia are conducted courtesy of a program established through State Representative Dwight Evan's office. The weekly call includes a state or local representative's designee, various school representatives (charter and traditional public), Philadelphia police officers and SEPTA police. The conference calls are a valuable communication tool. The call enabled participants to discuss issues surrounding school climate and safety, including issues within a specific building as well as those between different school communities. The OSSA has taken necessary steps and implemented in the fall of 2013 a similar conferencing format for the other geographic regions of the city.
- Participated as a member of the District's Safety and Engagement Committee where policies and procedures were discussed on how to improve school climate.
- Participated in or conducted various presentations on bullying at the request of schools around the District.
- Supplied written materials, hand-outs, brochures and books at events hosted by the school district, home and school associations and community-based organizations that offered victim assistance information, bullying awareness and suggestions on how parents can engage more with their child's school.
- Conducted mediations in school settings at the request of Principals to try and address bullying and harassing behavior, some gender-based and some via social media.
- Presented to students on the new texting law 18 PA C.S. § 6321 which criminalizes the transmission as well as the possession of sexually explicit images by minors between ages 12 and 17. Made a recommendation to the Superintendent that age appropriate students and their teachers be advised on the new law and its consequence(s).
- After being approached by producers from ABC 20/20 news organization in April 2012, the Advocate facilitated the School District of Philadelphia being featured for an in depth piece at the request of producers. As a result of the District agreeing to allow filming, ABC 20/20 produced and showed a two part documentary piece in May 2013 and January 2014 that was filmed at Strawberry Mansion High School in Philadelphia.⁸ As result of the airing of the show,

Strawberry Mansion High School received thousands of dollars in contributions pledged through ABC 20/20 and the principal of Strawberry Mansion High School was recognized at the annual Pennsylvania Conference for Women for her leadership.

- Attended a Social and Emotional Learning (“SEL”) Expo in Chicago and visited a public elementary school in Southside Chicago, along with members of the Stoneleigh Foundation and the School District of Philadelphia. The visit was made at the request/invitation of the foundation to learn more about SEL and whether it can and should be implemented in Philadelphia.
- Participated on Mayor’s Select Committee on Re-entry as a part of the City of Philadelphia’s designation as a National Youth Violence Prevention City in the fall of 2012.

In order to continue promoting the existence of the office and encouraging outreach, the OSSA sent letters, brochures and posters to citywide victim services organizations and police districts. The Advocate sought to encourage referrals to the OSSA so that victims could receive immediate and continued support. Additionally, the Advocate met or conferred with numerous victim assistance professionals and organizations in Philadelphia, legislative and local government offices and juvenile justice agencies. The goal was to promote the availability of the office and the hope for collaborations as all parties work towards the same goal of ensuring a safe haven for children to learn, grow and mature.

Lastly and most importantly, the Advocate visited numerous schools in the District, including all six of the schools listed on the persistently dangerous list for 2012-13. The Advocate attended the safety team meetings and often had the opportunity to observe the classroom instruction and overall atmosphere in the schools. The Advocate also visited approximately 25 schools in addition to those noted above. These additional schools were a combination of traditional public, special admission, alternative education and charter schools encompassing grades K-12. The Advocate met with principals, observed classroom transition time, the main office staff interaction with students and in-class instruction. These visits were most informative and contributed greatly to the advocate’s ability to make the recommendations which are contained in this report.

Conclusion

Similar to the Advocate’s conclusion in the 2011-12 annual report, in order for the District to significantly reduce school violence, it must increase communication, be more consistent in the implementation of adopted protocols, provide opportunities for professional development instruction and be accountable to the community. The District must remain steadfast in achieving these goals.

While communication has improved at isolated levels within the District, they must promote communication on a larger scale, at all levels and between all parties invested in school safety. The Advocate will readily note that with the selection of Dr. Hite as Superintendent and allowing adequate time for his executive team to be selected and acclimate to their new roles, communication has improved. However, many of the

concerns that existed last year are seemingly deep rooted and institutional. Thus, presumably, they will take time to dismantle and rebuild. However, the need for rebuilding efficient and effective lines of communication not only within the District but with the community at-large is paramount. Once this is done, the Advocate sees a natural rippling effect of transparency, trust and accountability that will inherently elevate the reputation and effectiveness of the school district to do what is required—teach children.

Parents/guardians of victims, families, students, law enforcement entities and all members of the District (administrators, teachers, transportation providers, aides, school staff and non-instructional support) are all yearning to have schools be the safe havens they are intended to be. To achieve this end, there is a requisite need for collaboration and compromise. The dialogue must be open and honest - unencumbered by the fear of reprisal or backlash. District policies and procedures relating to the reporting and response to school violence have been revised, in part. However, despite those revisions being implemented over the past year, there must be a constant review of policies and procedures in order to seek continued improvement and a willingness to adapt policies to accommodate the constantly changing technological and social environment. Additionally, all levels of the District must provide a consistent response to school violence while promoting proven prevention and restorative justice techniques. Continued training on best practices regarding all aspects of school violence and promoting mentoring relationships are essential for District personnel.

Data Collection and Analysis

The OSSA obtained all statistics on offenses and discipline exclusively from the data provided by the District to the Pennsylvania Department of Education. By law, all the information provided by the Pennsylvania Department of Education shall include “all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances, alcohol, tobacco by any person on school property”, occurring between July 1, 2012 and June 30, 2013.⁹

Additionally, the OSSA reviewed the data imported from the School District of Philadelphia’s serious incident reporting database and generated the graphs and comparative analysis of the coding of all reported incidents by the District. The analysis was compiled with the assistance of the EPISCenter at Penn State University and is attached as an addendum(s) to this report.

Observations of the Advocate

Statutory and Legislative Observations: The Memorandum of Understanding, Act 26 and Chapter 10 (Safe Schools Act)

One of the key tasks for the Advocate is to monitor and ensure district-wide compliance with the Memorandum of Understanding (“MOU”) between the District and the local police department. The MOU serves as the operational framework that school administrators and the police department use when reporting and addressing incidents of violence in schools. The current MOU was signed and agreed upon by the former school Chief Recovery Officer, Thomas Knudsen and Philadelphia Police Commissioner Charles Ramsey in July 2012. The MOU is used by the District to train and instruct their administrators on how to address incidents involving weapons and acts of violence. Optimally, it defines how the District is to engage and communicate with the police department. In reviewing the document and in practice, the MOU utilized by the school district of Philadelphia created confusion and inconsistency as opposed to greater clarity on how to appropriately address certain incidents involving weapons and/or violence.

In 1995 Act 26, also known as the prohibition against weapons Safe Schools Act, was enacted and stated in part, the following:

(a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(c) The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

(1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

(2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

(g) As used in this section, the term “weapon” shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.¹⁰

In 2010, the State legislature added section 1302.1-A to the Public School Code (Chapter 24). The addition of section 1302.1-A directed the State Board of Education (“the Board”) to promulgate regulations that include a model MOU between school entities and local police departments; establish protocol for the immediate notification of

police when offenses listed under section 1303-A(b)(4.1) of the School Code (24 P.S. §13-1302.1-A(b)(4.1)) occur on school property; establish protocol for the notification of police at the discretion of the chief school administrator when offenses listed under section 1303-A(b)(4.2) of the School Code (24 P.S. §13-1302.1-A(b)(4.2)) occur on school property; establish protocol for emergency and non-emergency response by the police; and establish procedures and protocols for the response and handling of students with a disability. See 24 P.S. §13-1302.1-A(a).¹¹

As a result, in 2011 the State Board of Education adopted 22 Pa. Code Chapter 10 (“Safe Schools Act”). The purpose of the Safe Schools Act was to establish rules that were designed to maintain a cooperative relationship between school entities and the local police departments in the reporting and resolution of incidents that occur on school property, at any school sponsored activity or on any conveyance providing transportation to or from a school or school sponsored activity.¹² Chapter 10 established the protocols for schools in notifying police of offenses that require mandatory reporting and offenses for which school administrators have discretion in reporting to police.

Pursuant to the authority and directives noted in the Public School Code Chapter 24 and PA Code Title 22, Chapter 10, in 2012-13 school year, the District entered into a revised MOU between itself and the Philadelphia Police Department (“PPD”). (See Appendix A) While the District had worked under the directive of a previous memorandum that was agreed upon in June 2011, the revisions made in 2012 were not mandated under the biennial review recommendations of Chapter 10 but elective. By electing to make revisions, the District made significant changes to the working document that school district administrators and teachers would be governed by for the 2012-2013 school year. Additionally, the revised MOU is what OSSA must ensure is being followed and enforced by all necessary parties in the District.

After a close review of the 2012-13 MOU entered into between the District and the PPD, it appears, comparatively, that the revised MOU reflects the model MOU template that the Pennsylvania Department of Education made available as a guideline tool for all school entities. Unfortunately, in practice, the utilization of the MOU created confusion for administrators.

Specifically, the MOU states under the section titled mandatory notification title, those code sections under 18 Pa. C.S. (relating to crimes and offenses) that shall require immediate notification of the Law Enforcement Authority. The MOU also states in a section titled discretionary notification those offenses under 18 Pa. C.S. that may be reported to the local police authority.¹³ In summary, the mandatory list of offenses encompasses felonies and the discretionary list of offenses reflects misdemeanors.

In exercising its discretion to determine whether or not to notify law enforcement of such incidents, the District may consider the following factors: the seriousness of the situation, the school’s ability to defuse or resolve the situation, the child’s intent, the child’s age, whether the student has a disability and, if so, the type of disability and its impact on the student’s behavior, and other factors believed to be relevant.¹⁴

Per the directives noted in its statute, the OSSA reviews incidents on a daily basis reported to have taken place in the school district via the serious incident management

("SIMS") database. As a result, the OSSA would repeatedly read reports of incidents through the SIMS database that would involve a weapon. Unfortunately, there were repeated occasions when the possession of a weapon by a student was not reported to the PPD. When this would occur, the normal protocol for the OSSA was to notify the school administrator, either principal or their designee, of the error via email. The OSSA would instruct the school that all incidents involving weapons must be reported and that it was to be appropriately determined by law enforcement whether or not to investigate and/or file charges. Law enforcement has, and should always have, the sole authority to make the determination on what next steps, if any, will be taken when a report is filed based on their unique qualifications, training and expertise. However, the Advocate was disconcerted at the confusion that administrators had in exercising their "discretion" on when or what had to be reported to law enforcement. Additionally, this was not limited to weapons but also extended to controlled substances. There were occasions when administrators did not immediately notify law enforcement of the recovery of narcotics or that a student ingested a controlled or prohibited substance given to them on school grounds. Despite the fact that there were frequent occasions when a student had to receive medical attention at a hospital facility, school administrators felt that if the offending child was below the age of arrest (10 years old) there was not a need to notify the police, which is an incorrect conclusion.

Notably, in the model MOU and the MOU enacted by the school district for use during the 2012-13 school year, robbery and robbery of a motor vehicle are not listed as either a mandatory nor discretionary reporting offense. However, in 2011, both offenses were listed as mandatory reportable offenses. Additionally, indecent exposure is currently listed, per the model MOU, as a discretionary reportable offense. However, indecent exposure was a mandatory reportable offense in the 2011 MOU.

The Advocate suggests that both of these changes and exclusions be reviewed for possible revision. Robbery is an offense that is crime against person and incorporates the elements of theft and threat of or infliction of serious bodily injury. The taking of the personal property of another by force, threat or duress is a serious felony offense and the absence of robbery as a mandatory reporting offense is problematic. Additionally, the discretionary reporting of indecent exposure creates a level of elevated concern by the Advocate because of the increase in morals offenses and the growing use of social media and cell phones which allow the unwanted taking and/or sharing of sexually explicit photographs.

Mandatory Notification of Weapons Offenses

The 2011 MOU mandates reporting weapons to law enforcement and takes the definition of weapons directly from 18 Pa C.S. § 908 and 912.

Section 908 defines weapons as any bomb, grenade, machine gun, sawed-off shotgun with a barrel less than 18 inches, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, any stun gun, stun baton, taser or other electronic or electric weapon or other implement for the infliction of serious bodily injury which serves no common lawful purpose¹⁵.

Section 912 relates to possession of a weapon on school property and uses “including but not limited to” language and the catch-all “...and any other tool, instrument or implement capable of inflicting serious bodily injury.”¹⁶

The 2012 MOU mandates reporting weapons to law enforcement and takes the definition of weapons directly from 18 Pa C.S. Sec. 908 and 912, but specifically cites 908’s exception for possessing a weapon for the use in a dramatic performance, or if the weapon is a “curio.” The statute does not define what a curio is, but the Bureau of Alcohol, Tobacco and Firearms (“ATF”) defines a curio like a collectible or antique: firearms which have special value to collectors because they possess some qualities not ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons.¹⁷

In addition, section 908 has an exception for possessing a weapon briefly because it was found or taken from an aggressor or similar circumstances that negate intent.

The slippery slope that was not intended but has resulted from adding the language regarding exceptions within the listed offenses requiring mandatory notification is that administrators are being given an ability to act in a judicial capacity but lacking the training or scope of knowledge to do so. While presumably no administrator would intentionally draw an incorrect conclusion as to why a student would have brought or be in possession of a weapon while in school, if the incorrect conclusion is drawn the risk to the school community is heightened and the consequences could potentially be severe. The language being pulled from the crimes codes is comprehensive and appropriate in a criminal justice setting. The adoption and use of identical language in a document that school administrators must follow in order to appropriately notify law enforcement about threats or breaches to school safety is unsettling.

In keeping the role of the OSSA in mind while reviewing policies, procedures, legislation and statutes, victims and others in the school community have expressed concern to the OSSA when they know a student has possessed a weapon and feel that proper steps were not taken. It is of little comfort for a victim to be advised that an exception that rests with the determination of intent by the administrator resulted in police not being notified. Therefore, out of an abundance of caution, the Advocate would suggest that it is both practical and prudent for the police to be notified in all circumstances where a weapon is found on school grounds or at a school sanctioned event with the limited exception of what is already enumerated in Act 26.¹⁸

School District Divisions

There are numerous divisions within the District that play a critical role in the daily overall success of a safe school climate and reducing violent incidents. The OSSA requires a close working relationship with all of these entities.

This past school year presented its share of inherited challenges for the new Superintendent. With the arrival Dr. Hite in September 2012, there was an inherent

need for the formulation of a new executive team. The leaders at the executive level quickly had to address numerous urgent matters that required immediate attention for the District that stemmed largely from the budget. One looming topic that languished over much of the academic year was the need for the district to make the difficult decision to close over 20 schools in the District. With the constant discussion and debate over the need, benefit and drawback of the extreme decision to close such a significant number of schools, the topic of safety was at the center of almost every discussion. In addition, the overwhelming financial straits of the school district remained as dire in 2012-13 as they had been in 2011-12.

Despite the constant sense of urgency that permeated the district, overall communication improved with many of the divisions discussed below. However, communication, at times, was inconsistent and there remained a level of reluctance that impeded a continuous and easy flow of communication with all divisions. It is the goal and expectation of the Advocate that over the course of the upcoming year, the District will continue to commit itself to increased communication with the OSSA. In doing so, the OSSA will be able to better assess and support the needs of the District in reducing school violence and promoting a positive climate. While positive partnerships were forged for various projects that the District embarked on to improve school climate, the Advocate sees many more opportunities that exist if all divisions are open and consistent in the sharing of relevant information.

The divisions highlighted below are distinguished in this report in order to shed a necessary light on not only their independent role but also the overarching role they play in school safety and responsiveness to acts of violence.

Alternative Education

The District's stated mission for its Alternative Education setting is to provide programs that will ensure a safe and secure learning environment for the school community by implementing appropriate and unbiased corrective action, while preserving the rights of students and families as outlined by the student Code of Conduct. Students may be transferred to an alternative educational setting upon a finding by a disciplinary hearing officer that the student has committed a Level 3, 4 or 5 offense as defined by the District in their code of conduct.¹⁹

The structure, method and implementation of alternative education are integral to the success or failure of students who are transferred into the program based on a disciplinary infraction. The perceived goal is that with time, eventually, the student(s) will be reintegrated back into the regular educational setting. Due to the high concentration of students who have already displayed destructive and/or violent behavior, there is a greater than normal need to provide specialized behavioral support and counseling to these students and the teachers who are assigned to instruct.

The Advocate visited two district run and one privately run alternative disciplinary educational settings during the 2012-13 school year. Crossroads at Hunting Park and Philadelphia Leadership Academy – North are both district run alternative education settings. Camelot Academy, formerly known as Camelot at Boone, is a privately run alternative education setting. The range of grades that served students in these settings

spanned from 4th grade to 12th grade. The Advocate met with students and administrators to discuss their protocols and methods for educating children with varied behavioral and academic needs with the goal of reintegrating the students back into the traditional school setting. The students appeared to be in a supported and structured environment in all three settings. Based on meetings with the director or principal of the school, each location commented on having an adequate level of support. This is a noted improvement from the previous year's observation.

The Advocate did express concern to the District over the issue of students in the lower elementary level grades being placed in an alternative setting for a disciplinary infraction. Crossroads Hunting Park taught children from 4th -6th grade. However, pursuant to 24 P.S. § 1901-1906(C) Alternative Education for Disruptive Youth:

Students in grades 6-12 are eligible for placement in an AEDY Program. The program must enable all students to make normal academic progress and to meet the requirements for graduation in their home school district. Placement in an AEDY program should be considered only after all other options for improving behavior have been exhausted. This includes the use of the school's Student Assistance Program.²⁰

Since sharing this concern with the District, it is the understanding of the Advocate that starting in the 2013-14 school year, the statute would be and is being adhered to and students below 6th grade are no longer being placed in an alternative education setting. Further, the Advocate hoped and has observed that a newly implemented protocol that follows the statute and promotes restorative practices and positive intervention, supports younger students who engage in disruptive behavior.

Office of School Safety

The District's Office of School Safety consists of the School Police Department ("SPD") and incident management for the School District of Philadelphia. The District's Office of School Safety monitors the in-school security in those schools where they are assigned and takes all reports of incidents in the schools. As stated earlier in this report, the MOU as amended in July 2012 carves out with specificity the role and relationship between the PPD and the District. In short, the SPD is the entity that is required to take all reports of incidents in schools and file them with the incident desk. Additionally, the SPD works in close partnership with the PPD and those officers who are assigned to patrol the areas surrounding the school community.

OSSA relies greatly on the partnership with SPD and those officers, lieutenants and sergeants who are assigned to the schools because the sharing of information assists the Advocate gathering as much information as possible about an incident or issue. The Advocate and the Office of School Safety had and continues to have an open and constant level of communication. The concerns and questions of the OSSA were always readily received by the Chief Inspector and meetings to discuss problem solving strategies were and remain ongoing.

There are a few areas of notable concern that the Advocate hopes can be worked on and remedied. In reviewing the incidents that are submitted through the incident reporting database, the Advocate's greatest and most notable concern, in addition to the

interpretation and application of the MOU, is regarding the practice of how incidents are coded. An example of the concern regarding coding can be best illustrated by looking at the use of the term “disorderly conduct.” Presumably, inherent in almost every incident, there is behavior that can be described generally as disorderly conduct. However, this is not the most specific code that can nor, as often is the case, should be used. For example, the district has nine (9) codes associated with disorderly conduct. They are as follows:

- disorderly conduct
- disorderly conduct – disruption/misbehavior
- disorderly conduct – fighting by individuals
- disorderly conduct – fighting- gang related
- disorderly conduct – fighting – racially related
- disorderly conduct – gambling
- disorderly conduct –cigarette possession/use
- disorderly conduct – inappropriate conduct
- disorderly conduct – with injuries

In comparison, there are only five codes for assault: simple assault, assault on student, assault on other person, assault on teacher/administrator (per crimes code Aggravated Assault) and assault on employee. Each is appropriate as they reference a specific necessary distinguishing element of the offense. However, surprisingly group assault is not an available code that can be applied to a factual circumstance; but it is a common occurrence when reviewing school-based fights or assaultive behavior. Thus, if a fact pattern or incident reads as a group assault of one group of students on another, depending on the facts as described it may be coded as disorderly conduct- gang related or disorderly conduct – fighting by individuals. As a result, the reported data is not going to reflect with specificity the true nature of the described event.

The Advocate, as a former supervising Assistant District Attorney of the Municipal Court and Juvenile Court Units of the Philadelphia District Attorney’s Office, believes that the mis-identification or mis-categorization of incidents based on the facts being applied to the definition of the offense(s) must be remedied. If the mis-coding of offenses is not corrected, the resulting data will give an elevated false sense of security to the public-at-large that there are potentially not as many assaults, for example, in a school because they will view the data and only see a report reflecting disorderly conducts. The Advocate reviewed every disorderly conduct coded offense for the 2012-13 school year and using a fairly liberal standard, there were incidents that involved the breaking of skin, drugs and weapons, as defined in the Code of Conduct or the MOU, that were coded as disorderly conduct.

Below is an example of an incident that was coded as a disorderly conduct-disruption:

Complainant reported that the below students were passing back and forth a canister of mace which [another student] had brought to school. While passing it back and forth, student X discharged the mace causing it to get into the mouth of student Y and the right arm of student Z.

The coding does not note the weapon (mace) as being involved. And mace is prohibited per the student code of conduct. Nor is the injury to the victims noted based on the coding of the incident as disorderly conduct. In short, this is not an accurate reflection on what is being stated factually in the incident report.

Additionally, it is appropriate to reiterate that there have been multiple instances when a case is noted as an incident in the database but the school failed to report it to the police, either school police or PPD. The reasons can vary but the most frequent explanation given is that the school did not believe the police needed to be notified because the administrator was exercising their discretion. As a result, throughout the year, there was confusion over whether all weapons must be reported. While the definition of a weapon in the code of conduct included items (i.e. toy gun, bb gun, simulated gun) that were not specifically named in the MOU or in Act 26, the need to notify school police is the expected protocol. Early in the school year, upon the arrival of the new Chief Inspector to the Office of School Safety, the Chief made it clear to her entire department that the rule is for all weapons to be reported to the police. If, in fact, the weapon as defined does not rise to the level that warrants further action, the police possess the unique professional qualifications to make that determination; but they must know of the existence of the weapon in order to determine if PPD must be notified per the MOU. The Office of School Safety and the incident desk, specifically, displayed consistency in advising and trying to make sure that if a weapon or mandatory reportable incident like possession of drugs was not initially reported, that it was corrected.

Lastly, the SPD files their initial report and then supplements it with a more extensive EH-31 ("serious incident follow-up report") document to provide necessary additional information. While the EH-31 is not uniformly shared in every case but is done so upon request, the sharing of the EH-31 with the OSSA and the ability to speak to the relevant school police officer(s) are key elements to the Advocate being able to make well informed decisions as to what steps, if any, need to be taken in assisting a victim or preventing future violent incidents. If the EH-31 could be shared with the Advocate as a matter of procedure for every incident it would assist in giving a more complete picture of the events that took place and possibly expedite outreach or responsiveness.

Office of Student Rights and Responsibilities

The Office of Student Discipline was renamed the Office of Student Rights and Responsibilities ("OSRR") this year. The OSRR is responsible for the enforcement of the District's Code of Student Conduct ("Code") to promote and ensure school safety by maintaining a level of accountability. Hearing officers heard over 1,000 cases this past year. OSRR also served as the point of information for District administrators seeking responses to questions regarding the proper implementation of protocol surrounding the MOU and the newly revised code of conduct. There are some areas of concerns related

to the operation of the OSRR that, if addressed, would greatly improve the consistency and transparency of the disciplinary process for victims as well as perpetrators.

A central part of the work of the OSSA is attending the District's disciplinary hearings, also known as EH-21 Hearings, which are carried out by the OSSR. The OSSA relies heavily on timely notification from the OSSR in order to make sure that those matters which directly fall under the purview of its statute are attended and observed. In brief, a school initiates an EH-21 disciplinary hearing based on their review incident and the belief that there has been a violation of the Code of Conduct. The administrator will submit paperwork to OSSR for their review in scheduling and preparing for the hearing. Once scheduled, a student is summoned along with their parent/guardian to OSSR for the EH-21 hearing and if there is a victim, the victim is notified of the hearing and of the availability of the OSSA to provide assistance. Depending on the factual circumstances and the outcome of the hearing, the student may be referred for an expulsion hearing to determine possible temporary or permanent expulsion.

While the procedure outlined appears relatively straightforward, the process is often filled with inconsistency and seemingly arbitrary results. For example, schools that rarely had a need to have an EH-21 hearing very often were not very good at preparing the information for the hearing and would often fail to assemble sufficient evidence to support the disposition that they were seeking. In addition, schools were often not apprised of changes to the filing or hearings procedure, and ultimately had to learn from their mistakes.

For example, the OSSA observed schools being unaware that in an EH-21 filing for a weapons charge, they cannot request a lateral transfer for a student, because Act 26 does not permit it. The result of this lack of information would be the school being placed in a position at the hearing where they need to decide between waiving the EH-21 request completely or asking for a disciplinary transfer for a student whom they didn't feel needed one. Another good example of schools being caught off guard by procedural changes concerned the lateral transfer vs. disciplinary transfer worksheet (an internal worksheet/rubric used by the District). This worksheet is used when a case does not reach the level where a disciplinary transfer would be a certainty, but the charge had been substantiated. In these cases, the school is expected to provide information regarding the defendant's prior and subsequent incidents so the hearing officer can put them into the worksheet and calculate the outcome. Frequently, schools had no knowledge of the need for this information, and the school representative did not have it at the hearing. Notably, the District also created a "Weapons Waiver" form in 2012-13 for schools to use as an option versus referring a student for a disciplinary transfer hearing. The creation and use of a weapons waiver document seems contradictory to the stated intent of Act 26 and the MOU; and the Advocate would suggest that the use of form be evaluated to see if it is an appropriate document.

As previously stated, one of the primary functions of the OSSA is not only to monitor the District's compliance with reporting guidelines, but also to represent the rights of victims. However, the District seemed adverse or unreceptive to the OSSA's presence, particularly at EH-21 hearings. Representatives from OSSA were questioned numerous times by hearing officers as to why OSSA was in attendance at an EH-21 hearing when there was either no victim involvement or no victim present for the particular hearing.

However, often the EH-21 hearings addressed an incident that involved a weapon, drugs or other factual circumstances that were specifically mandated by statute as part of the duties of the OSSA (i.e. possession of a box cutter on school property). Further, at the hearings, many of the hearing officers often would “introduce” the representative from the OSSA as an observer or monitor, and specifically state that the representative would not be an active participant in the hearing, even in cases where there was a victim and that victim was present. This presentation of the OSSA role minimizes the significance of the office and the assistance it is intended to provide. And further, while the possession of a weapon may not have a identifiable victim, the Advocate views the school community as a victim and despite the community not requesting the advocacy of the OSSA, this is, in part, why the office exists.

Additionally, the OSSA did not receive notification for all of the disciplinary hearings and, more significantly, victims sometimes did not receive adequate or advanced notice of a hearing date. Victims would call the OSSA after receiving their notice from the District confused or annoyed at having missed a hearing date and wondering how their perspective can be taken into consideration. Victims and their voice are as important to the process of addressing student discipline as the due process rights of the accused. If a victim knowingly feels that they have been excluded from the process, there will be an eroding in the faith and belief that the district cares about its community of students and personnel.

With this in mind, active communication with the OSSA and the victim are crucial. Victims should be consulted regarding the rescheduling of a hearing. Additionally, if a victim is involved in a case, at no time should a hearing begin earlier than the stated time unless the victim has stated to OSSR that they will not be attending. Lastly, victims who contacted OSSR regarding their need to appear for a hearing should not be dissuaded from participating. While their presence may not *be* necessary, victims should know that their input is valued and welcome. This suggestion is offered as a result of receiving calls from victims who stated that, if they contacted the hearing officer to report that they wanted to testify, but just not in the presence of the perpetrator, they were discouraged from testifying at all -- being told that the school should have sufficient evidence to successfully move forward and their testimony really wasn't needed.

Lastly, the OSSA is an office that exists to support victims and thus, in turn, can assist OSSR. If the OSSR has any doubt or limitations on the assistance it can provide to a victim, the Advocate actively encourages victims to be directed to OSSA so it can offer support.

Hearing Officers

There is an overall lack of consistency in the District's application of the student code of conduct and the manner in which the District conducted EH-21 Hearings. The District, in conducting EH-21 hearings, endeavored to present a quasi-judicial atmosphere, tape recording all EH-21 Hearings and permitting each “side,” i.e., the complaining school and summoned student, to present evidence and explanations. Nevertheless, there was an uneven application of the student code of conduct. Various hearing officers permitted students to sign behavioral contracts, a new alternative dispositional tool available in 2012-13, involving the student affirming to abstain from violating the student code of

conduct (usually relating to minor infractions), in lieu of a temporary transfer to a disciplinary school. While other hearing officers consistently referred summoned students to disciplinary schools for violations. Further, hearing officers would occasionally defer their determinations for a later time and not communicate to the OSSA the eventual result. While understandable, the OSSA needs to receive the dispositional outcome on a deferred decision in order to allow the OSSA to maintain a complete and consistent record of what it is observing.

Code of Conduct

In August 2012, the SRC approved a resolution that adopted a new Code of Conduct ("Code") for the School District of Philadelphia.²¹ The revisions were undertaken collaboratively with input given from members of the SRC's Safety and Engagement Committee to the district personnel re-writing the Code. The goal in revising the Code was to provide a more comprehensive level of graduated disciplinary options that would promote restorative justice practices.

The stated intention and goals of the revised Code of Conduct were clear; however, there were some gaps in the Code that the Advocate feels need to be remedied. Since the Code acts as the working reference document that administrators frequently turn to when determining how to address a student's disruptive behavior, it is very important that it provides the level of confidence and clarity so administrators are not confused. The Advocate did observe confusion in the use of the Code by administrators.

For example, per the current code of conduct, possession with intent to deliver or distribution of a controlled substance or alcohol can receive a Level 2, 3, 4 or 5 intervention. Level 2 intervention recommends an out of school suspension as the remedy which can range from 1-10 days. Level 3, 4 and 5 intervention requires a referral to the OSRR for a disciplinary hearing to take place. Specifically, a Level 3 intervention recommends a behavioral contract be entered into or that a lateral transfer take place. Level 4 intervention recommends an assignment of a student to a disciplinary school. Level 5 intervention recommends a disciplinary school assignment with an expulsion referral.

The Advocate believes that allowing a Level 2 intervention to be an available option for the offense of possession of alcohol or drugs for use or with intent to distribute is an inadequate and inappropriate recommended sanction. Additionally, the offenses of assault on school personnel, possession or use of fireworks/incendiary devices/explosives, robbery, instigation or participation in a group assault, mutual fight with serious bodily injury and extortion are all permitted to be addressed with a Level 2 sanction which the Advocate believes to be too lenient.

All of the offenses noted above, should require a referral to the OSRR for a hearing on the matter. Procedurally, it is more appropriate and will promote greater consistency if all matters that involve any of the above listed behaviors are scrutinized under the same lens. Since the revisions in the Code provide for greater latitude in the determination of what is the most appropriate disciplinary outcome, the District should not permit the varied experience and perspectives of the administrators to determine that a student

distributing a controlled substance should only received a one-day suspension, which is what the Advocate did witness in a reported incident during 2012-13.

Recommendations

The 2012-13 school year continued to be a difficult year for the School District of Philadelphia. The District had to address how it was going to operate in the midst of the ongoing fiscal crisis. As the District aggressively tried to address its budgetary concerns, there continued to be a challenging environment in which the district had to address school violence. Everyone acknowledges that school violence is a subject that cannot be ignored and requires equal if not greater attention than other competing issues.

The focus on school safety and the means by which a school district addresses the subject of school violence is not unique to Philadelphia but part of an overarching conversation that was and continues to be debated throughout the country. Nationally, the rise in reports of bullying, assaults and suicides as a result of endless taunting, intimidation and harassment have resulted in a cross section of federal, state and local agencies working to formulate effective solutions to address the problem. In December, 2012, the tragic events that took place at Sandy Hook Elementary school in Newtown, Connecticut gripped the country in sadness and further elevated again the depressingly familiar national conversation surrounding the question of “How safe is your school?”

Locally, the Philadelphia School District experienced first-hand a nationally viewed tragedy following the events in Newton, Connecticut. On January 14, 2013, a kindergarten student was taken from her classroom at 8:35 in the morning by a then, unknown assailant. After an exhaustive search that spanned overnight, the young girl was located in a park in the rain in the early morning of January 15, 2013. One key result of this horrible incident was a clear need to re-evaluate a series of protocols and to re-assert the need for consistent training of school personnel and accountability. The very public and unfortunate breach of school safety protocols, underscored the need for the District to remain vigilant in focusing its attention on school safety at every level. The Advocate had the privilege of meeting with and providing support and assistance to the parent of the victimized kindergarten student. As a result, the Advocate cannot emphasize enough the need for the District to constantly test protocols and procedures to make sure they are being followed and to communicate clearly to the community the school district policies. This advisement was shared in a letter from the Advocate to Dr. Hite as well as in public comments provided by request to Philadelphia City Council.²²

There is a continuing need for re-evaluation and improvement in the District’s response to school safety. The question should always be “Can we do things better to make schools safer?” With this question in mind, there are several areas that require consideration and action by the district, the OSSA and other concerned members of the Philadelphia School District support network. If appropriate solutions are instituted in these areas, a firm foundation can be laid for the future. Below is a list of recommendations proposed for consideration and, if possible, implementation toward the goal of improving school safety, climate and culture within the School District of Philadelphia.

Communication

- The District should engage in better and more consistent communication between education stakeholders.
- School district should clearly communicate on a repeated basis the policies and procedures that are designed to keep children safe in schools. Professional development should always offer, as a part of their program, instruction on a subject area that furthers the goal of a positive school climate. (i.e. positive behavior supports, restorative justice, social and emotional learning or trauma informed care in children)
- The District should identify and make available to schools a list of the evidence-based programs it recommends that schools should use. Further, the District should identify a small group of schools to pilot test the implementation procedures for these proven programs.
- Establish procedures that require all schools in the district to submit to the Superintendent an annual school safety plan that outlines the schools plan of action for the upcoming academic year.
- The District should provide the information on all reported incidents to the O SSA. The O SSA does not receive the data on all incidents reported through the Serious Incident Management Database. In 2012-13 there were 11,623 reported incidents by the District, the O SSA received 7,811. O SSA would benefit in receiving all reported incidents in order to ensure that there are not matters involving victims where outreach and support is not provided due to lack of notification to the O SSA.
- Implement procedures that assure victims of school-based incidents are given the same level of consideration as all other interested parties in a reported incident of violence.
- The Superintendent should issue a directive to his administrators outlining the rights and expectations of victims of a school-based incident. Victims should expect the same level of communication and information from every school in the District regardless of who is the lead administrator in the school.
- There is a need for increased communication and collaboration involving the Office of Specialized Instruction (Special Education) and those offices that directly work on addressing school safety and climate. The mental and emotional development of children is a critical subject area that must be more involved in creating a comprehensive prevention strategy.
- Notifications for disciplinary hearings should be mailed (electronic or USPS) or hand-delivered to all interested parties no later than (5) five days before a scheduled hearing date.
- The District should take proactive steps to be more open and transparent in addressing reported issues of violence between all parties (student vs. student, student vs. teacher and teacher vs. student).

- The Advocate should be included in the District's discussions regarding the evaluation and revisions of the Code of Student Conduct, Discipline Procedure Manual, Victim Impact and Support Services, Memorandum of Understanding, Consent decrees and any other protocols or procedures that would address the subject of violence in school and the promotion of school safety.
- The District's website should be updated to make it easier for the public and school community to navigate and reach the appropriate individual or division who can offer assistance regarding school safety. It is critical that the District's chain of command and organizational chart are accessible to the public. Identification of individuals responsible for school safety and climate and how they can be contacted must be provided, and updated regularly. The inability to communicate with the appropriate personnel delays any potential resolution to an issue and can perpetuate an unsafe school climate.
- Parents/Guardians of victims should be afforded an opportunity to conference privately with the principal and any other necessary school official regarding an incident whether or not the parent/guardian initiates the request. The invitation to meet should be made by the school in writing, as soon as possible, but no later than 72 hours after an incident is reported. The meeting should take place within five days of the request for the conference by the parent/guardian.

Policy

- The District should develop school climate standards. The Commonwealth of Pennsylvania has a draft of climate standards that can be utilized by the District in formulating a guide that the schools can use in addressing school climate, culture and safety.²³
- The District should engage in the promotion of evidence-based prevention strategies and continued implementation of restorative justice practices that are designed to promote a positive school climate.
- The MOU, the Safe Schools Act (Chapter 10) and Act 26 need to be re-examined to determine if the intended goals of the statutes are being achieved in order to promote school safety.
- School District of Philadelphia should develop a plan to adopt and incorporate a pilot program for Social and Emotional Learning (SEL) in select schools in the District. Further, the expectation would be for data to be obtained from the sustained support of SEL to determine when and if it can be expanded to additional schools
- The District should minimize, if it cannot effectively eliminate, the frequent transfer of a principal(s) into new school settings. Barring extenuating circumstances that can be left to the discretion of the District and their binding contractual agreement, the Advocate recommends that principals should commit a minimum of three (3) years to a school. The constant turnover of building leadership creates confusion for the entire school community, especially parents. In order for proposed changes in climate to take place, a

principal must be given adequate time and support and must exhibit a sense of commitment to the environment he/she is seeking to change.

- The District's cell phone policy should be revised. Presently, each individual school seems to carve out their own policy. This lack of consistency creates a problem for administrators, faculty and police and sends a confusing message to the student body. Notably, cell phone and other electronic devices, which are also banned, are a large source of security breaches in school. Cell phones not only serve as a distraction and an obstacle to learning, they are a basis for potential violation of privacy rights, thefts and robberies.

Charters

- Charter schools are not subjected to the same level of scrutiny regarding their reporting of school based incidents. As a result, in order to ensure the safety of all children in Philadelphia who attend public school, Charters should be required to submit periodic reporting throughout the school year that will be incorporated in their year-end annual report to the PA Department of Education. Further, Charter schools that report having zero or less than 10 incidents per year should be site visited for review of their understanding of the Safe Schools Act and reporting requirements.

Data

- The District should consider reviewing trends in data that show students exhibiting destructive or aggressive behavior involving property (i.e. vandalism or property damage) and how frequent or infrequent those students display similar behavior that involves anger or violence at a later date; further, it may present the question of whether the data can be viewed as predictive of future delinquent or destructive behavior. There were 430 reported incidents of vandalism this year. Out of the 430, 60 perpetrators were involved in more than one incident this past year with 18 being involved in mutual fights, two possessing weapons and 20 committing other infractions including truancy and fire/possession of an incendiary device.
- The District should look at the data captured over the past five (5) years to determine if there are significant trends in whether there is an increase in morals offenses; and, if so, at what time of the year, among what age group and where do most of these offenses occur. There may be appropriate prevention strategies that can be implemented to address the issue of increased sexually inappropriate or violent behavior.

Accountability

- The District should promote strict and immediate accountability for personnel who breach their code of professionalism and role as educators by engaging in assaultive or bullying behavior towards students.
- Teachers should know and have a means to confidentially report incidents in schools involving colleagues or supervisors that compromise safety without fear of reprisal.

GLOSSARY

Terms

“Act 26 of 1995”: A Pennsylvania statute enacted in 1995 to address violence and weapons possession in Pennsylvania’s schools. This law requires all public schools to report to the Pennsylvania Department of Education’s Office of Safe Schools all incidents involving acts of violence, possession of a weapon, or the possession, use or sale of a controlled substance, alcohol or tobacco by any person on school property, at school-sponsored events, and on school transportation to and from school or school-sponsored event. The Safe Schools Act also requires school districts to expel, for a period of not less than one year, any student who is determined to have brought onto, or is in possession of any weapon on school property, at a school-sponsored event, or to any public conveyance providing transportation to a school or school-sponsored event.

Alternative School Placement: A school or program that is focused on improving student behavior, attendance and academic performance.

Bullying: Engaging in behavior that prevents or discourages another student from exercising his/her right to education. Bullying behavior is defined as aggressive or intentional hurtful behavior perpetrated repeatedly over a period of time, in a relationship characterized by an imbalance of power (with regards to gender, physical or mental strength, social acceptance etc.). Such prohibited behavior includes the use of teasing, taunting, threats, coercion, repeated harassment, abuse, oppression, intimidation against students, school personnel or school visitors or exclusion of anyone physically, psychologically or sexually.²⁴

Code of Student Conduct: Document adopted by the District which informs students, parents, and school employees of the behavior expected from all students to ensure a safe and orderly learning environment. Revised in the summer of 2012 and approved by the School Reform Commission, the school district operated under a new student Code of Conduct for the 2012-2013 school year.

Disciplinary School: A school designed to provide alternative education and support to students with disciplinary problems.

Disciplinary Transfer: Placement of a student at a disciplinary school, which may or may not occur during a period of expulsion, following the student’s commission of a Level II offense.

“District” or “SDP”: School District of Philadelphia.

“EH-21”: School Police incident report paperwork.

“EH-36E”: Transfer request form for extenuating circumstances.

“EH-31”: Incident Follow-up Report.

Expulsion: Removal of a student from a regular public school for any period beyond ten

(10) days. The District may assign that student to a disciplinary school during the period of expulsion.

Incident: A single event usually involving misconduct, accident or illness, investigations, or suspicious activity occurring on school grounds which may involve any number of students, school personnel, or community members.

Incident Control Report (Incident Report): A District report documenting events including misconduct, accident or illness, investigations, and suspicious activity occurring on school grounds and reported to the Incident Control Unit by school personnel.

Individuals with Disabilities Education Act (IDEA): Federal law mandating that school districts provide Special Education services and outlining special provisions for those students.

Lateral Transfer: Transfer from a regular public school to another regular public school, rather than a disciplinary school, as a disciplinary measure.

Mandatory Expulsion Offense: Under Pennsylvania law possession of a weapon on school property, or at a school sponsored event, or on transportation to and from school, is an offense for which expulsion for at least one year is mandated. The only exceptions can be made by the Superintendent on a case by case basis.

Memorandum of Understanding (“MOU”): As amended June 20, 2011 Agreement entered into between the School District of Philadelphia and the Philadelphia Police Department which, pursuant to Chapter 10 of the School Code titled “Safe Schools”, establishes procedures to be followed when certain specific incidents described in the MOU occur on School District property. The MOU’s purpose is to foster a relationship of cooperation and mutual support between the parties to work together to maintain the physical security and safety of the School District. The MOU is to be executed and updated on a biennial basis.

No Child Left Behind (“NCLB”): Signed into law in 2001, Congress reauthorized the Elementary and Secondary Education Act (“ESEA”)—the principal federal law affecting education from kindergarten through high school. NCLB requires schools to implement a statewide policy giving students the choice to attend a safe public school within the District if he or she either attends a persistently dangerous public elementary or secondary school, or becomes a victim of violent crime while in or on the grounds of the public school he/she attends.

Offense: An instance of infraction of the Code of Student Conduct by a single student, reported in an incident report and with that student accurately identified by name or Student ID.

Regular Public School: Any public school that is not a disciplinary school or charter school.

Safe Schools Act: see “Act 26”.

Serious or Violent Offense: An offense classified under a serious or violent offense category: Arson, Assault (all), Assault with Weapon, Drugs (all), Robbery, Sexual Assault, Sexual Non-violent, Threats (all), Weapon Possession.

Special Education: A classification assigned to students with disabilities as defined by IDEA, qualifying the student for specially designed instruction offered without charge to meet his or her individual needs.

Student Identification Number (Student ID): A unique seven-digit number assigned to each student in the Philadelphia public schools.

Weapon: Under Pennsylvania law, any tool, instrument, or implement capable of inflicting serious bodily injury, including but not limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, or rifle.

Offense Categories

Arson: The unlawful and intentional damage or attempt to damage any real or personal property by fire or incendiary device.

Assault (Gang): Any assault committed by multiple offenders.

Assault (Simple): Any unlawful attack by one student upon another student or other person with the intent to inflict bodily injury.

Assault (School Personnel): An unlawful attack by one student upon a school employee or other person officially acting in the service of the District. All assaults on school personnel are aggravated assaults by operation of Pennsylvania law.

Assault on Student, Aggravated: An unlawful attack by one student upon another in which the victim suffers obvious serious bodily injury.

Assault with Weapon: An assault by one student upon another student or school employee in which the student offender uses or is in possession of a weapon.

Drugs (Intent to Distribute): Selling or distributing any controlled drug/narcotic substance or substances representing a drug or equipment and devices used for preparing or taking drugs or narcotics, or possessing these items in sufficiently large quantities, or under circumstances which would indicate that they are not for personal use.

Drugs (Personal Use Only): The unlawful use or possession of any controlled drug/narcotic substance or substances representing a drug under circumstances which would indicate that they are not for personal use.

Robbery: The taking, or attempting to take the property of another by force, threat of force or violence, or putting the victim in fear of immediate harm.

Sexual Assault: Any forcible sexual act or other act involving non-consensual touching of the sexual parts of another person.

Threats (Serious): Any act which unlawfully places another student or school employee in fear of serious bodily injury or which mentions the use of a weapon, but does not involve displaying a weapon or subjecting the person to actual physical attack.

Threats (Other): Any act which unlawfully places another student or school employee in fear of injury, but not involving serious bodily injury, the use of a weapon, or subjecting the person to actual physical attack.

APPENDICES

APPENDIX A

The Safe Schools Act (Act 26)

24 P.S. § 13-1317.2. Possession of weapons prohibited (a.k.a. “Act 26”)

(a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(b) Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

(1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

(2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

(1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

(2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A. [FN1]

(g) As used in this section, the term “weapon” shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

CREDIT(S)

1949, March 10, P.L. 30, No. 14, art. XIII, § 1317.2, added 1995, June 30, P.L. 220, No. 26, § 4, effective in 90 days.

Amended 1997, June 25,

P.L. 297, No. 30, § 6, effective July 1, 1997.

[FN1] 24 P.S. § 13-1303-A.

Appendix B

**MEMORANDUM OF UNDERSTANDING
AS RECOMMENDED IN
PA. BULLETIN DOC. NO. 12-1229, JULY 2012
BETWEEN**

THE PHILADELPHIA POLICE DEPARTMENT

AND

THE SCHOOL DISTRICT OF PHILADELPHIA

JULY 25, 2012

I. Introduction

A. Parties

The following Law Enforcement Authority or Authorities agree to follow the policies and procedures contained in this Memorandum of Understanding (hereinafter "Memorandum"):

- **PHILADELPHIA POLICE DEPARTMENT
750 Race Street, Philadelphia PA, 19106**

The following School Entity or Entities agree to follow the policies and procedures contained in this Memorandum:

- **PHILADELPHIA SCHOOL DISTRICT
444 North Broad Street, Philadelphia, PA, 19130**

B. This Memorandum establishes procedures to be followed when certain incidents—described in Section II below—occur on school property, at any school sponsored activity, or on a conveyance as described in the Safe Schools Act (such as a school bus) providing transportation to or from a school or school sponsored activity. This Memorandum does not cover incidents that are outside of those school settings and create no substantial disruption to the learning environment.

C. The parties seek to foster a relationship of cooperation and mutual support and to maintain a safe school environment.

D. Legal Authority

1. The parties make this agreement as required by Article XIII-A of the Public School Code of 1949, popularly known as the "Safe Schools Act," as amended, 24 P. S. §§ 13-1301-A-13-1313-A.

2. In so recognizing this legal authority, the parties acknowledge their respective duties pursuant to the Safe Schools Act and hereby agree to support and cooperate with one another in carrying out their joint and several responsibilities thereunder.
3. Information From Student Records
 - a. The Law Enforcement Authority shall be governed by the following reporting and information exchange guidelines:
 - i. Criminal History Record Information Act, 18 Pa.C.S. § 9101 et seq.
 - ii. The prohibition against disclosures, specified in section IV(C)(5) of this Memorandum.
 - b. When sharing information and evidence necessary for the Law Enforcement Authority to complete its investigation, the School Entity shall:
 - i. Comply with the Family Educational Rights and Privacy Act (hereinafter "FERPA"), 20 U.S.C. § 1232g, and its implementing regulations at 34 C.F.R. § 99.1 et seq., and 22 Pa. Code §§ 12.31-12.33, including any amendments thereto.
 - ii. Comply with the requirements of the Safe Schools Act, 24 P. S. §§ 13-1303-A and 13-1313-A, and any amendments thereto.
 - iii. Complete reports as required by section 1303-A of the Safe Schools Act, 24 P. S. § 13-1303-A, and any amendments thereto.
 - c. The School Entity may disclose personally identifiable information from an educational record of a student to the Law Enforcement Authority if a health or safety emergency exists and knowledge of that information is necessary to protect the health or safety of the student or other individuals. In determining whether a health or safety emergency exists, the School Entity may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the School Entity determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to the Law Enforcement Authority, if knowledge of that information is necessary for the Law Enforcement Authority to protect the health or safety of the student or other individuals. The School Entity must record the articulable and significant threat to the health or safety of a student or other individuals so that it can demonstrate—to parents, students and the Family Policy Compliance Office—what circumstance led it to determine that a health or safety emergency existed and why the disclosure was justified.

E. Priorities of the Law Enforcement Authority

1. Help the School Entity prevent delinquent acts through preventive measures, including referrals to support services, diversionary programs, restorative practices, school-wide positive behavior supports, education and deterrence.
2. Investigate as appropriate all incidents reported to have occurred on school property, at any school sponsored activity, or on a conveyance as described in the Safe Schools Act (including a school bus) providing transportation to or from a school or school sponsored activity. The investigation of all reported incidents shall be conducted in the manner that the Law Enforcement Authority, in its sole discretion, deems appropriate; but any investigation shall be conducted so as to involve as little disruption to the school environment as is practicable.
3. Identify those responsible for the commission of the reported incident and, where appropriate, apprehend and prosecute those individuals. Identification and apprehension procedures shall involve as little disruption to the school environment as is practicable.
4. Establish and maintain a cooperative relationship with the School Entity in the reporting and resolution of all incidents described in Section II of this document.

F. Priorities of the School Entity

1. Help law enforcement prevent delinquent acts through preventive measures, including referrals to support services, diversionary programs, restorative practices, school-wide positive behavior supports, education and deterrence.
2. Create a safe learning environment.
3. Establish and maintain a cooperative relationship with the Law Enforcement Authority in the reporting and resolution of all incidents described in Section II of this document.
4. Provide the Law Enforcement Authority with all relevant information and required assistance in the event of a reported incident.
5. The School Entity shall give the Law Enforcement Authority a copy of the School Entity's behavior support services procedures and invite Law Enforcement Authority representatives to behavior support trainings.

II. Notification of Incident

The School Entity is required to notify law enforcement in specific situations listed in subsection A of this section, and has discretion over whether to notify law enforcement about incidents listed in subsection B of this section. Law enforcement's decision to investigate and file charges may be made in consultation with school administrators.

A. Mandatory Notification

1. The School Entity shall immediately notify the Law Enforcement Authority having jurisdiction where the offense occurred by the most expeditious means practicable of any of the following incidents occurring on school property, at any school sponsored activity, or on a conveyance as described in the Safe Schools Act (including a school bus) providing transportation to or from a school or school sponsored activity:
 - a. The following offenses under 18 Pa.C.S (relating to crimes and offenses):
 - i. Section 908 (relating to prohibited offensive weapons).
 - a. The term "offensive weapon" is defined by section 908 of the Crimes Code as "[a]ny bomb, grenade, machine gun, sawed-off shotgun with a barrel less than 18 inches, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, any stun gun, stun baton, taser or other electronic or electric weapon or other implement for the infliction of serious bodily injury which serves no common lawful purpose." See 18 Pa.C.S. § 908(c) (relating to definitions).
 - b. Consistent with section 908(b) of the Crimes Code (relating to exceptions), this reporting requirement does not apply to one who possessed or dealt with an offensive weapon solely as a curio or in a dramatic performance, or to one who possessed an offensive weapon briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.
 - ii. Section 912 (relating to possession of weapon on school property).
 - a. The term "weapon" is defined by section 912 of the Crimes Code to include, but is not limited to, a knife, cutting instrument, cutting tool, nunchuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.
 - b. Consistent with section 912(c) of the Crimes Code (relating to defense), this reporting requirement does not apply to a weapon that is: (a) possessed and used in conjunction with a lawful supervised school activity or course; or (b) is possessed for other lawful purpose.
 - iii. Chapter 25 (relating to criminal homicide).
 - iv. Section 2702 (relating to aggravated assault).
 - v. Section 2709.1 (relating to stalking).

- vi. Section 2901 (relating to kidnapping).Section 2902 (relating to unlawful restraint).
 - vii. Section 3121 (relating to rape).
 - viii. Section 3122.1 (relating to statutory sexual assault).
 - ix. Section 3123 (relating to involuntary deviate sexual intercourse).
 - xi. Section 3124.1 (relating to sexual assault).
 - xii. Section 3124.2 (relating to institutional sexual assault).
 - xiii. Section 3125 (relating to aggravated indecent assault).
 - xiv. Section 3126 (relating to indecent assault).
 - xv. Section 3301 (relating to arson and related offenses).
 - xvi. Section 3307 (relating to institutional vandalism),
when the penalty is a felony of the third degree.
 - xvii. Section 3502 (relating to burglary).
 - xviii. Section 3503(a) and (b)(1)(v) (relating to criminal trespass).
 - xix. Section 5501 (relating to riot).
 - xx. Section 6110.1 (relating to possession of firearm by minor).
- b. The possession, use or sale of a controlled substance, designer drug or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act," as amended, 35 P. S. §§ 780-101-780-144, popularly known as the "Drug Act." For purposes of this Memorandum, the terms "controlled substance", "designer drug" and "drug paraphernalia" shall be defined as they are in section 102 of the Drug Act. See 35 P. S. § 780-102 (relating to definitions).
 - c. Attempt, solicitation or conspiracy to commit any of the offenses listed in paragraphs 1 and 2 of this subsection.
 - d. An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).
- 2. In responding to students who commit an incident listed under section 1303-A(b)(4.1) of the Safe Schools Act (24 P. S. § 13-1303-A(b)(4.1)), a school entity may consider the propriety of utilizing available school-based programs, such as school-wide positive behavior supports, to address the student's behavior. Nothing in this provision shall be read to limit law enforcement's discretion.

B. Discretionary Notification

- 1. The School Entity may notify the Law Enforcement Authority having jurisdiction where the incident occurred of any of the following incidents occurring on school property, at any school sponsored activity, or on a conveyance as described in the Safe Schools Act (including a school bus) providing transportation to or from a school or school sponsored activity:

- a. The following offenses under 18 Pa.C.S (relating to crimes and offenses):
 - i. Section 2701 (relating to simple assault).
 - ii. Section 2705 (relating to recklessly endangering another person).
 - iii. Section 2706 (relating to terroristic threats).
 - iv. Section 2709 (relating to harassment).
 - v. Section 3127 (relating to indecent exposure).
 - vi. Section 3307 (relating to institutional vandalism), when the penalty is a misdemeanor of the second degree.
 - vii. Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).
 - viii. Chapter 39 (relating to theft and related offenses).
 - ix. Section 5502 (relating to failure of disorderly persons to disperse upon official order).
 - x. Section 5503 (relating to disorderly conduct).
 - xi. Section 6305 (relating to sale of tobacco).
 - xii. Section 6306.1 (relating to use of tobacco in schools prohibited).
 - xiii. Section 6308 (relating to purchase, consumption, possession, or transportation of liquor or malt or brewed beverages by a person under 21 years of age).
- b. Attempt, solicitation or conspiracy to commit any of the offenses listed in subsection (a).

2. In exercising its discretion to determine whether to notify law enforcement of such incidents, the School Entity may consider the following factors: the seriousness of the situation, the school's ability to defuse or resolve the situation, the child's intent, the child's age, whether the student has a disability and, if so, the type of disability and its impact on the student's behavior, and other factors believed to be relevant.

C. Law Enforcement Response to Notification

1. When notified of an incident listed in subsections A or B, law enforcement's decision to investigate and file charges, at the sole discretion of the Law Enforcement Authority, may be made in consultation with school administrators.
2. In determining whether to file charges, the Law Enforcement Authority is encouraged to consult with the District Attorney. Where appropriate under the law, part of this consultation may include a discussion about the availability or propriety of utilizing a diversionary program as an alternative to filing charges.

- D. Notification of the Law Enforcement Authority when incident involves children with disabilities
1. If a child with a disability commits an incident of misconduct, school administrators and the Law Enforcement Authority should take into consideration that the child's behavior may be a manifestation of the disability and there may be no intent to commit an unlawful act. A child with a disability under this subsection shall mean a student with an IEP, a protected handicapped student with a service agreement that includes a behavior support plan, or such student for whom an evaluation is pending under 22 Pa. Code §§ 14.123 (relating to evaluation), 15.5 (relating to school district initiated evaluation and provision of services), 15.6 (relating to parent initiated evaluation and provision of services), or Chapter 711 (relating to charter school and cyber charter school services and programs for children with disabilities).
 2. In the event a child with a disability commits a mandatory notification offense under Subsection A, the School Entity must provide immediate notification to the Law Enforcement Authority regardless of the disability. Such notification will state that the child has an IEP or a service agreement that includes a behavior support plan and may include the School Entity's recommendation that police intervention may not be required and advisement that the School Entity will act to address the student's behavior need as required by applicable federal and state law and regulations, including 22 Pa. Code §§ 14.133 (relating to positive behavior support), 15.3 (relating to protected handicapped students —general) or 711.46 (relating to positive behavior support). The Law Enforcement Authority may take the recommendation under advisement but reserves the right to investigate and file charges.
 3. In the event a child with a disability commits a discretionary offense under Subsection B and the School Entity does not believe that police intervention is necessary, the School Entity will address the student's behavior need as required by applicable federal and state law and regulations, including 22 Pa. Code §§ 14.133, 15.3 or 711.46.
 4. In accordance with 34 CFR 300.535 (relating to referral to and action by law enforcement and judicial authorities), nothing will prohibit the School Entity from reporting an offense committed by a child with a disability to the Law Enforcement Authority, and nothing will prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
 5. The School Entity, when reporting an offense committed by a child with a disability, should ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to the Law Enforcement Authority to whom the incident was reported.

6. The School Entity, when reporting an incident under this section, may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by FERPA.

[Describe any specific procedures to be followed for incidents involving a student with a plans) or 22 Pa. Code Chapter 711 (relating to charter school and cyber charter school services and programs for children with disabilities)]

- E. Upon notification of the incident to the Law Enforcement Authority, the School Entity shall provide as much of the following information as is available at the time of notification.

In no event shall the gathering of information unnecessarily delay notification:

1. Whether the incident is in-progress or has concluded.
 2. Nature of the incident.
 3. Exact location of the incident.
 4. Number of persons involved in the incident.
 5. Names and ages of the individuals involved.
 6. Weapons, if any, involved in the incident.
 7. Whether the weapons, if any, have been secured and, if so, the custodian of the weapons.
 8. Injuries involved.
 9. Whether EMS or the Fire Department have been notified.
 10. Identity of the school contact person.
 11. Identity of the witnesses to the incident, if any.
 12. Whether the incident involves a student with a disability and, if so, the type of disability and its impact on the student's behavior.
 13. Other such information as is known to the school entity and believed to be relevant to the incident.
- F. No later than September 30 of each year, the School Entity shall assemble and make ready for immediate deployment to its Incident Command Post the following information for the purpose of assisting the Law Enforcement Authority in responding to an emergency:
 1. Blueprints or floor plans of the school buildings.
 2. Aerial photo, map or layout of the school campus, adjacent properties and surrounding streets or roads.
 3. Location(s) of predetermined or prospective command posts.
 4. Current teacher/employee roster.
 5. Current student roster.
 6. Most recent school yearbook.
 7. School fire-alarm shutoff location and procedures.
 8. School sprinkler system shutoff location and procedures.
 9. Gas/utility line layouts and shutoff valve locations.
 10. Cable/satellite television shutoff location and procedures.
 11. Other information the School Entity deems pertinent to assist local police departments in responding to an emergency.

III. Law Enforcement Authority Response

- A. Depending on the totality of the circumstances, initial response by the Law Enforcement Authority may include:
 - 1. For incidents in progress:
 - a. Meet with contact person and locate scene of incident.
 - b. Stabilize incident.
 - c. Provide/arrange for emergency medical treatment, if necessary.
 - d. Control the scene of the incident.
 - i. Secure any physical evidence at the scene.
 - ii. Identify involved persons and witnesses.
 - e. Conduct investigation.
 - f. Exchange information.
 - g. Confer with school officials to determine the extent of law enforcement involvement required by the situation.
 - 2. Incidents not in progress:
 - a. Meet with contact person.
 - b. Recover any physical evidence.
 - c. Conduct investigation.
 - d. Exchange information.
 - e. Confer with school officials to determine the extent of law enforcement involvement required by the situation.
 - 3. Incidents initially reported to the Law Enforcement Authority
If any incident described in sections IIA or IIB is initially reported to the Law Enforcement Authority, the Law Enforcement Authority shall proceed directly with its investigation, shall immediately notify the School Entity of the incident, and shall proceed as outlined in sections IIA through IIE.
- B. Custody of Actors
 - 1. Students identified as actors in reported incidents may be taken into custody at the discretion of the investigating law enforcement officer under any of the following circumstances:
 - a. The student has been placed under arrest.
 - b. The student is being placed under investigative detention.
 - c. The student is being taken into custody for the protection of the student.
 - d. The student's parent or guardian consents to the release of the student to law enforcement custody.
 - 2. The investigating law enforcement officer shall take all appropriate steps to protect the legal and constitutional rights of those students being taken into custody.

IV. Assistance of School Entities

A. In Loco Parentis

1. Teachers, Guidance Counselors, Vice Principals and Principals in the public schools have the right to exercise the same authority as a parent, guardian or person in parental relation to such pupil concerning conduct and behavior over the pupils attending a school during the time they are in attendance, including the time required in going to and from their homes.
2. School authorities' ability to stand in loco parentis over children does not extend to matters beyond conduct and discipline during school, school activities, or on a conveyance as described in the Safe Schools Act providing transportation to or from school or a school sponsored activity.

B. Notification of Parent or Guardian

1. Parents or guardians of all victims and suspects directly involved in an incident listed under Section IIA or IIB shall be immediately notified of the involvement, and they shall be informed about any notification regarding the incident that has been, or may be, made to the Law Enforcement Authority.
2. The School Entity shall document attempts made to reach the parents or guardians of all victims and suspects directly involved in incident listed under Section IIA or IIB.

C. Scope of School Entity's Involvement

1. **General Principles:**
Once the Law Enforcement Authority assumes primary responsibility for a matter, the legal conduct of interviews, interrogations, searches, seizures of property, and arrests are within the purview of the Law Enforcement Authority. The School Entity shall defer to the Law Enforcement Authority on matters of criminal and juvenile law procedure, except as is necessary to protect the interests of the School Entity. The Law Enforcement Authority will keep the chief school administrator, or his designees, informed of the status of pending investigations.
2. **Victims**
 - a. The School Entity shall promptly notify the parent or guardian of a victim when the Law Enforcement Authority interviews that victim. The Law Enforcement Authority shall follow its policies and procedures when interviewing a victim to ensure the protection of the victim's legal and constitutional rights.
 - b. In the event a victim is interviewed by Law Enforcement Authority on school property, a guidance counselor or similar designated personnel may be present during the interview.

3. Witnesses

- a. The School Entity shall promptly notify the parent or guardian of a witness when the Law Enforcement Authority interviews that witness. The Law Enforcement Authority shall follow its policies and procedures when interviewing a witness to ensure the protection of the witness's legal and constitutional rights.
- b. In the event a witness is interviewed by the Law Enforcement Authority on school property, a guidance counselor or similar designated personnel should be present during the interview.

4. Suspects and Custodial Interrogation

- a. The School Entity shall help the Law Enforcement Authority to secure the permission and presence of at least one parent or guardian of a student suspect before that student is interrogated by law enforcement authorities.
- b. When a parent or guardian is not present, school authorities shall not stand in loco parentis (in the place of the parent/guardian) during an interview.
- c. If an interested adult cannot be contacted, the School Entity shall defer to the investigating Law Enforcement Authority, which will protect the student suspect's legal and constitutional rights as required by law.

5. Conflicts of Interest

- a. The parties to this Memorandum recognize that if a School Entity employee, contractor, or agent of the School Entity is the subject of an investigation, a conflict of interest may exist between the School Entity and the adult suspect.
- b. Neither the individual that is the subject of the investigation, nor any person acting as his/her subordinate or direct supervisor, shall be present during Law Enforcement Authority's interviews of student co-suspects, victims or witnesses by the Law Enforcement Authority.
- c. Neither the individual who is the subject of the investigation, nor his/her subordinate(s) and/or direct supervisor(s), shall be informed of the contents of the statements made by student co-suspects, victims or witnesses, except at the discretion of the Law Enforcement Authority or as otherwise required by law.

D. Reporting Requirements

All school entities are required to submit an annual report, which will include violence statistics and reports, to the Department of Education's Office for Safe Schools. This annual report must include all new incidents described in Sections IIA and IIB. Before submitting the required annual report, each chief school administrator and each police department having jurisdiction over school property of the School Entity shall do the following:

- a. No later than thirty days prior to the deadline for submitting the annual report, the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine its accuracy.
- b. No later than fifteen days prior to the deadline for submitting the annual report, the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.
- c. Prior to submitting the annual report, the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.
- d. Where a police department fails to take action as required under clause a or b, the chief school administrator shall submit the annual report and indicate that the police department failed to take action as required under clause a or b.
- e. Where there are discrepancies between the School Entity's incident data and the police incident data, the following shall occur:
 - i. The parties agree to meet and confer in an attempt to resolve or reconcile any discrepancies in school violence data prior to filing the annual report

V. General Provisions

- A. This Memorandum does not create any contractual rights or obligations between the signatory Law Enforcement Authority, the signatory School Entity, any other signatory authorities or entities, or their respective officers, employees, agents or representatives.
- B. This Memorandum may be amended, expanded or modified at any time upon the written consent of the parties. It must be reviewed and re-executed within two years of the date of its original execution and every two years thereafter.
- C. If changes in state or federal law require changes to this Memorandum, the parties shall amend this Memorandum.
- D. All parties to this Memorandum will communicate fully and openly with each other in order to resolve any problems that may arise in the fulfillment of the terms of this Memorandum.

VI. School District and PPD Immunity

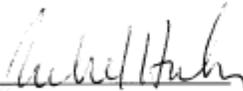
- A. Notwithstanding any other provisions of this MOU, or any addendum or exhibit to the contrary, the School District retains its statutory immunity as provided pursuant to the laws of the Commonwealth of Pennsylvania, 42 Pa. C.S.A. §§ 8501 and 8541. The PPD acknowledges that the School District:
 - 1. Is a local agency, as defined in 42 Pa. C.S.A. §§8501 and 8541 and,
 - 2. Does not waive its defense of statutory immunity derived therefrom.
- B. Notwithstanding any other provisions of this MOU, or any addendum or exhibit to the contrary, the PPD retains its statutory immunity as provided pursuant to the laws of the Commonwealth of Pennsylvania, 42 Pa. C.S.A. §§ 8501 and 8541. The School District acknowledges that the PPD
 - 1. Is a local agency, as defined in 42 Pa. C.S.A. §§8501 and 8541 and,
 - 2. Does not waive its defense of statutory immunity derived therefrom.

IN WITNESS WHEREOF, the parties hereby acknowledge the foregoing as the terms and conditions of their understanding as of the day and year first above written.

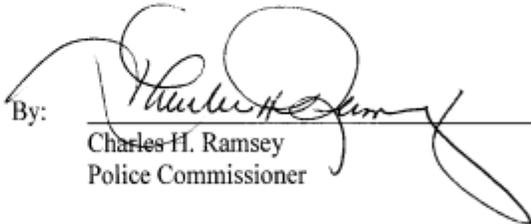
THE SCHOOL DISTRICT OF PHILADELPHIA

By: 
Thomas E. Knudsen
Chief Recovery Officer

Approved as to Form Only:


Attorney for The School District
of Philadelphia

PHILADELPHIA POLICE DEPARTMENT

By: 
Charles H. Ramsey
Police Commissioner

Appendix C



The information in this handbook may be updated during the course of the school year.

The latest version is available on the School District's web site.

www.philasd.org

For copies in languages other than English, please contact Office of Translation and Interpretation Center at 215-400-6446.

The School District of Philadelphia, an equal opportunity employer, will not discriminate in employment or education programs or activities based on race, creed, color, national origin, religion, ancestry, age, marital status, sexual orientation (known or perceived), gender identity expression (known or perceived), sex, handicap, nationality, citizenship, union membership, or limited English proficiency. This policy of non-discrimination extends to all other legally protected classification. Publication of this in this document is in accordance with the state and federal laws including Title IX of the Education Amendments of 1972 and Sections 503 and 504 of the Rehabilitation Act of 1973. Inquiries should be directed to the Equal Opportunity Compliance Officer, Small Business Development, Third Floor, 440 North Broad Street, Philadelphia, PA 19130, (215) 400-4380.

The School District of Philadelphia
Education Center
440 North Broad Street
Philadelphia, PA 19130



2012-2013

Code of Student Conduct



The School District of Philadelphia



School Reform Commission

Chairman

Pedro A. Ramos

Commissioners

**Lorene Cary
Feather Houstoun**

**Joseph A. Dworetzky
Wendell E. Pritchett**

Superintendent/CEO

Dr. William R. Hite, Jr.

Chief Academic Officer

Penny Nixon

**Deputy Chief for Student Discipline,
Hearings and Expulsions**

Gregory G. Shannon

Student Pledge

As a student of The School District of Philadelphia, I pledge to follow the Code of Student Conduct, **to respect others** and myself, and to treat everyone in my school community with fairness and consideration.

I understand and agree that school must be a positive and cooperative environment so that everyone can learn.

I understand that my daily attendance is the key to my success.

*I understand that violence, disruptive behavior, and abusive language **are unacceptable** and will not be tolerated.*

By signing this pledge, I understand and accept the responsibility of the Code of Student Conduct, for as long as I am a student in The School District of Philadelphia.

Student's Signature: _____

Parent/Guardian/Caregiver Pledge

As a member of my child's school community, I have read and understand the Code of Student Conduct, and agree to support its purpose for as long as I am a member of this school community.

I understand that I play a critical role in maintaining an environment where learning is celebrated.

I will emphasize to my child the importance of good behavior and the possible consequences if he or she violates the Code of Student Conduct.

I understand the importance of, and expect open communication with The School District of Philadelphia when my child's behavior and discipline at school are involved.

I pledge to provide positive supports for my child to encourage his/her daily attendance, and to promote a positive learning environment for all.

Parent/Guardian/Caregiver's Signature: _____

District Pledge

As a member of The School District of Philadelphia, I understand that I play a critical role in providing a safe and positive environment for all students. I pledge to follow the Code of Student Conduct, **to respect others** and myself, and to treat everyone in my school community with fairness and consideration.

I commit to celebrate learning.

I commit to support teaching and learning by creating and maintaining a safe, orderly, and engaging environment.

I commit to promote respectful two-way communication with all school and community members.

I pledge to enforce the Code of Student Conduct in a fair and consistent manner.

Administrator's Signature: _____

PLEASE NOTE: The Code of Student Conduct is available in full on the District website at <http://www.philasd.org>

The Code is available in hard copy from your principal or from the Office of Parent, Family, Community Engagement and Faith-Based Partnerships at 215-400-4180.

For copies in languages other than English, please contact the Office of Multilingual Family Center at 215-400-6446.

Purpose of the Code of Student Conduct

- To support the creation of a safe learning environment for all members of the school community.
- To provide clear and explicit expectations for social behaviors in all school settings.
- Provide administrators with in-school interventions that address students' disruptive behaviors.

The safety and security of all school children is our highest priority, and The School District of Philadelphia is committed to providing a safe learning environment.

The Code of Student Conduct establishes policies, rules, and expectations for all school community members to learn, teach, and work together. These are common sense expectations built on respect for each other as our common core value. It follows, therefore, that students must refrain from violence against others, from bullying, harassment and carrying weapons.

Consequences for students who endanger school safety or disrupt the educational experience of others are listed in detail. The Code of Student Conduct applies during school and on the way to and from school, including, but not limited to, travel on School District vehicles, private transportation, and public transit systems.

Families and guardians are critical to our school community. We ask that they please read and understand the Code of Student Conduct and School Student Handbook, and discuss them with their child. We understand that families and guardians know best how to make sure that their child understands the expectations that will lead to a safe and orderly school community that is ready to learn.

This Code of Student Conduct provides definitions of behavioral offenses. Although some definitions include examples, the behaviors include, but are not limited to, the examples given.

Parents, guardians, and caregivers who have any questions or concerns are encouraged to contact the school principal.

District Policy Regarding Behavior

Responsibilities of Everyone

- Respect all members of the school community.
- Maintain a positive school climate by being responsible, respectful, and cooperative.
- Communicate Code of Student Conduct expectations for students and staff.
- Motivate students to live up to the expectations through positive reinforcement.
- Use good judgment to prevent minor incidents from becoming major problems.

Behavioral Expectations & Responsibilities

Responsibilities of Administrators

- Respect all members of the school community.
- Implement the Code of Student Conduct and all disciplinary procedures in a fair and consistent manner.
- Provide students and parents whose first language is not English with translation and interpretation services free of charge.
- Inform all school personnel, parents, and students of discipline policies.
- Review and act upon allegations and requests from school personnel concerning violations.
- Use professional judgment to prevent minor incidents from becoming major problems.

Responsibilities of Teachers

- Respect all members of the school community.
- Teach proper behavior and positively reinforce rules of conduct.
- Maintain a learning environment that provides for academic success.
- Hold students accountable for disorderly conduct in school and on school grounds.
- Address rule violations with multiple strategies.
- Use professional judgment to prevent minor incidents from becoming major problems.

Responsibilities of Students

- Respect all members of the school community.
- Understand and comply with school rules and climate expectations, including the Code of Student Conduct and School Student Handbook.
- Comply with the School District's attendance, dress code, unlawful harassment, and bullying policies.
- Behave in a manner that focuses on academic success.
- Be responsible and accountable for following rules.

Responsibilities of Parents / Guardians, and Advocates

- Respect all members of the school community.
- Respect, understand, and support school rules and regulations.
- Respect, understand, and support the policies of the School District of Philadelphia.
- Recognize and understand that school personnel must enforce school rules.
- Teach children to respect the rights of others and follow school rules.
- Emphasize the importance of being prepared for school and adhering to school rules to foster academic success.

Dress Code Expectations

Students are expected to follow their school's dress code so that their appearance does not cause a disturbance, distract or interfere with the instructional program, or constitute a health or safety hazard. A student's uniform should fit appropriately. School

principals must determine and communicate the final decision regarding what is considered proper or improper attire. For information regarding a school's dress code, please consult the School Student Handbook.

Principals may declare spirit or club days and allow students to wear school spirit shirts, or schedule dress-up days (i.e., when school pictures are scheduled) or allow students to wear other dress code attire such as uniforms or special dress for Boy Scouts, Girl Scouts, athletes, cheerleaders, band, or chorus. Nothing in this Code of Student Conduct restricts or bans a student's wearing religious garb. Parents with concerns regarding religious dress are encouraged to discuss them with the principal.

Students shall have the right to dress in accordance with their stated gender identity and/or expression within the constraints of the school's dress code.

Examples of Appropriate Dress

- **Shirt:** Solid-colored golf or polo style collared, uniform-type, short-sleeve shirts in any color. Shirts are to be worn tucked in at all times. Turtlenecks acceptable in winter.
- **Pants:** Uniform-style, in any color with belt loops. Slacks or shorts must fit at the waist and must be free from frays and holes. Belts must be worn at all times with slacks and shorts, and must be visible at the waist. Undergarments should not be visible at any time.
- **Appropriate Length:** Pants, shorts, and skirts, that measure (front and back) no shorter than three inches above the knee. Skirts, jumpers, and dresses must measure no shorter than three inches above the knee.
- **Shoes:** Students must wear shoes while on school premises.
- **Socks:** Socks (or stockings for girls) must cover the ankle and be visible.
- **Outerwear:** Sweaters, sweater vests, sweatshirts, or light jacket without hoods are acceptable in the classroom. During class time, jackets are to remain open—not zipped or buttoned.
- **Coats:** Heavy coats and jackets may be worn to and from school and/or outdoors.
- **Special:** Spirit shirts/club shirts may be worn on day(s) determined by the school administrator.

Additional questions concerning the dress code should be referred first to the principal or his/her designee.

School Attendance Requirement

In Philadelphia County, school attendance is required for all children aged 6 to 17. "Attend school" means that a child must be enrolled and attend a public school, a charter school, a cyber charter school, or a private or religious-based school, or else participate in an approved home schooling program.

Attendance Expectations

Pennsylvania Department of Education regulations state that children are considered school age from the time they are ADMITTED to the public school educational program until graduation from high school or reach the age of 21. During the time a child is of school age, he/she is entitled to attend the public schools in the School District of Philadelphia or a charter school. Students who turn 21 during the school term are entitled to finish out the school year.

Parents/guardians are expected to:

- Ensure that their children between the ages of 6 and 17 are enrolled in school and attend school regularly, on time, and for the entire school day.
- Emphasize the importance of on-time attendance in school, class, and supervised activities—and celebrate good attendance and success.
- Send their child to school every day prepared to participate and learn by providing a good night's sleep and breakfast.
- Establish reasonable, age-appropriate curfews and bedtimes.
- Make personal appointments for their child outside of the school day or during school breaks as often as possible.
- Ensure that their child receives the periodic student health examinations that are required by law.
- Schedule family vacations to coincide with school recesses.
- Call the school when their child is absent.
- Provide a written excuse for every absence when your child returns to school.
- Provide a written excuse for every late arrival and early departure.
- Provide the school with provide correct current addresses, emergency contacts, home, cell and work telephone numbers, e-mail addresses to the school at the beginning of each school year and update information whenever there are changes.
- Help develop and implement the individualized plan for their child's improved attendance when necessary.

When Can a Child Be Absent?

Sometimes students have to miss school. These "excused absences" include circumstances such as illness or injury, teen parent leave (delivery only), death/funeral-related absence (see below), education-related trips or activities, suspension, and religious holidays. A written notice from a parent or guardian must be submitted to the school immediately upon a student's return to school. Such notice must include a valid telephone number or other means of contact for

verification purposes. Certification of illness/injury/delivery is required if the absence extends for three (3) or more consecutive days.

An "unexcused" or "illegal absence" occurs when a student is absent without a valid excuse in writing. That means that either no written notice was submitted to the school upon the student's return or that the reason provided in the notice was deemed invalid. Examples of invalid excuses include (but are not limited to) babysitting, waking up late, or being on vacation with family.

Responses to Non-Attendance (Truancy)

A student who is absent without a valid excuse is considered "truant" from school. A pattern of truancy can lead to a variety of interventions or penalties, depending upon the circumstances. On the school level, truancy can result in school-based interventions (home visits, truancy elimination plans, academic supports, social service referrals, etc.) or truancy court. Suspension from school or transfer to an alternative education setting is not a permissible response to truancy.

According to the Compulsory School Attendance Law, a judge or hearing officer may require students and/or his or her parent/guardian to do any or all of the following:

- Appear at a hearing regarding the student's truancy.
- Perform reasonable school or community service for a period designated by the hearing officer.
- Complete a parenting education program.
- Obtain counseling or other supportive services, including a re-entry, or other service plan determined appropriate by authorized school officials.
- Pay a fine of up to \$300.
- Pay court costs.
- Serve up to five (5) days in county jail.

Children who are truant may be declared dependents of the state as part of the adjudication process.

Visitors to Campus

Parents and guardians are encouraged to visit schools and meet with teachers and administrators about their child's progress. Visitors to campus must present themselves to the school office or have standing permission from the principal. To provide safe and orderly learning environments, each visitor to public school buildings or grounds must receive authorization of the school principal or his/her designee.

Students must comply with school rules while traveling to and from school or any school-related activity, whether on foot or by a means or modes of transportation including, but not limited to, School District vehicles, private transportation, or public transit systems. All responses to infractions, including suspension, hold for

Transportation Conduct

misconduct that occurs on the way to and from students' homes or school-related activities.

Some infractions of the Code of Student Conduct, listed here on the School District's website, are classified as crimes by the city and state. Crimes must be reported to the Philadelphia Police Department by law. (You can view the Memorandum of Understanding by visiting the District's website at <http://www.philasd.org>)

Referrals to the Philadelphia Police Dept

Principals, teachers, and other school professionals hold high expectations for students' learning and behavior. Though there can be no excuse for behavior that harms or disrupts, there may be reasons that caring adults in school need to understand. We educate the whole child. Therefore, adults in schools will use a range of responses to help students' reconnect to their school community, and learn greater self-discipline, including:

In School Intervention

- Get a student's attention by calling his/her name in a calm voice.
- Address the student in private.
- State the problem behavior.
- State expected behavior and why the student needs to follow the expected behavior.
- Listen to the student's response and capture opportunity to help student problem-solve new behaviors.
- Indicate the specific consequence for continuing to engage in the problem behavior—and the positive consequences of change.
- Ask student to demonstrate the expected behavior.
- Acknowledge the student's listening to you and/or exhibiting the appropriate behavior (e.g. thanks, praise, reward).
- Contact the parent/guardian to set up a conference to describe the student's problem behaviors, listen to parent/guardian, and discuss possible disciplinary consequences.
- Refer the student to appropriate intervention (e.g., individual or group counseling, or school-based programs)
- Implement a Response to Intervention (RTI) Tier II action, for continued minor infractions
- Authorize in-school suspension when all other interventions are unproductive
- Document the infraction on discipline referral report (EH20-pink slip).
- Behavioral Contracts

Note: Use out-of-school suspensions as a last resort and only when in-school interventions and consequences are insufficient to address a student's inappropriate behavior.

Disruptive Behaviors	Rule	Interventions*				
		Level 1: In-School Interventions (including in- school suspension)	Level 2: Out-of- School Suspension	Level 3: Contract w/ intervention or Lateral Transfer	Level 4: Disciplinary School Assignment	Level 5: Disciplinary School Assignment w/ Expulsion Referral
		Levels 3, 4, or 5 Interventions require a referral to the Office of Hearings and Expulsions.				
Failure to follow classroom rules/disruption	1A	✓				
Dress code violation	1B	✓				
Failure to carry hall-pass/appropriate ID	1C	✓				
Failure to participate in class/unpreparedness	1D	✓				
Truancy/excessive tardiness/cutting class	2	✓				
Possession of beepers/pagers/cell phones/other devices	3A	✓				
Possession of other inappropriate personal items	3B	✓				
Profane/obscene language or gestures.	4	✓				
Public display of affection/inappropriate touching	5A	✓	✓			
Inappropriate use of electronic devices	5B	✓	✓			
Fighting (two students engaged in mutual combat)	6	✓	✓			
Forgery of administrator, teacher, or parent's/guardian's signature	7	✓	✓			
Alteration of grade reporting/excuses/school documents	8	✓	✓	✓		
Destruction and/or theft of property (less than \$1,000)	9	✓	✓	✓		
Harassment/bullying/cyber-bullying/intimidation	10	✓	✓	✓	✓	
Sexual acts (consensual)	11		✓	✓		
Threatening students/staff with aggravated assault	12		✓	✓	✓	
Destruction and/or theft of property (totaling \$1,000 or more)	13		✓	✓	✓	
Breaking and entering school property	14		✓	✓	✓	
Robbery	15A		✓	✓	✓	
Extortion	15B		✓	✓	✓	
Mutual fight (w/ documented serious bodily injury)	16		✓	✓	✓	
Simple assault (documented unprovoked attack by one student on another)	17		✓	✓	✓	
Possession of alcohol or drugs – intent to use	18A		✓	✓	✓	✓
Possession of alcohol or drugs - intent to distribute	18B		✓	✓	✓	✓
Possession or use of fireworks/incendiary devices/explosives	19		✓	✓	✓	✓
Assault of school personnel	20		✓	✓	✓	✓
Instigation or participation in group assaults	21		✓	✓	✓	✓
Aggravated assault (documented serious bodily injury)	22				✓	✓
Sexual acts (non-consensual)	23				✓	✓
Possession of a weapon	24				✓	✓

*Intervention Levels are not mutually exclusive. For example, if a student is referred to the Office of Student Discipline, Hearings and Expulsions, that student will also be suspended out of school for some period between 1 – 10 days.

Due Process

All students are to be treated fairly and honestly. Students have a right to be heard and tell administrators their versions of events.

If you believe your child is a victim you are encouraged to speak with the school's administrator.

If you feel you need victim services, please contact the Safe Schools Advocate at (<http://www.phillyossa.com>) or call 215-656-5381.

At formal conferences, students have the right to expect that school officials will:

1. Inform the student of the reason for a conference.
2. Give the student an opportunity to respond to allegation(s).
3. Discuss student's problem behavior and ways to correct it.
4. Inform the student of the corrective action and/or next steps to be taken.
5. Document the problem behavior and intervention.

Student Conference Procedures

Parent Conference Procedures

At formal conferences, parents, guardians, and caregivers can expect that school administrators will see to it that the following protocol is followed:

1. Notice of a conference must be provided to the parent/guardian in writing and either hand-delivered to the home, sent by certified mail, faxed, emailed, or communicated by other reasonable means.
2. When a student is suspended, a parent/guardian conference must be held within three (3) days of the suspension.
3. At the conference, the parent/guardian or caregiver may request to review the student's records and any witness statements.
4. School administrators will discuss the student's problem behavior and ways to correct it.
5. School administrators will inform the parent/guardian of any further disciplinary action.

Suspension Procedures

According to Pennsylvania law, suspension is defined as the denial to a student of the right to attend school and to take part in any school function for any period of up to 10 days. Suspensions must be preceded by notification to the student and parent/guardian in writing. For the purposes of the School District of Philadelphia's Code of Student Conduct, suspensions comprise three categories: In-school, short-term, and long-term.

In-School Suspensions

In-School Suspension is an exclusion from a classroom for disciplinary purposes that allow a student to **remain** under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.

Out-of-School Suspensions

Short-term Suspension is an exclusion from school and/or any school activity or function for a period of **three (3) or fewer school days**. Students who are suspended must meet with the principal or his/her designee prior to the suspension. During the conference, the student has the right to the procedures described under *Student Conference Procedures* outlined in this Code of Student Conduct.

Long-term Suspension is an exclusion from school and/or any school activity or function for a period of **four (4) to ten (10) school days**. Students who are given a long-term suspension are to participate in a student conference and a parent/guardian conference. During the parent conference, the student and parent/guardian have the right to the procedures described under *Parent/Guardian Conference Procedures* section in the Code of Student Conduct. In addition, prior approval by the Assistant Superintendent is required for long-term suspension. **In addition, prior approval by the Deputy Chief of the Office of Student Discipline, Hearings and Expulsions is required for all long-term suspensions consisting of 10 school days.**

All referrals to the Office of Student Discipline, Hearings and Expulsions for an EH21 discipline hearing, must be preceded by an out of school suspension.

Transition Procedures

Students with a pattern of disruptive behavior and/or serious violations of the Code of Student Conduct may be referred to the Office of Student Discipline, Hearings, and Expulsions. Students who are referred receive full due process, including a hearing to determine whether the student will be transferred to a disciplinary school. These schools provide high-quality alternative educational programs and more support to help students who've had behavior problems elsewhere achieve their intellectual and social potential.

Students referred for a hearing will be suspended and provided the procedures indicated in the Suspension Procedures section of the Code of Student Conduct. The school must complete a Behavior Performance Review (BPR) for regular education students or a Manifestation Determination for special education students and share the results of the review at the parent/guardian conference. **When a hearing is not scheduled during the time of a student's suspension, students have the right to return to their school pending the outcome of the hearing.**

Students/Parents/Guardians have the right to a hearing to be conducted by an independent and impartial hearing officer. During the hearing process, parents/guardians may oppose the request for their student's removal from the school. At a hearing, students and parents/guardians have the right to:

- Present witnesses;
- Present evidence relevant to the alleged infraction
- Request and ask questions of school district personnel; and
- Review student records in advance

Note: Please refer to the **Discipline for Students with Disabilities** section for discipline protocols for students with disabilities.

Expulsion Procedures

According to Pennsylvania law, expulsion is defined as an exclusion from school and any school activities for more than 10 school days. Students who have committed an offense subject to expulsion will also be suspended and have the right to the procedures found in the Suspension Procedures section of the Code of Student Conduct.

In addition, students will receive a formal Expulsion Hearing conducted by an independent hearing officer appointed by the School Reform Commission (SRC). Counsel may represent the student. In addition, the student has the right to:

- Present witnesses and evidence;
- Request and cross-examine District witnesses; and
- Review student records in advance; and
- Review evidence in advance

A student who has been permanently expelled from the School District of Philadelphia by the affirmative vote of a majority of the School Reform Commission (SRC) may apply for readmission. If a student is expelled by the SRC, the parent/guardian of the student has 30 days to provide written documentation that the student is in another educational program. If they are unable to find an alternative educational program, the School District of Philadelphia will provide for the student's education. The SRC delegates complete authority for all readmission decisions to the Chief Executive Officer/Superintendent or his/her designee. Temporarily expelled students need not apply for readmission because they are automatically readmitted to the School District of Philadelphia at the end of the expulsion period. Readmission decisions are final and not subject to review by appeal to the SRC or the courts.

Readmission of Permanently Expelled Students

Expungement of Records for Expelled Students

A student who has been permanently or temporarily expelled by the affirmative vote of a majority of the SRC, beginning in school year 2008-2009, may apply to the School District of Philadelphia to have his/her records of expulsion erased from the students' records, or expunged. Expungement occurs at the discretion of the Superintendent or his/her designee, and is not subject to review or appeal to the SRC or the courts.

The complete SRC Board Policy No. 233, including the criteria and process for readmission and or impingement of records, may be found on The School District of Philadelphia's website at: <http://www.philasd.org/offices/administration/policies>

Discipline for Students with Disabilities

Suspensions for Special Education Students Identified as Intellectually Disabled ("MR")

The District can only suspend students identified as Intellectually Disabled ("MR") with either written agreement of the parent/guardian or the written approval of the Bureau of Special Education of the

Pennsylvania Department of Education (PDE). The PDE can be contacted by calling (717) 783-6913.

Suspensions, Expulsion, and Transfer for All Other Disabled Students – Including Students with 504 Service Agreements

The District may suspend students with disabilities and cease educational services for up to five (5) consecutive school days or 15 cumulative school days in one school year without providing special education procedural safeguards.

Schools must complete the following steps A through G below, for students with an Individualized Education Program (IEP) or Section 504 Service Agreements if any of the following are being considered:

1. Expulsion Referral.
2. Request to transfer to an Alternative School for disciplinary reasons (the school must file an EH-21).
3. Suspension for more than 10 consecutive days.
4. Suspensions for more than 15 cumulative days.
5. Suspensions totaling more than 10 days in an academic school year and when there is a pattern of problem behavior.

Steps:

A team must convene a Manifestation Determination meeting within 24 hours of the misconduct, and will invite the parents/guardian. The team must:

- A) Provide written notice to the parent/guardian of the recommended disciplinary action and the date of the proposed Individualized Education Program (IEP) team meeting.
- B) During the IEP/Manifestation Determination meeting, the IEP team will review the student's most current evaluation, IEP and placement to determine if the referred misconduct is related to the student's disability. Two questions are to be answered by the school team at the manifestation meeting: (1.) Is the conduct caused by, or did it have a direct and substantial relationship to, the student's disability? or (2.) was the conduct in question a direct result of the school's failure to implement the student's IEP.
- C) If the school team determines that the student's **behavior is NOT a Manifestation of the Disability**, school officials may apply the Code of Student Conduct. In no event, however, may the student be suspended without providing appropriate educational services for more than five (5) consecutive or 15 cumulative school days in a school year.
- D) A Notice of Recommended Educational Placement (NOREP) must be issued with the results of this determination and a copy of the

Procedural Safeguard Notice (PSN) must be given to the parent/guardian.

***If parents or caregivers disagree with the decision, they can request an expedited Special Education Hearing and the Commonwealth-appointed hearing officer would review the manifestation determination.**

- E) If necessary, the IEP team shall review and revise the existing behavior intervention plan or, as necessary, complete a functional behavior assessment and intervention plan to address the misconduct.
- F) The IEP team determines the appropriateness of an interim alternative educational setting, and as indicated, include in the IEP those services and modifications that will enable the student to continue to participate in the general education curriculum and help prevent the problem behavior from recurring.
- G) If the student's **behavior IS a Manifestation of the Disability**, the student's placement may not be changed unless:
 - (1) The student carried a dangerous weapon* to school or a school function;
 - (2) The student knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function; and
 - (3) The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

In these special circumstances and **over parent/guardian objections**, school officials may remove the student, by issuing a NOREP to an interim alternative education setting for not more than 45 school days.

- If the behavior is determined to be a manifestation of the student's disability, the conduct is not a "special circumstance" (see step G.1-3 above), and the student is substantially likely to cause injury to himself/herself or others if maintained in the current placement, the District may ask for an expedited hearing conducted by a Special Education Hearing Officer to obtain a 45-day interim placement.
- Students with disabilities, even if expelled, must be provided with a Free and Appropriate Public Education (FAPE).

***NOTE:** A "dangerous weapon" is a weapon, device instrument, material or substance that is used for, or is readily capable of causing death or serious bodily injury. However, in the case of a pocketknife, blades less than two-and-one half inches in length are not considered dangerous weapons. A multiple cutting device is a "dangerous weapon."

Glossary of Terms

"Aggravated Assault" - an act that causes serious physical harm or creates a substantial risk of serious physical harm to another member of the school community.

"Bullying" -engaging in behavior that prevents or discourages another student from exercising his/her right to education. Bullying behavior is defined as aggressive or intentional hurtful behavior perpetrated repeatedly over a period of time and in a relationship characterized by an imbalance of power (with regards to gender, physical or mental strength, social acceptance etc.). Such prohibited behavior includes the use of teasing, taunting, threats, coercion, repeated harassment, abuse, oppression, intimidation against students, school personnel, or school visitors or exclusion of anyone physically, psychologically, or sexually.

"Cyber-Bullying" - bullying that occurs by use of electronic devices though means of e-mail, instant messaging, text messages, blogs, photo and video sharing, chat rooms, mobile phones, pagers, and websites.

"Corporal Punishment" -physically punishing a student for an infraction of the Code of Student Conduct. Corporal Punishment does not include teacher and school authorities' use of force (1) to quell a disturbance; (2) to obtain Possession of weapons or other dangerous objects; (3) for the purpose of self-defense; or (4) for the protection of persons or property.

"District" - The School District of Philadelphia.

Disrespectful Behavior – defiance of authority and/or insubordination; non-violent/non-physical, talking back to school staff; failure to follow directions; failure to respond to school staff questions or requests; refusal to participate in classroom activities; verbal insults or put-downs; use of profane or offensive language; picking on, bothering, teasing, or distracting other students; making inappropriate gestures or comments; and other rude behavior.

Disruptions – eating, drinking, being too loud, standing, running, loitering, throwing objects, talking out of turn, or other behavior that distracts student learning.

"Drugs" – shall include controlled substances and illegal substances, as well as "look-alikes" which are defined by any substance that, by appearance, representation or manner of distribution, would lead a reasonable person to believe that the substance is an illegal drug or other controlled substance.

"Electronic Device" - any devices that includes, but is not limited, to radios, walkmans, CD players, iPods, MP3 players, DVD players, handheld game consoles, personal digital assistants, cellular telephones, Blackberries, and laptop computers, as well as any new technology developed with similar capabilities.

"Gang" –any ongoing organization or group of people with an identifiable name or identifying sign or symbol or whose members individually or collectively engage in or have engaged in a pattern of activity that endangers or disrupts the safety of the school or Members of the School Community.

"Group Assault" - an assault committed by multiple offenders.

"Harassment" - a demand of sexual favors, or threatening or intimidating gestures or behavior that creates a hostile school environment because of someone's gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status and/or political beliefs.

"Inappropriate Personal Items" -any object that is inappropriate for an educational setting (including, but not limited to, pornography, dice, playing cards, and other gambling instruments).

"Indecent Exposure/ Inappropriate touching" – A student may not expose or touch his/her genitals, breast, or buttocks to another Member of the School Community. This definition includes students' incidental contact when lacking malicious intent or reasonable knowledge of the consequences of his/her behavior.

"Lateral Transfer" -a transfer to another school setting.

"Member of the School Community" – includes, but is not limited to any student, parent/guardian, teacher, administrator, or employee of the School District of Philadelphia or visitor at any school.

"Placing Another in Danger" – students are not to engage in, or attempt to engage in, any conduct that endangers the health, safety, or welfare of any Member of the School Community. A violation of this rule includes, but is not limited to, retaliation against a member of the school community for his/her participation in an investigation, or academic or disciplinary proceeding.

"Possession" - physical control over property (whether lost, found, or stolen), such as clothing, lockers, bags, and the contents contained therein.

"Response To Intervention (RTI)" - to integrate assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems.

"School Grounds" - any property owned or utilized by the School District or Philadelphia or property utilized by any vendor under contract to The School District of Philadelphia.

“School Privileges” - Any school-related activity or program including but not limited to graduation ceremonies, class trips, dances, sport teams, clubs, or recess.

“Sexual Act” - engaging in intercourse, oral sex, groping sexual parts, or simulated sex.

“Simple Assault” - an act that causes bodily injury to another member of the school community.

“Trespass” - the entrance onto school grounds when prohibited.

“Vandalism” - willful and malicious acts of damage or defacement to public or private property, which includes but is not limited to graffiti in excess of \$150, school pranks that cause a major disruption, or arson.

“Weapon” – includes any of the following, but is not limited to, any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm; any firearm, whether loaded or unloaded; cap guns; simulated guns; pellet guns or BB guns; knives; box cutters; cutting instruments; nunchuku, scissors; mace; simulated weapons; or laser pointers.

A student violates this rule even if the student did not intend to use the object as a weapon.

Appendix D

Statement to the City of Philadelphia

Joint Committees on Public Safety and Education

On Resolution No. 130116

From the Office of Safe Schools Advocate

March 21, 2013

Good afternoon Chairman Jones, Chairwoman Blackwell and members of the Joint Committee on Public Safety and Education. First, I would like to offer my sincere regrets in not being available to appear before you today and personally share my commentary and answer any questions you may have. A conflicting commitment in Harrisburg prevented me from being present for today's discussion. However, I appreciate your extending the invitation for me to participate in this very important hearing on the issue of the dismissal and/or release of students to parents, guardians or other individuals from a public school. I hope that the comments I provide below will offers possible solutions and insight on what steps should be taken into consideration and possibly implemented in order to bolster the level of safety and security for children who attend school in the Philadelphia School District ("District").

As the Safe Schools Advocate for the Commonwealth tasked with assisting victims of violence in schools and overseeing the reported incidents of school violence in Philadelphia, I am intimately aware of how relevant and critical the information you receive from the individuals who testify before you today will be in shaping the level of security and safety for all children in Philadelphia schools. In light of recent events in Philadelphia and events that have transpired nationally involving students in schools, it cannot be underscored enough how important it is to make sure all efforts are taken to greatly reduce, if not effectively eliminate, the potential for an act of violence to occur in, around or in association with a school. This goal is and will continue to be for all members of the Philadelphia community an ongoing effort. With this framework, I offer the following suggestions to the committee as possible options that would work towards improving safety of children surrounding the early dismissal or release of children from a school to a waiting adult.

- **Uniform information shall be presented along with a unique student identifier.** The information that a school obtains from an adult who is requesting a child be released to their custody should be uniform for every school in the District. This

information should require the name of the person who is retrieving the child and photo identification to be presented. If possible, the photo identification should be copied and placed in the student's pupil pocket. Further, I would suggest that a unique student identifier be required. The unique identifier would be something that only a person who is authorized to receive the student would know. For example, the last four digits of the student's social security number or the student's date of birth. This is analogous with a PIN number that bank's often require for card holders to retrieve money from their account, in addition to presenting their ID. I submit that our children are a greater commodity than our money/securities and deserve, at least, a comparative level of security. This information can be verified by the school administrator who would have it in the student's pupil pocket or can be asked of the student directly depending on their age.

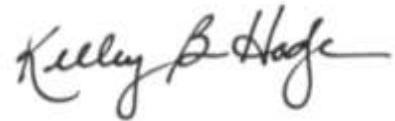
- **Continuous observation of visitors from the entrance to the main office.** There should be a person assigned to have continuous visual observation of all persons entering a school building at the visitor/main entrance. The visitor shall present appropriate photo identification and be provided a visitor pass that must be clearly displayed. Further, the visitor should be continuously observed from the point of entry to the main office or they must be escorted. Because of the various ages and designs of the school buildings in the District, it is far too easy to enter at the main entrance and possibly walk in a direction or down a corridor where children are accessible and without ever needing to go near or enter the main office.
- **No unattended visitors shall be permitted to walk the hallways.** All persons who enter the building and are requesting to retrieve a student must wait at the main office for the student to be brought to the office. It is highly suggested that the teacher who is directing the student to the office ask the student if they are expecting to be picked up and, if yes, by whom. If no, this does not negate the student being sent to the office because the need for early dismissal may be emergent; however, the teacher should call the main office and alert the administrator that the student was not expecting to leave early that day. If any adult enters a school building and does not report to the main office as instructed and/or walks through the building without permission, school police should be immediately notified and if the adult does not respond appropriately to being re-directed to the main office or to leave the building, Philadelphia Police shall be contacted. Philadelphia police and school police collaboratively can gather the necessary information and after their investigation, the appropriate law enforcement authority can determine if criminal charges should be filed.
- **Request for release to a non custodial adult requires a written note from an authorized parent or legal guardian.** If the request is for a student to be released to an adult that is not their parent or legal guardian, the request must be submitted in writing and provided to the office in advance of the date and time of arrival for pick up by the parent or legal guardian. If the circumstance is an emergency and/or if the

- request to release the student is by phone, the office administrator must take extra precautions to make certain the release is authorized. Again, unique student identifying information should be requested from the person who is on the phone in an attempt to verify they are in fact the person they purport to be. Also, the administrator should check the student's parental contact information in their file and call the number(s) listed for parent/ guardian to verify that the person who called is in fact the parent or legal guardian. If it cannot be verified, then the request to release the student shall be denied until that information can be presented.
- **Student's file must be checked for verification of who can authorize release or can pick up a student.** If there is a concern about the custody status of a student then the administrator shall contact the appropriate person as designated by the District to determine if the student can be released. A student shall not be released to a not legally authorized parent or guardian. For example, there may be a recent protective order in place or change of custody agreement that could be breached if a child is released to a listed biological parent who the court has ordered no contact. Also, all parents, guardians and lawful custodians should be told that they need to supply verification to the school as soon as possible if there is a change in parental or guardian status to avoid the District being uninformed.
 - **The District must test their early release/early dismissal protocol.** There should be a periodic testing of this and other safety protocols put in place by the District to see if the steps that are outlined as directives are being followed with fidelity.
 - **Maintain data.** The District must maintain a record when there has been a breach of their early dismissal protocol and what steps were taken to remedy the problem.
 - **Communication of the protocol to all parents/guardians.** Parents/Guardians must be notified of the early dismissal protocol by the District and the changes or revisions should be highlighted. Additionally, a copy of this policy should be prominently displayed in the main office. The greatest hindrance to any protocol or policy change is when the audience that needs to know the information is not or is ill informed. Parents need to understand that these steps are being taken to ensure the safety of all children, including their own, and are not intended to be cumbersome but are necessary.

In closing, I want to briefly add that the suggestions I have offered are based on my experiences as a Senior Assistant public defender, Philadelphia Assistant District Attorney and Safe Schools Advocate along with observations in visiting schools and information provided by parents who have children in the Philadelphia School District. While my suggestions may not cover every aspect that warrants review, I do believe that what I have shared above can assist in reinforcing a new level of security for

children in schools. I thank you again for considering my comments and I am more than happy to make myself available for any follow up questions any member may have.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kelly B. Hage". The signature is written in black ink and includes a horizontal flourish at the end.

¹ Appendix B: School District of Philadelphia Memorandum of Understanding dated July 25, 2012

² Appendix A: Possession of weapons prohibited (a.k.a. "Act 26")

³ 24 P.S. §13-1310-A(b)(8)

⁴ 24 P.S. §13-1310-A(b)(6)

⁵ Appendix C: 2012-13 Student Code of Conduct

⁶ Article entitled "Challenge to Ease Tensions Between Merging Phila. Schools" published in the Philadelphia Inquirer on August 9, 2013

⁷ Appendix D: Statement to Philadelphia City Council Joint Education and Public Safety Committees on March 21, 2013

⁸ ABC 20/20 "*Hidden America*" broadcast on "World News Tonight with Diane Sawyer and special edition of "Nightline" May 20, 2013

⁹ 24 P.S. §13-1310-A(b)(1)(i)

¹⁰ Appendix A: Possession of weapons prohibited (a.k.a. "Act 26")

¹¹ 22 PA Code CH.10 Safe Schools

¹² 22 PA Code CH 10 Safe Schools

¹³ Appendix B: Memorandum of Understanding dated July 25, 2012

¹⁴ Appendix B: Memorandum of Understanding dated July 25, 2012

¹⁵ Appendix B: Memorandum of Understanding dated July 25, 2012

¹⁶ Appendix B: Memorandum of Understanding dated July 25, 2012

¹⁷ US Dept. of Justice Bureau of Alcohol, Tobacco and Firearms ("ATF") citing 27 CFR § 478.11

¹⁸ Appendix A: Possession of weapons prohibited (a.k.a. "Act 26")

¹⁹ Appendix C: 2012-13 Student Code of Conduct

²⁰ 24 P.S. §1901-1906(c)

²¹ Appendix C: 2012-2013 Student Code of Conduct

²² Appendix D: Testimony to City Council on March 21, 2013

²³ www.pa-strengthening-families.org/providers/311/School%20Standards.pdf

²⁴ 2011-2012 SDP Code of Conduct

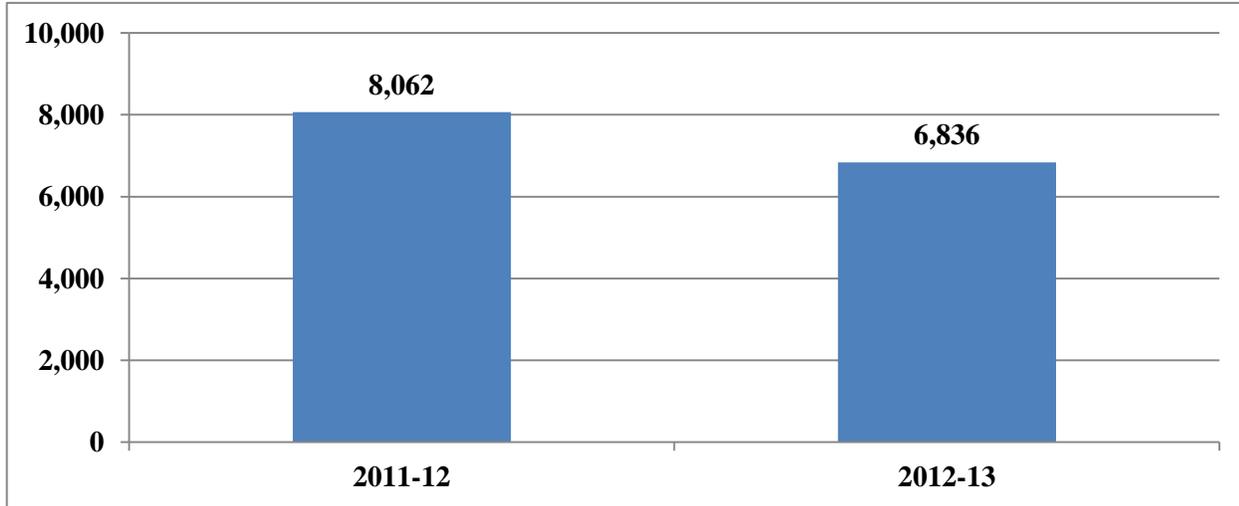
ADDENDUM

Completed by EPISCenter at Penn State University

Total Incidents

The total number of incidents decreased from 2011-12 to 2012-13. Specifically, 6,836 incidents were reported in 2012-13, 1,226 fewer than in 2011-12, representing a 15.2% decline (Figure 1).

Figure 1: Total Number of Incidents by Year

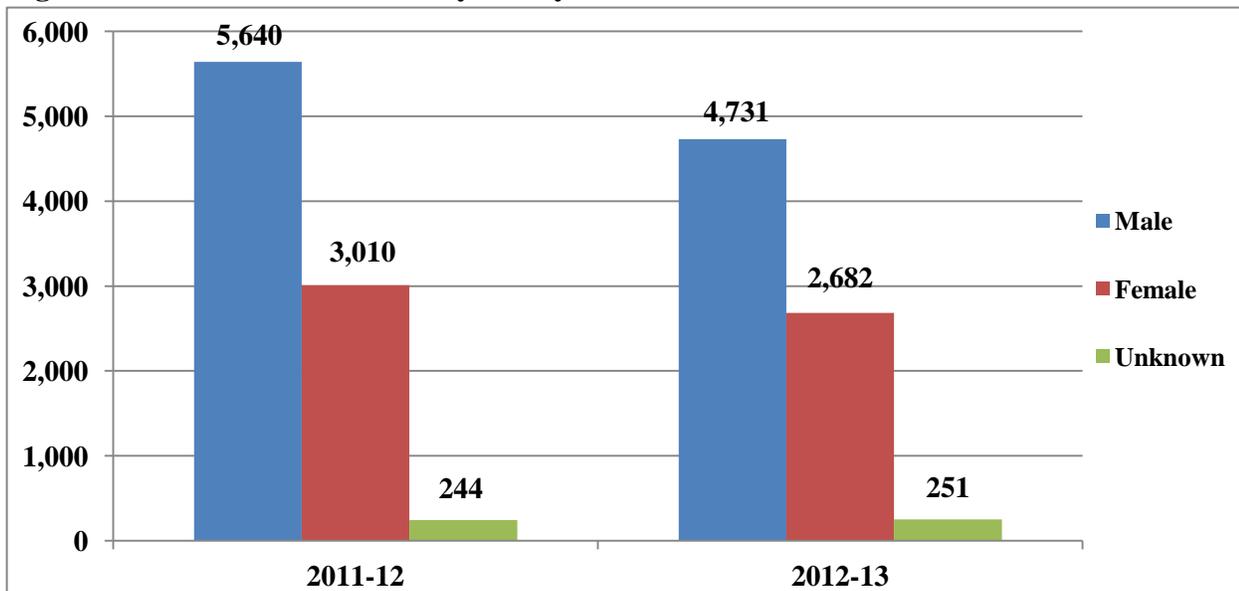


Source: Pennsylvania Department of Education

There was a decrease in the number of student offenders from 2011-12 to 2012-13. The count decreased from 8,894 in 2011-12 to 7,664 in 2012-13. This difference, 1,230, represents a decrease of 13.8% from the previous year (Figure 2).

In 2012-13, 61.7% of the offenders were male (Figure 2) slightly lower than the 63.4% in 2011-12. Females comprised 35.0% of offenders in 2012-13, slightly more than in 2011-12, 33.8%.

Figure 2: Number of Offenders by Sex by Year



Source: Pennsylvania Department of Education

Ninth grade students were most often reported as crime offenders over the two-year period, 12.7% in 2012-13 and 13.0% in 2011-12. The number of crime offenders in Pre-kindergarten, Fourth grade and those with unknown grade increased from 2011-12 to 2012-13. In all other grades the number of offenders decreased over the two years.

Table 1: Number of Offenders by Grade Level by Year

Offenders by Grade	2011-12	2012-13
Prekindergarten	9	14
Kindergarten	178	177
First	315	202
Second	367	350
Third	458	381
Fourth	477	486
Fifth	571	439
Sixth	653	485
Seventh	964	761
Eighth	1,011	864
Ninth	1,157	975
Tenth	960	884
Eleventh	668	600
Twelfth	486	405
Elementary Ungraded	0	0
Secondary Ungraded	13	12
Unknown	607	629
	8,894	7,664

Source: Pennsylvania Department of Education

Time and Location of Incidents

As expected, the majority of incidents occurred during school hours. On average, 97.1% of reported incidents over the two years took place during school hours. In 2012-13, 2.4% of incidents reported occurred after school hours and less than one percent occurred before school hours (Table 2).

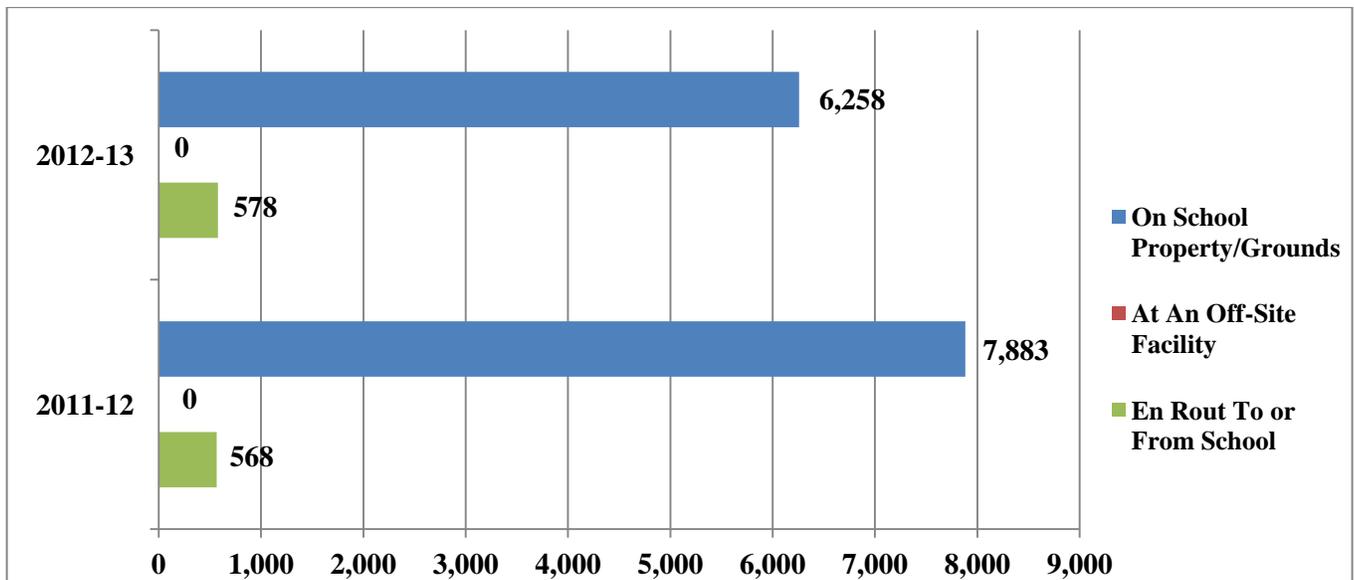
Table 2: Number of Incidents by Time of Occurrence

Incident Time	2011-12	2012-13
Before School Hours	29	35
During School Hours	7,286	6,073
After School Hours	179	150

Source: Pennsylvania Department of Education

Also to be expected is the fact that the overwhelming majority of incidents took place on school property or grounds in each of the two years evaluated: 93.3% in 2011-12 and 91.5% in 2012-13. Over the two years, there was a decrease in the number of incidents occurring on school grounds or property. Specifically, 1,625 fewer incidents were reported in 2012-13 than were reported in 2011-12. This represents a decrease of 20.6% for the two-year period. No incidents in the two-year period evaluated occurred at an Off-Site Facility. The number of incidents reported en route to or from school increased slightly, 1.8% from 2011-12 to 2012-13. (Figure 3).

Figure 3: Number of Incidents by Location of Occurrence

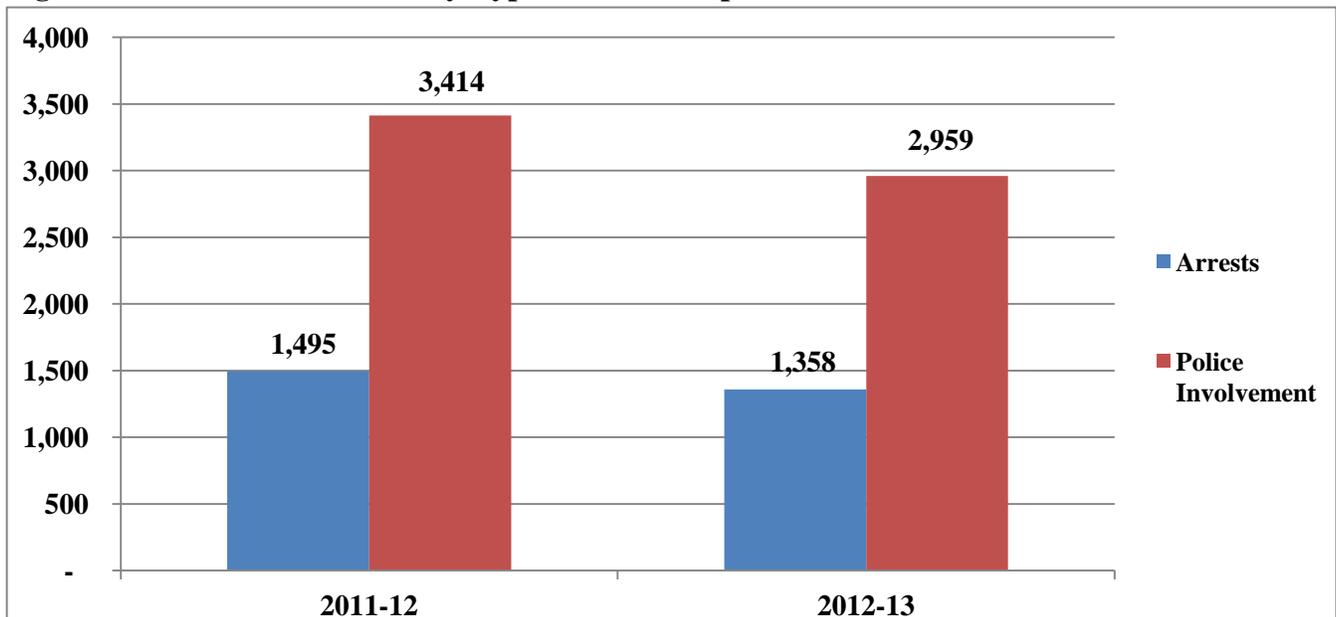


Source: Pennsylvania Department of Education

Incidents Involving Law Enforcement

Figure 4 illustrates a decrease in both arrests and police involvement over the two-year period. Specifically, the number of arrests decreased by 137, 9.2%, from 2011-12 to 2012-13. The number of incidents involving police declined by 455 during the period; representing a 13.3% decrease.

Figure 4: Number of Incidents by Type of Police Response



Source: Pennsylvania Department of Education

Incident Types

Overall declines were seen in most types of incidents reported by the District over the two-year period. Increases were seen in some incident types from 2011-12 to 2012-13. The counts by incident type are shown in Tables 3A, 3B and 3C below.

Increases were seen in the following crime types over the two-year period:

- Arson (467% increase)
- Vandalism (160% increase)
- Obscene Materials/Performances (32.8% increase)
- Robbery (11.6% increase)
- Disorderly Conduct (1.9% increase)

Table 3A: Number of Crimes Against Persons by Year

Crimes Against Persons	2011-12	2012-13
Bullying	72	52
Fighting	919	792
Indecent Assault	166	102
Indecent Exposure	39	31
Involuntary Sexual Deviate Intercourse	9	5
Obscene Materials/Performances	61	81
Other Harassment/Intimidation	64	25
Racial/Ethnic Intimidation	3	0
Rape	15	12
Robbery	86	96
Sexual Harassment	21	13
Theft	157	149
Threatening a School Official/Student	750	719

Source: Pennsylvania Department of Education

Table 3B: Number of Crimes Against Society by Year

Crimes Against Society	2011-12	2012-13
Bomb Threats	1	0
Disorderly Conduct	1,131	1,153

Source: Pennsylvania Department of Education

Table 3C: Number of Crimes Against Property by Year

Crimes Against Property	2011-12	2012-13
Burglary	46	5
Arson	6	34
Vandalism	87	226
Criminal Trespass	285	66

Source: Pennsylvania Department of Education

ATOD Incidents

From 2011-12 to 2012-13, the number of incidents involving alcohol, tobacco and other drugs (ATOD) decreased. The total number of incidents decreased by 67 over the two-year period, representing an 18.6% decline. (Table 4)

Table 4: Number of Illegal Possession Incidents by Year

Illegal Possession	2011-12	2012-13
Possession/Use of a Controlled Substance	257	210
Sale/Distribution of a Controlled Substance	63	46
Sale/Possession/Use or Under the Influence of Alcohol	32	30
Possession/Use or Sale of Tobacco	8	7
Total	360	293

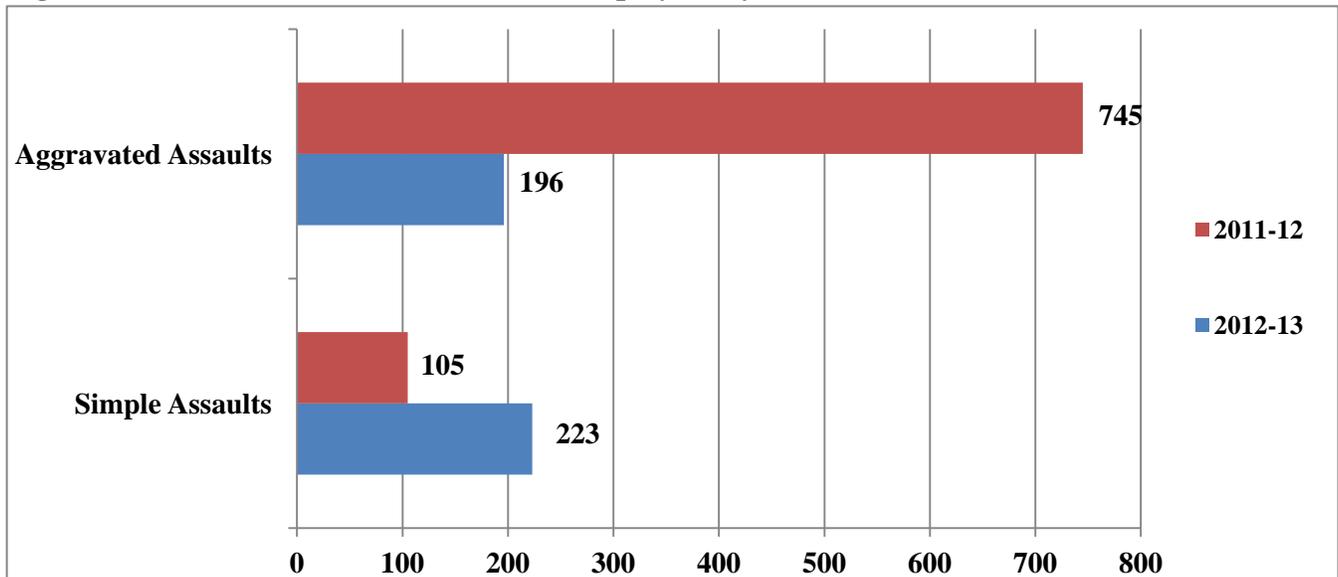
Source: Pennsylvania Department of Education

Assaults

Over the two-year evaluation period, there is no consistent trend across the four reportable categories: Aggravated Assaults on Staff; Simple Assaults on Staff; Aggravated Assaults on Students and Simple Assaults on Students. The following trends were observed from 2011-12 to 2012-12 when analyzing the four categories separately:

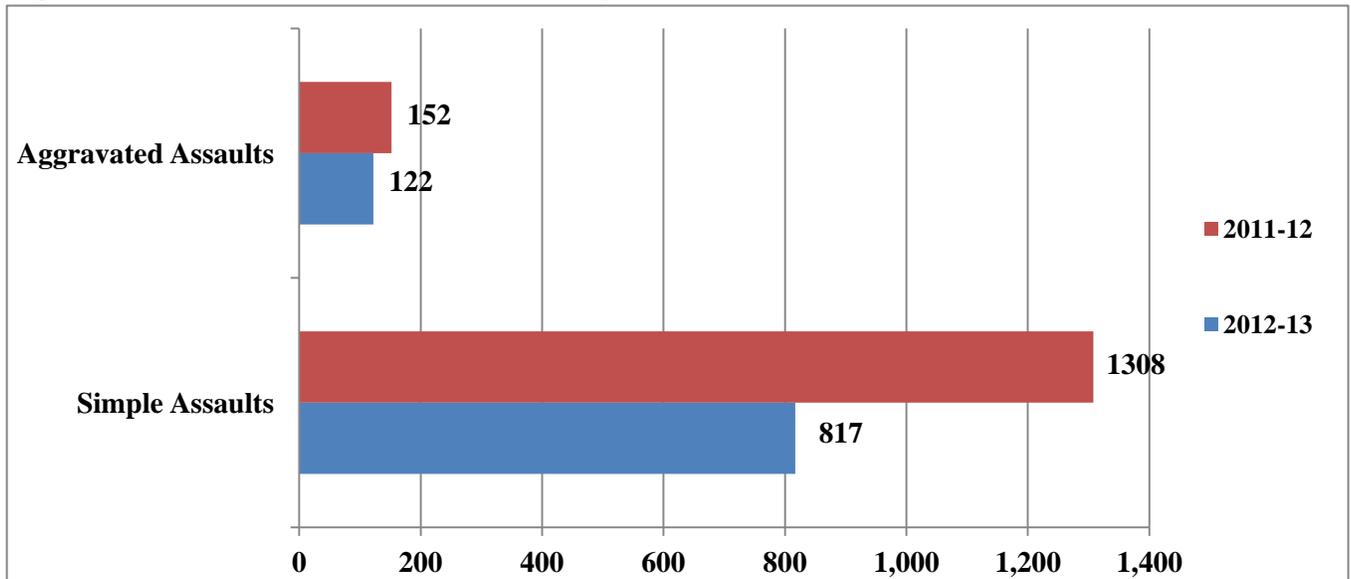
- Aggravated Assaults on Staff decreased by 549 incidents (73.3%)
- Simple Assaults on Staff increased by 118 incidents (112.4%)
- Aggravated Assaults on Students decreased by 30 incidents (19.7%)
- Simple Assaults on Students decreased by 491 incidents (37.5%)

Figure 4: Number of Assaults on District Employees by Year



Source: Pennsylvania Department of Education

Figure 5: Number of Assaults on Students by Year



Source: Pennsylvania Department of Education

Weapon-Related Incidents

Over the two-year period covered here there was an overall decrease in weapon-related incidents. There were 98 fewer incidents in 2012-13 than in 2011-12, representing a 17.3% decline. It should be noted that there was a decline in the number of incidents from 2011-12 to 2012-13 for all weapon types except handguns.

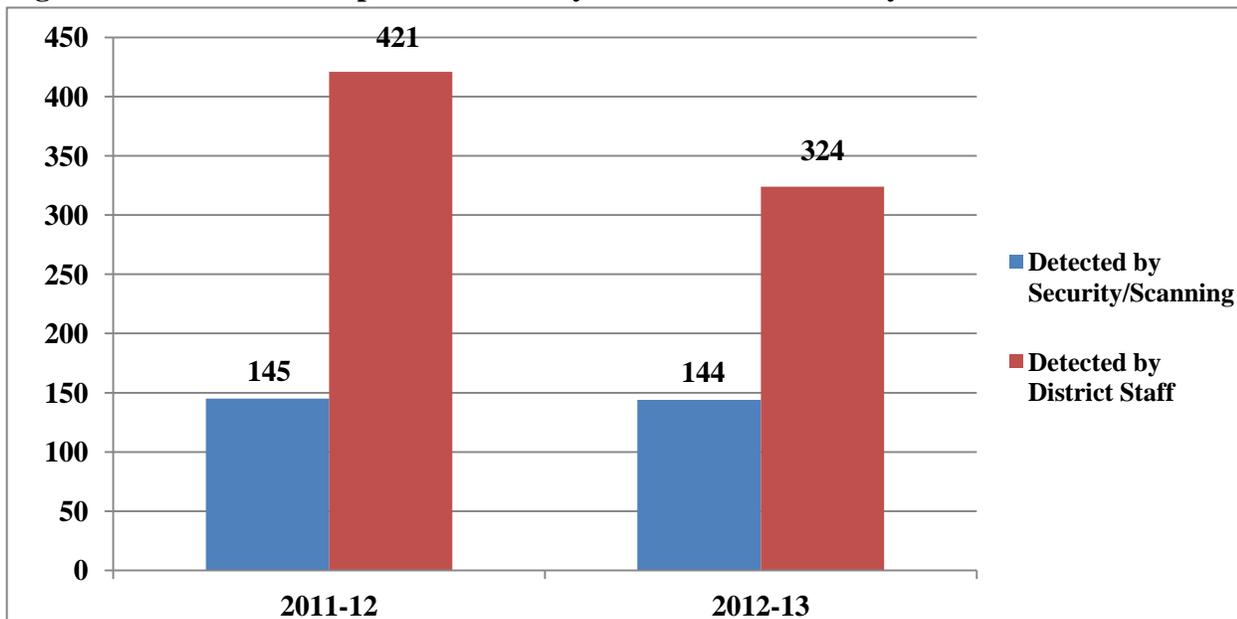
Table 5: Number of Weapon Possession Incidents by Year

Illegal Possession of a Weapon	2011-12	2012-13
Handgun (Firearm)	2	7
Knife	273	253
Other Cutting Instrument	149	115
Explosive	4	0
BB/Pellet Gun	43	36
Other	95	57
Total	566	468

Source: Pennsylvania Department of Education

During the reporting period, the majority of weapons were discovered by school staff, with the remaining being discovered by school security or through the metal detection screening process. In 2011-12, 74.4% of all weapons detected were discovered by school staff. In 2012-13, those discovered by school staff declined to 69.2% of total weapons detected.

Figure 6: Number of Weapons Detected by Source of Detection by Year



Source: Pennsylvania Department of Education

School Sanctions

Over the two years covered in this report, there was a decline in the number of school sanctions imposed on students. In 2012-13, 669 fewer sanctions were imposed than in 2011-12. This represents a decrease of 9.3% over the two-year period. The largest declines from 2011-12 to 2012-13 were incidents receiving “None” and those receiving “Other”. The only increase during this time period was in those receiving “Out-of-School Suspension”.

- None: 625 fewer incidents (19.5% decrease)
- Other: 179 fewer incidents (28.1% decrease)
- Out-of-School Suspension: 237 more incidents (7.5% increase)

Table 6: Number of Disciplinary Outcomes by Year

School Sanction Type	2011-12	2012-13
None	3,205	2,580
Detention	81	35
In-School Suspension	96	49
Out-of-School Suspension	3,160	3,397
Expulsion	44	35
Other	636	457
Total	7,222	6,553