

THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY  
OFFICE OF SAFE SCHOOLS ADVOCATE

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# ANNUAL REPORT

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**SCHOOL YEAR 2016-2017**

*Issued*  
April 2018

*Chairman*  
Charles H. Ramsey

*Executive Director*  
Derin Myers (Acting)

*Safe Schools Advocate*  
Roi A. Ligon Jr.

April 10, 2018

Mr. Derin Myers  
Acting Executive Director  
Pennsylvania Commission on Crime and Delinquency  
3101 North Front Street  
Harrisburg, Pennsylvania 17110

Dear Mr. Myers:

Enclosed please find the annual report detailing the activities of the Office of Safe Schools Advocate along with any recommendations for remedial legislation, regulations, or District administrative reforms as related to the 2016-17 fiscal year.

The report is based upon the observations of the Advocate from August 1, 2016 through June 30, 2017 and the analysis of data submitted by the School District of Philadelphia to our office as well as to the Pennsylvania Department of Education.

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

Respectfully submitted,



Roi A. Ligon Jr.  
Safe Schools Advocate  
Pennsylvania Commission on Crime and Delinquency

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## **I. Executive Summary**

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 (PDE) by virtue of Act 91 of 2000 (“the Act”) 24 P.S. 13-§1310 A. Pursuant to Act 24 of 2011, OSSA was reassigned to be housed under the Pennsylvania Commission on Crime and Delinquency (“PCCD”).

OSSA continues to spearhead its operation from the Education Center for the SDP, located at 440 N. Broad Street. This reporting period (2016-2017) marks the current Advocate, Roi A. Ligon, Jr.’s, first school year monitoring District incident data that is reported to the Pennsylvania Department of Education (PDE). Having been appointed in October 2016, a significant portion of the first year was spent reviewing the current functions of OSSA, re-establishing previous points of contact and learning District dynamics that influence school safety. Based on OSSA’s observations, recommendations are submitted annually to help foster a safe environment and promote school safety.

The OSSA works to ensure compliance with State law by promoting transparency and protecting victims’ rights. The District took distinctive steps to improve transparency this year, through the School Reform Commission (SRC)-initiated policy committee meetings. Policy meetings were held monthly to discuss District policy in a public forum and often attended by journalists and advocacy groups.

OSSA continued its effort to deliver services to victims of violence. While advocating for victims, we had the pleasure of working with a number of school-based staff who are committed to ensuring the best outcomes for students. Due to the limited availability of resources, coupled with the challenges that many students bring to the school community, maintaining a safe space for all students proved difficult in some circumstances. Building administrators were extremely resourceful at finding creative ways to address these challenges affecting school climate and safety concerns at their buildings which included cultivating relationships with the community surrounding the school. In many instances, school communities have benefitted from partnerships, such

as the Mayor's Community Schools initiative, where schools become neighborhood centers improving access to services for students and their families.

Based on the review of the district's practice of reporting data to PDE, and our work in supporting victims of violence, the following recommendations are offered for consideration:

- A. **Actively Refer Victims to OSSA** – There is still a prevalent underserved victim population that exists at the District. The primary focus of OSSA is to ensure that the rights of all victims of school violence are protected. Currently, there are no existing District departments serving this purpose, which underscores the importance connecting victims to OSSA. OSSA encountered reluctance from some school administrators while following-up with cases on behalf of a victim. The District central office typically provided few details regarding an incident, its outcome or existence of a safety plan for the victim, which impacts OSSA's capacity to deliver effective services.
- B. **Improve Communication with Parents and Guardians** – The District needs to provide clear and consistent communication to its stakeholders. OSSA met with several families who were unsuccessful in their attempts to contact the appropriate school or central district administrator who could assist with their concern. Furthermore, families often accidentally stumbled upon OSSA, instead of being informed about our services by the school, during the time of the incident. This contributed to a delay in families receiving assistance from our office.
- C. **Enforce Accurate and Consistent Reporting by School Building Administrators** – The District's Office of School Safety (OSS) provides training to school-based staff and is clear in its communication to schools that all incidents should be reported. Although training is held every school year, OSSA has observed inconsistency regarding the types of incidents reported by individual schools. We have observed that some school buildings report all incidents, while others report only what they consider to be serious incidents. This is concerning because some of these incidents are reportable to PDE and

additionally, when there is a victim involved, the lack of a report makes resolution of disputes more difficult. The central administration must take a proactive approach in ensuring schools are accurately reporting incidents on a consistent basis. When discrepancies in reporting are brought to the attention of staff by OSSA, the District should acknowledge the issue and correct the discrepancy.

**D. Standardize the District Coding of Incidents** – In reviewing incidents, we have found variation in how incidents are coded/titled. In some cases, we have found that an incident may be coded as a harassment but in others, that have similar activities described in the incident report, the incidents are coded as an assault. Data collection functions, such as coding incidents of violence, should be a standardized process that is instituted uniformly throughout the District. Discrepancies in how certain crimes are coded is affecting the overall accuracy of the District's reporting. This issue has been noted in previous annual reports issued by OSSA.

## II. Introduction

### Roles of OSSA

OSSA manages a broad scope of responsibility. Its role is balanced between monitoring the District's incident reporting practices, while simultaneously providing advocacy on behalf of victims of violence. OSSA's roles and responsibilities can be categorized into three distinct areas: Victim Advocacy, District Monitoring, and Policy. Per the Act, OSSA's powers and duties are defined (in part) as follows:

#### Victim Advocacy:

- To receive inquiries from school staff, parents, or guardians of students who are victims of acts of violence on school property;
- To establish a protocol, in consultation with the Juvenile Court Judges' Commission, for assurance of timely receipt by the District of information regarding students who have been adjudicated delinquent and to monitor the school district's use of that information to ensure that victims of acts of violence by a student are protected;
- To establish a program that assures an extensive and continuing public awareness regarding the role of the Advocate on behalf of victims of acts of violence on school property;
- To provide assistance and advice to victims of acts of violence on school property;
- To provide information to the guardian of the student-victim regarding the disciplinary process;
- To advise the guardian of the victim whether the District properly exercised its duty under Act 26 of 1995 in cases involving the possession or use of a weapon;
- To attend formal disciplinary hearings in cases where the Advocate has been requested by the guardian of the victim;
- To assist guardians of a victim in providing input to the District and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property where the perpetrator of an act of violence is returning to school

after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense;

- To report acts of violence directly in cases where the District has failed to report the act of violence to the appropriate police department as required by the memorandum of understanding (“MOU”);
- To provide information and recommendations to the Office of the District Attorney regarding the impact of the act of violence on the victim and the victim’s family;

Monitoring:

- To monitor the District’s compliance with Article XIII-A – Safe Schools.
- To obtain copies of District reports to the office and monitor, review, and analyze the District’s reporting practices regarding 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.
- To monitor the District’s compliance with the procedures set forth in the MOU with the appropriate police department regarding incidents involving acts of violence and possession of weapons.<sup>i</sup>
- To obtain documentation, on a weekly basis 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 MOU.
- To monitor the District’s compliance with the mandatory expulsion requirements of Section 1317.2 (“Act 26”).<sup>ii</sup>
- To monitor infractions of the District’s code of conduct and identify students whose conduct would constitute a simple assault under 18 Pa.C.S. Section 2701.

Policy:

- 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.



- To review and analyze court decisions applicable to the District's disciplinary process and procedures, to make recommendations to the 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.

## **District Responsibilities**

Pursuant to the Act, the following is required of the District:

- Upon discovery of the commission of an act of violence against a student, the school district of the first class shall immediately notify the victim's parent or guardian of the Safe Schools Advocate.
- The principal of each school shall post a notice entitled "Safe Schools Advocate" at a prominent location within each school building. The notice shall be developed by the Advocate.
- It is the duty of each school administrator in a school district of the first class to cooperate with OSSA to implement these terms and provide the advocate upon request, with all available information authorized by State law.

## **District Overview**

The 2016-17 school year marked Philadelphia School District Superintendent William R. Hite's fifth complete school year as Superintendent of the largest school district in Pennsylvania. With over 130,000 students enrolled in 220 schools, it ranks eighth in population nationwide. In addition to the district-operated schools, there are 88 brick-and-mortar charter schools and 15 cyber charter schools with a combined enrollment of 69,505 students. The District's student body population is ethnically diverse: 59% Black/African American, 17% Hispanic/Latino, 13% White, 7% Multi-Racial and 3% Asian.

Since 2012, the District has operated with a budget deficit which led to the closure of 24 schools, elimination of important programs, and significant layoffs affecting teachers, nurses, counselors, and support staff. Although some positions were restored, the

impact of the staggering cuts was still evident when analyzing school climate and safety during the 2016-17 school year.

In 2016-17, the administration continued to work towards its goals of achieving equity, improving the achievement of all students and focusing on early literacy. By decision, all actions by the administration are to directly support at least one of four anchor goals outlined in Action Plan 3.0 and listed below.

- 100% of students will graduate, ready for college and career.
- 100% of 8-year-olds will read on grade level.
- 100% of schools will have great principals and teachers.
- SDP will have 100% of the funding it needs for great schools, and with zero deficit.

Successfully reaching these ambitious goals requires a commitment to safety and climate essential for learning to occur. While the topic of safety is not specifically addressed as an Anchor Goal unto itself, concern for school safety is addressed in District Actions 7 and 9:

**Action 7:** Recognize, respond to, and support the social-emotional and behavioral health needs of students.

**Action 9:** Provide well-resourced, clean, comfortable, healthy, and safe school environments that are conducive to teaching and learning.

OSSA recognizes that these actions are essential for a vibrant educational system. A stable school climate and safe environment are essential for learning to occur. However, additional actions specifically addressing school safety should be considered by the District. For example, consideration should be given to embracing a standard of trauma-informed approaches for victims and the families whose children attend these schools.

### **III. Victim Advocacy**

Violence is an issue that permeates our society and leaves devastation wherever it occurs. The media is inundated with stories of extreme violence occurring in American cities, neighborhoods, workplaces and cherished institutions. Consistent with this reality, it is no surprise that violence is also prevalent in the primary institution where children are supposed to feel safe: schools. A school can be viewed as a microcosm of the community in which it exists. Consequently, a diverse collection of stakeholders, including OSSA, is essential to addressing violence. It is incumbent upon the District to embrace stakeholders who share its goal of decreasing violence in Philadelphia schools, and to leverage the resources available to effectively combat this continuing issue. The prevalence of school violence is a threat to the future of Philadelphia as it prevents students from obtaining the education and life skills necessary to become productive members of society.

In every incident of violence, there are at least two parties involved: one who is an alleged victim, and another who is an alleged offender. OSSA has observed that these roles can change amongst individual students. Students who have been victims in one scenario become offenders in another, and vice versa. This observation underscores the importance of adequately addressing all parties involved in an incident simultaneously. While the District actively works to protect the legal and due process rights of students accused of infractions, it does not have an office dedicated to protecting and advocating for the rights of victims to have access to adequate education without fear for their safety. OSSA fills this void by coordinating services for victims of violent incidents. This is an area where OSSA is most beneficial to the families of the District.

OSSA was directly contacted on 548 occasions throughout the year by individuals seeking assistance. Of the 548 contacts, 108 incidents warranted some level of follow-up by our office with the remaining instances being beyond OSSA's statutory purview.

There is a large victim population that remains unaware of OSSA's services. In fact, during SY 2016-2017, OSSA directly represented approximately 3% of the known victim

population. To increase awareness, OSSA conducted presentations about our services to several stakeholders, including District staff and the Home and School Association. OSSA also gave presentations at various community events. Additionally, OSSA sent an introduction letter to Dr. Hite to be forwarded to all assistant superintendents, informing them about OSSA. Finally, as part of OSSA's outreach, we continue to host regional conference calls to discuss issues schools are experiencing in their regions. Brochures and posters are currently being updated with information regarding our office and will be mailed to all schools during the coming school year.

### **Daily Activity**

OSSA performs several daily functions to fulfill its victim advocacy, monitoring, and policy requirements. OSSA continues to be accessible to victims of violence via telephone and receives walk-in clients during regular business hours, Monday through Friday from 8:30 AM – 5:00 PM.

In addition to walk-ins and phone calls, OSSA is made aware of potential clients by outside agency referrals. We work closely with the victim services and law enforcement communities, who often facilitate contact with victims of school incidents.

When families impacted by violence contact OSSA, they generally express frustration at the lack of support and communication provided by the District to address their situation. Common themes include frustration with the late or absent follow-up from the District and school-based administrators regarding the status of their complaints, and difficulty navigating the cumbersome systems of the District. For example, many families do not know who to contact for which issues, or what office or individual can provide the necessary guidance to help resolve their issues. While the District is required to allow school transfers in limited situations, there is no guidance provided as to who the appropriate person is to begin this process. Unfortunately, it is OSSA's experience that many victims and their families are left with feeling that the District has failed to properly address their needs. In some instances, this lack of support results in situational escalation and parents taking matters into their own hands by becoming

confrontational with administrators. The lack of communication frequently exacerbated school dilemmas, which resulted in some parents or guardians receiving a letter of exclusion, prohibiting them from entering their child's school because of their response to a school based incident.

Our office opens each new case with an interview. During this process, OSSA documents key details regarding the nature of a client's complaint, assesses their goals, determines an appropriate course of action and reviews reasonable expectations for resolution. If the issue falls within the scope of OSSA's services, we provide further assistance to the victim and his/her family. For issues occurring outside of our purview, we rely on outside partners to assist clients, including the District Attorney's victim services unit, local victim service organizations, mental health and medical treatment, victim of crime counselors, and the Juvenile Division of Family Court.

On behalf of victims of violence, OSSA frequently initiates contact with school or central office administrators. Our goal is always to bring issues to their attention for resolution. Our client files capture the responses by District personnel while addressing safety matters brought to them.

We frequently accompany victims and their families to school-based meetings and participate in mediations between the school and family. During mediation, family members are given the opportunity to voice concerns while OSSA serves as a support system and a fair and independent buffer between school administrators and families.

### **Daily Incident Review**

From the incidents recorded in the Serious Incident Management System (SIMS) database, the District places a subset of those to which the District has decided OSSA has a right to on an FTP site.

From that subset, our office identifies victims to whom we send letters which describe the services OSSA provides and contact information for referral services based on the nature of the specific incident. At least two sources for mental health and counseling

services are provided in each letter. OSSA sent a total of 1840 letters to victims of violence <sup>iii</sup> during SY 2016-17.

OSSA also sends separate letters to victims involved in incidents that involve disciplinary hearings. This letter is created by OSSA; however, it is forwarded to victims by the Office of Student Rights and Responsibilities (OSRR). The letter informs victims of their right to have a representative from OSSA participate in the disciplinary hearing on their behalf.

### **Disciplinary Hearings**

The Office of Student Rights and Responsibilities (OSRR) manages the District's disciplinary hearing process. Incidents reported that warrant further disciplinary action are referred by school administrators to OSRR, who decides if the requested additional disciplinary action is warranted, and if so, schedules a hearing.

The purpose of the disciplinary hearing is to determine whether a student has violated the Student Code of Conduct. <sup>iv</sup> There are three possible outcomes if a violation is deemed substantiated by the hearing officer: 1) the offending student could remain at the school, contingent upon guidelines outlined in a behavioral contract; 2) the offender could receive a lateral transfer to a neighborhood school; or 3) he/she could be referred to a disciplinary school.

To have a hearing scheduled, school administrators must file an EH-21 disciplinary hearing request form, demonstrating that a violation of the code of conduct occurred. Next, a packet is compiled containing the student's history of disruptive behavior, grades, attendance, updated incident details and witness statements. It is important that schools include evidence of attempted support and intervention provided to the accused offender. If any component of the hearing packet is incomplete, and the problem is not corrected, OSSR can refuse to proceed with the disciplinary hearing.

Four hearing officers facilitate disciplinary hearings throughout the school year. If an incident involves multiple perpetrators, each student gets a separate hearing – they are

not heard together - and the outcome is determined by the individual student's level of involvement and personal academic and disciplinary record.

According to data provided by OSRR, in SY 2016-17, while there were only 1,036 disciplinary hearings held yet there were 1,265 dispositions as accounted for in the chart below.

<b>Disciplinary Hearings Held in SY 2016-17</b>	
Data Received from (OSRR)	
<b>Total Disciplinary Hearings</b>	<b>1036</b>
Weapon Waiver	44
Behavioral Contracts	79
Lateral Transfer	240
Disciplinary Assignment	432
Expulsion Referral	470
<b>Total Dispositions:</b>	<b>1265</b>

Adding to the incongruity, the School Reform Commission (who receive their information from the OSRR) reported 1,317 total disciplinary hearings to our office.

<b>Disciplinary Hearings Held in SY 2016-17</b>	
Data received from (SRC)	
<b>Total Disciplinary Hearings</b>	<b>1317</b>
Weapons Waiver	64
Behavioral Contracts	115
Disciplinary Assignment	550
Expulsion Referral	630

The number and type of dispositions reported by the SRC also do not match the numbers provided by the OSRR. OSSA was not successful in receiving clarification from the District explaining the differences and how they arrived at their figures.

OSSA attended as many disciplinary and juvenile court hearings as possible. Our focus was to attend disciplinary hearings addressing incidents by either accompanying the victim, attending on their behalf, or in cases where a victim chose not to participate, to ask the school representatives about the victim's well-being in the aftermath of the incident. With the consent of the victims' guardians, OSSA questioned witnesses and presented information during 102 disciplinary hearings. Many families wanted to know what the consequences were for defendants whose conduct warranted the disciplinary hearing. Our office was available to explain the disciplinary hearing process, including the possible outcomes, and to advise parents whether the District followed proper protocol. Due to federal privacy regulations, OSSA is only able to share limited information with victims regarding the removal of a defendant from the school through the disciplinary process.

Juvenile court and the disciplinary process are separate but concurrent systems that may be addressing the same incident, and may have different outcomes. Due to OSSA's small staff, there were occasions when the office was unable to accompany victims to disciplinary or juvenile court hearings. For judicial hearings, OSSA partnered with the Victim Advocate at the District Attorney's office (DA) by sharing information and ensuring that communication occurred between the victim and DA's office.

## **Monitoring**

### **Incident Report Monitoring**

In the 2016-17 school year, OSSA reviewed and analyzed incidents involving acts of violence, possession of a weapon and possession, use or sale of controlled substances that occurred on public school grounds, school-sponsored activities or occurring on the way to or from school and school-sponsored activities. Pursuant to Article XIII-A Safe Schools §1302-A (b) (2.1) the Public School Code, 24 P. S. § 13-1302-A, the District has an obligation to report certain school-based incidents to the Pennsylvania Department of Education (PDE) annually, on or before July 31<sup>st</sup>.

While PDE uses the Pennsylvania Incident Management System (PIMS) as the mechanism for collection of District incident data, the District continues to use the



Serious Incident Management System (SIMS), managed by the Office of School Safety (OSS), to collect data on individual school-based incidents.

OSS is responsible for recording the data on incidents that will ultimately be reported to PDE. According to OSS, all school incidents should be reported to them. If any incidents occur within the school, on school grounds, while traveling to or from school, during after-school programs, or other related school functions, they should be reported to OSS.

The school principal or his/her designee should record an incident immediately after it occurs.<sup>v</sup> However, OSSA has reviewed incident reports and noticed that the time between occurrence of an incident and its reporting sometimes exceeded days and sometimes weeks without any justification or explanation.

School Police Officers (SPO's) use the SP-16 and SP-18 as the official forms to record all incidents, ensuring proper record of the incident. These completed forms are then given to the appropriate school-based staff to create the EH-31, the official updated school report. The EH-31 serves the purpose of providing additional details to central administration and the incident intake unit once an incident has already been reported and is being investigated further. Together, these forms are intended to maintain a permanent written record of all incidents that occur.

The details of the recorded incident are called into the Incident Control Unit, a department of OSS staffed by former police officers. The incident is assigned a classification code and entered into the SIMS database. There are a total of thirty-three possible incident classification codes, ranging from accidents/illness to the death of an individual. Most of the incident classification codes include additional sub-categories. Based on the details provided in the report, staff at the incident management desk have discretion in assigning the appropriate classification code. OSSA has found that, at times, the incidents appear to be miscoded based on the factual account of the incident.

Once the Incident Control Unit records incidents in SIMS, previously agreed upon incidents are uploaded onto the District's file transfer site (FTP) from where OSSA downloads them. However, incidents are not accessible to OSSA until three business

days after the incident is recorded in SIMS. This delays OSSA’s response to victims of violence and the provision of support services. The OSSA was informed that the delay is to allow schools to provide any updates prior to the data being available to OSSA. However, when OSSA is privy to information as a result of a disciplinary hearing, OSSA has frequently noticed that it does not receive the most up -to- date version of events.

In SY 2016-17, OSSA downloaded 30-50 incidents daily from the District’s FTP site. Information available via incident reports downloaded from FTP includes the location of the incident, date of the incident, date the incident was reported, names of victims, defendants, complainants, and a synopsis of what transpired. OSSA reviews the accuracy of the data, ensures District policy was properly executed, and determines if there is a victim associated with the incident.

A total of 6,090 reported incidents were reviewed by OSSA in SY 2016-2017. Compared to the previous school year, this represents a 9% overall increase in the number of incidents that were reported to OSSA through SIMS. For the same period, 5658 incidents were ultimately reported to PIMS. Unfortunately, District’s SIMS code classifications do not mirror PDE’s PIMS classification codes, making comparisons difficult.

**2016-2017 Incidents reported to PDE vs. OSSA**

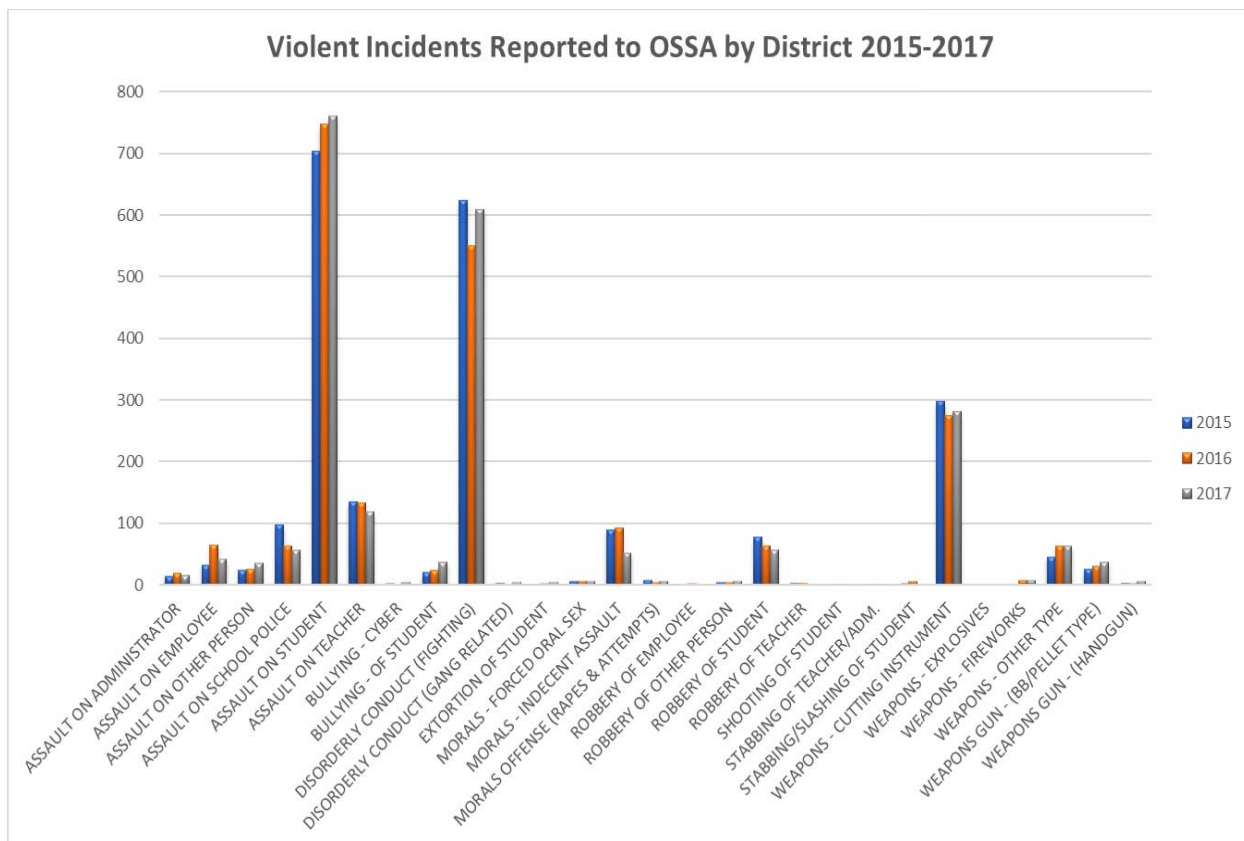
PIMS Charge	Qty	SIMS Charge	Qty
Arson	49		
Aggravated Assault on Staff	145	Assault On Administrator	15
Simple Assault on Staff	88	Assault On Teacher	119
		Assault On School Police	56
		Assault On Employee	42
		Assault On Other Person	35
Aggravated Assault on Student	67	Assault On Student	760
Simple Assault on Student	689	Stabbing/Slashing Of Student	1

PIMS Charge	Qty	SIMS Charge	Qty
Bomb Threats	4	Bomb Scare	3
		Bomb Scare W/ Evacuation	1
Bullying	40	Bullying - Of Student	36
Cyber Harassment of a Child	2	Bullying - Cyber	4
Burglary	10	Burglary	12
Criminal Trespass	48	Trespassing	54
Disorderly Conduct	846	Disorderly Conduct (Disruption)	858
Fighting	622	Disorderly Conduct (Fighting)	609
		Disorderly Conduct (Gang Related)	4
Minor Altercation	1056	Disorderly Conduct W/Injury	951
		Inappropriate Conduct	129
		Disorderly Conduct (Gambling)	1
Indecent Assault	50	Morals – Indecent Assault	52
Indecent Exposure	13	Morals - Indecent Exposure	13
Involuntary Sexual Deviate Intercourse	6	Morals - Forced Oral Sex	6
Obscene and other sexual materials	22	Morals - Sexual Misconduct	23
		Morals Offense - Sexual Consent	18
Rape	7	Morals Offense (Rapes & Attempts)	6
Kidnapping/Interference with Custody of	4	Abductions & Attempts	4
		Child Abuse/Neglect Investigation	120
Possession of BB/Pellet Gun	38	Weapons Gun - (BB/Pellet Type)	37
Possession of Handgun	4	Weapons Gun - (Handgun)	6
Possession of Other Firearm	2		
Possession of Cutting Instrument	54	Weapons - Cutting Instrument	281

PIMS Charge	Qty	SIMS Charge	Qty
Possession of Knife	215		
Possession of Explosive	1	Weapons - Explosives	1
		Weapons - Fireworks	7
Possession of Other Weapon	62	Weapons - Other Type	63
Possession/Use of a Controlled Substance	178	Marijuana – Possession, Use, Found	177
		Drugs - Possession, Use, Found	6
Possession/Use or Sale of Tobacco	9	Disorderly Conduct (Tobacco Use)	8
Sale/Distribution of a Controlled Substance	24	Marijuana - Sale/Distribution	22
		Drugs - Sale/Distribution	2
Sale/Possession/Use or Under the Influence	11	Alcohol - Possession, Use, Found	10
		Under The Influence	15
		Extortion Of Student	4
Robbery	67	Robbery Of Employee	1
		Robbery Of Other Person	6
		Robbery Of Student	57
Sexual Harassment	35	Harassment Investigation	145
All Other Forms of Harassment/Intimidation	57		
Racial/Ethnic Intimidation	2	Hate Crime Investigation	2
Suicide – Attempted	15	Suicide - Attempts & Threats	59
Theft	201		
Threatening School Official/Student	520	Threats	238

PIMS Charge	Qty	SIMS Charge	Qty
		Threats - Verbal & Written	287
Vandalism	395	Vandalism Personal Property	23
		Vandalism School Property	406
		Computer Crimes	1
		Death Of Other Person	1
		Death Of Student	1
		Investigation Of Person	75
		Investigation Of Property	75
		Investigation Of Shooting	25
		Investigation – Student(s) Followed	25
		Investigation Of Missing Property	83
		Truancy Investigation	9
<b>Grand Total</b>	<b>5658</b>	<b>Grand Total</b>	<b>6090</b>

As in previous years, the number of incidents reported to the Pennsylvania Department of Education continues to be lower than the total number received by OSSA. Until the District uses the exact classifications in PIMS to code their incidents, there will continue to be a discrepancy.



Of the violent incidents reported to OSSA, the 35 Assaults on Other Persons and 760 Assaults on Students has increased slightly since SY 2014-15. The Assault on Other Person category is not represented in the PIMS data, as PDE only requires reports concerning assaults on staff or students.

Weapons remain a concern in the School District of Philadelphia. Many students travel through dangerous areas of the city and sometimes carry weapons, mostly knives, pepper spray and Tasers, for personal safety reasons, and often with their parents' knowledge and approval. The statewide expectation under Act 26 is that if a student brings a weapon to school, a disciplinary proceeding will take place which will likely result in the student being recommended for expulsion unless the Superintendent, or his/her designee, makes an exception. For the District, this exception comes in the form of the "weapons waiver" policy allowing a principal to decide *not* to proceed with an EH-21 disciplinary hearing for a student who is alleged to have been in possession of a weapon, and allows that student to remain in the school.<sup>vi</sup> There was only one expulsion last school year due to possession of a weapon, despite the number of

reported incidents involving weapons exceeding 70. Because of the policy, the number of weapons incidents will not always equal the number of disciplinary and expulsion hearings for weapons.

### **Unreported Incidents**

In carrying out our regular duties, OSSA began tracking unreported incidents which came to our attention. As a standard procedure when clients contact OSSA and relay information about an incident that occurred in school, we verify those incidents involving both the victim and defendant reported in SIMS. There were incidents reported directly to us, which may have involved bullying, assault or other reportable incidents that were not included in the information we received from SIMS. When those instances occurred, OSSA contacted school administrators to ask if they remembered when they reported the incident in question. For the most part, school administrators did not respond to these requests. However, on the rare occasions where administrators did address the lack of report, OSSA noted some common themes. Often, administrators indicated that they did not consider the incident sufficiently “serious”. Additionally, some administrators indicated that they did not have the time to report all the incidents which occur in their schools.

Other unreported incidents were also identified through review of incidents that were reported to the SIMS. On multiple occasions, OSSA found incident reports that reference interrelated incidents that had not been reported to the District utilizing the SIMS database – sometimes specifically noting that those related incidents had never been reported. Many of the incidents referenced as part of another reported incident were certainly reportable themselves. During SY 2016-2017 there were no less than 140 unreported incidents verified by OSSA. Many of these incidents, had they been reported to the District, are required by law to be reported to PDE.

### **Miscoded Incidents**

In addition to incidents not being reported, OSSA also noted incidents which we believe were miscoded by the District’s Incident Desk. Miscoded incidents are incidents where the summary descriptions of what transpired in an incident do not match the primary

incident classification code assigned to it by the Incident Intake Unit. When an incident has been miscoded, OSSA reclassified the incident in our office database and assigned the most appropriate classification code based on the data presented in the incident summary that we received. OSSA recorded 371 miscoded incidents (6% of the incidents we received) during SY 2016-2017. The most commonly (mis-)assigned code was Disorderly Conduct – Disruption (150 incidents). OSSA believes the coding was appropriate in one-third of these cases. The other two-thirds should have been more accurately coded incidents of a more serious nature (Assault, threats and morals incidents).

**PPD / District Memoranda Of Understanding**

There are now two existing MOUs between the District and Philadelphia Police Department (PPD). The MOU governing what incidents must be reported to PPD was renewed this school year under the leadership of Police Commissioner Richard Ross. According to state regulation, this MOU must be reviewed no less than every two years.

Under this MOU, incidents fall into two categories: those that must be reported to the police, and those for which the report to the police is at the discretion of the school administrator. Incidents considered mandatory police reports are presented below:

<b>Mandatory Reports</b>	
Weapons	Felony Vandalism
Homicide	Criminal Trespass
Aggravated Assault	Riot
Stalking	Controlled Substances
Kidnapping	Morals (Rape, Sexual Assault, Involuntary Deviate Sexual Intercourse, & Indecent Assault)
Or conspiracy to commit any of the above	



While reviewing the daily incident reports, OSSA verified compliance with the MOU between the PPD and the District. When incident reports indicated that school administrators failed to report one of these incidents, OSSA sent an e-mail reminder to school principals, the Assistant Superintendent, and the School Police ROC Commander. These notifications served as a reminder to principals of the types of incidents that they are obligated to report, and reminded the ROC Commander personnel with whom they might need to review the MOU requirements. In the beginning of the school year, OSSA and the District's Office of Student Rights and Responsibilities crafted reminder language that was agreeable to all.

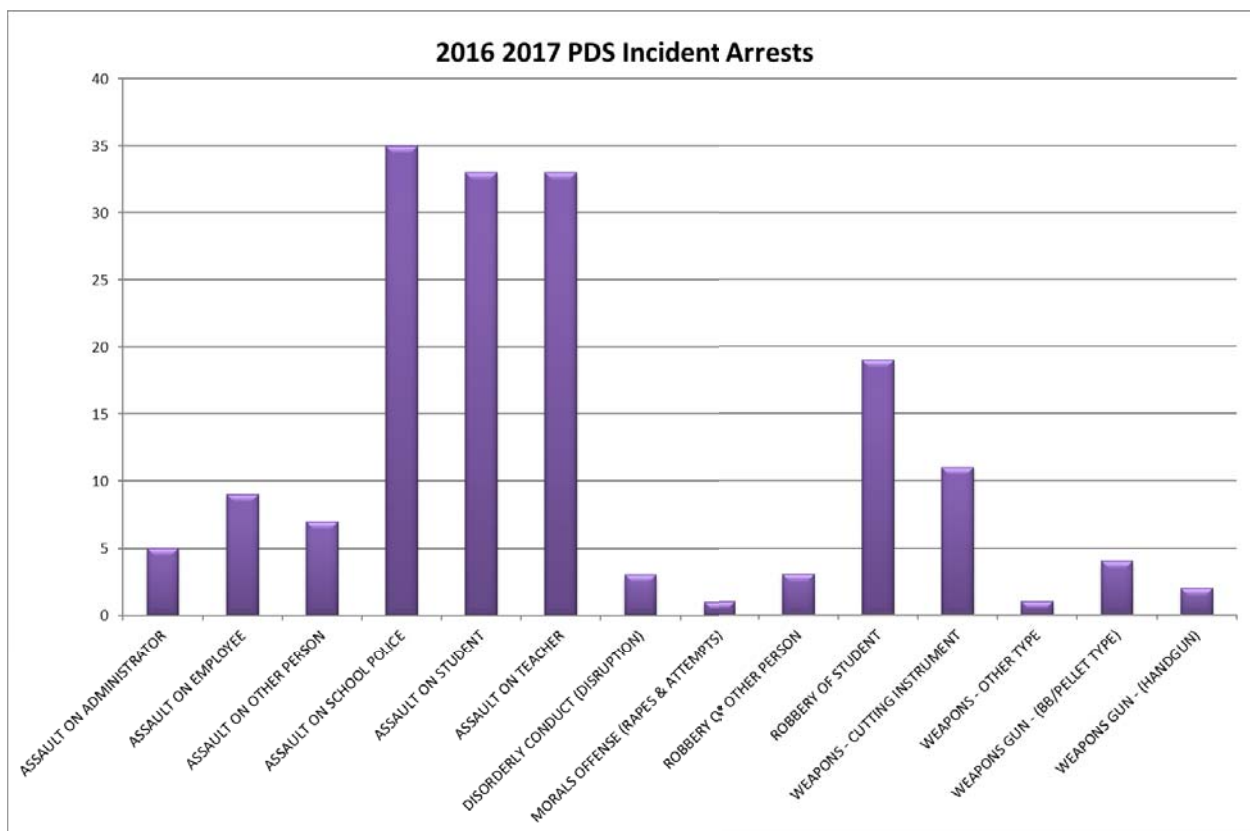
OSSA sent 43 MOU reminders for incidents which did not appear to have been reported by the school, alerting the school that they may be out of compliance with the MOU. Assistant Superintendents and School Police seldom respond to the notifications and school administration responses vary.

### **Diversion MOU**

SY 2016 – 2017 was the third year that the Diversion Program between the Philadelphia Police Department, District Attorney's Office, Juvenile Court for the First Judicial District, School District of Philadelphia, Department of Human Services and the Defender Association was used.<sup>vii</sup> The Diversion Program is laudable for reducing incidences of students entering the juvenile justice system by promoting inter-agency cooperation; for providing services for a student; and providing a first-time offender a chance to avoid contact with the juvenile justice system.

OSSA recognizes the importance of restorative alternatives to address students who commit low-level incidents at school. This approach helps to disrupt strict zero tolerance school discipline policies that fall disproportionately on non-white students and students with disabilities. Combating the perpetual cycle often referred to as "the school to prison pipeline" may lead to decreased risk factors contributing to violence that often manifest at school. OSSA continues to believe the Diversion Program is a valuable tool when the MOU is implemented with fidelity.

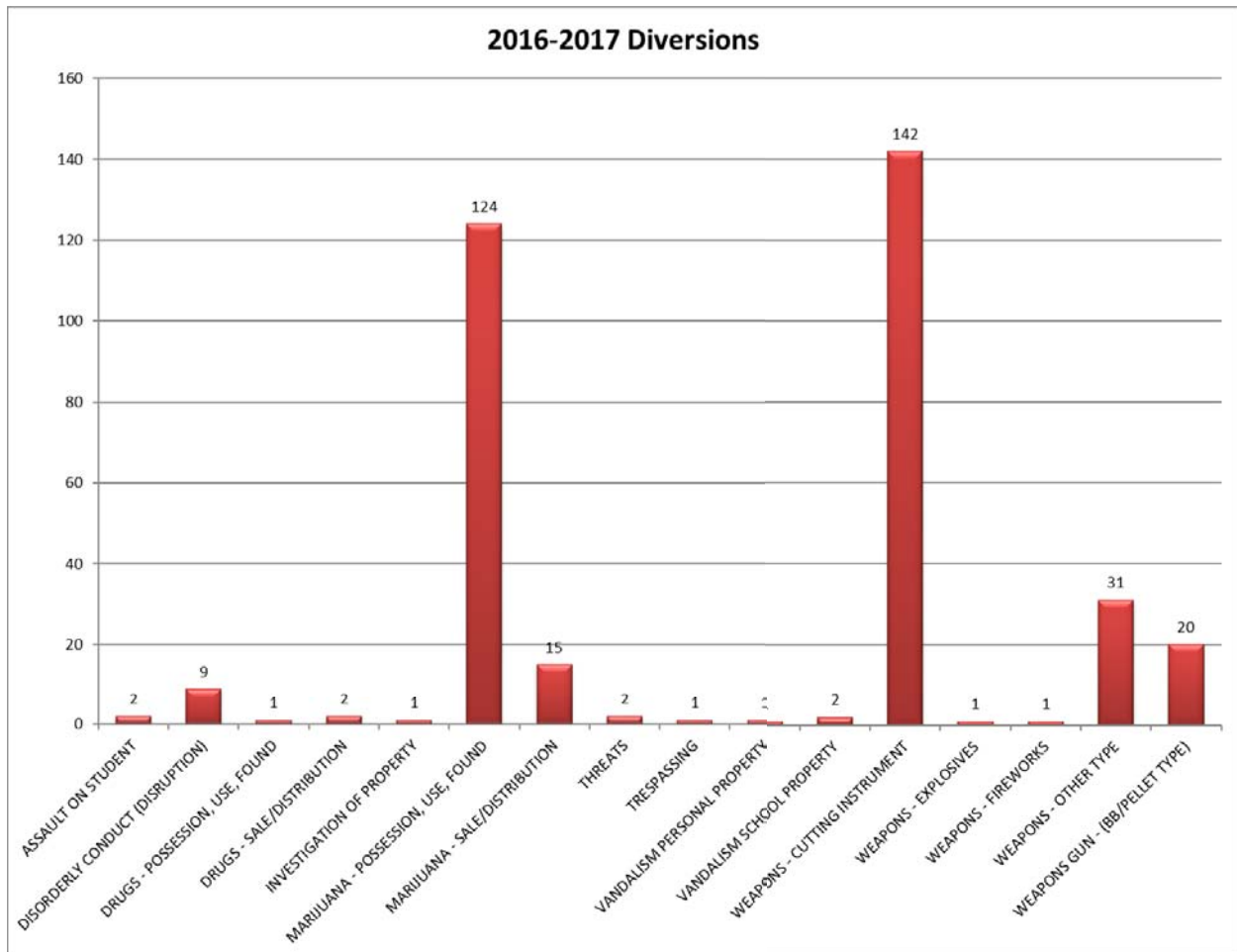
It is worth noting that many incidents for which students are diverted would have otherwise led to a report to PPD and arrest. Because report of a “persistently dangerous” incident is based on an arrest, the decision to divert students rather than arrest them results in fewer incidents reported to PDE as “persistently dangerous incidents.” In addition to weapons, schools are required to report arrests for drug possession or violent incidents to PDE each year. OSSA believes that this program will assure that there will no longer be “persistently dangerous schools” in Philadelphia.



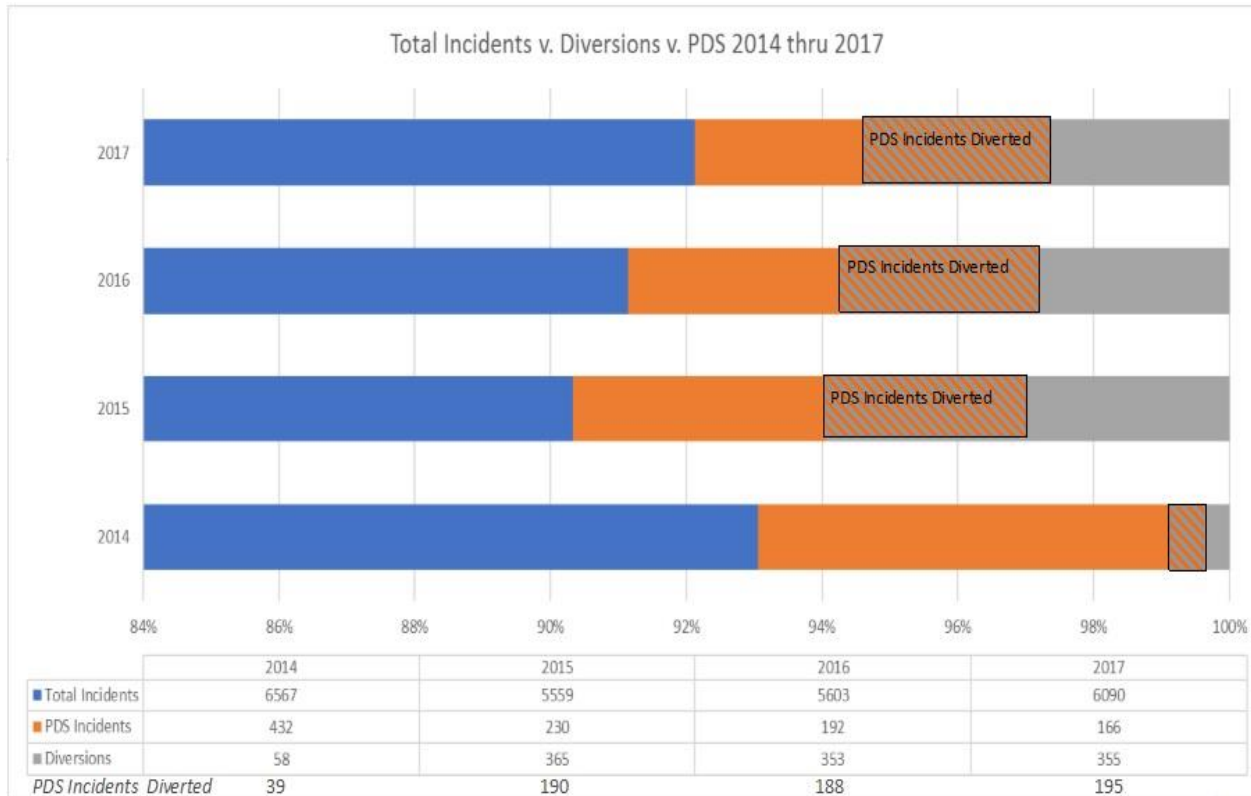
Schools are considered “persistently dangerous schools” (PDS) if they meet any of the below criteria in the most recent school year and in one additional year of the two years prior to the most recent school year.

- For a school whose enrollment is 250 or less, at least five dangerous incidents.

- For a school whose enrollment is 251 to 1,000, a total number of dangerous incidents that represent at least 2% of the school's enrollment.
- For a school whose enrollment is over 1,000, 20 or more dangerous incidents.



As a result, the Diversion Program may obscure the facts and lead some to the conclusion that schools are safer due to reduced arrests. To address this, a re-evaluation of the criteria used to determine what constitutes a PDS school should be conducted to gauge the level of violent incidents occurring at school regardless of whether an arrest is made.



Many of the diversions are for incidents which would have been PDS arrests. In the years following its debut in the Spring 2014, PDS incidents represented more than half of incidents diverted, (i.e., 52% in 2015, 53% in 2016 and 54% in 2017). Our office looks forward to collaborating with the Pennsylvania Department of Education’s Office of Safe Schools to test our hypothesis by combining our data with theirs.

### **Acknowledgement**

The Advocate is supported in his efforts by two staff members, Legal Assistant Leslie Cesari and Administrative Assistant Mary Kinney. Ms. Cesari attends disciplinary and expulsion hearings, meets with clients, conducts legal research and hosts five weekly community outreach conference calls developed by OSSA. Ms. Kinney facilitates internal and external office communication and coordination with District offices; client intake; monitors the District’s incident data, ensuring that all victims are sent timely notification of their right to receive assistance by OSSA; and provides data analysis of school incidents for our team. Both have served OSSA since it reopened in 2011 and have been instrumental in maintaining key partnerships during the interim period

between Advocates. The Advocate recognizes that OSSA's work could not be performed without their daily contributions.

## **IV. Observations and Recommendations**

### **Communication**

The District is challenged in delivering a consistent level of service to the students and families who have been victims of a violent incident. As mentioned, many school incidents can be addressed by communicating in an effective and timely manner. Often, parents do not receive copies of official forms that they need, nor do they receive the results of investigations unless requested. To ensure school safety, OSSA recommends that the District take the following steps to enhance effective communication among stakeholders:

- Continue to Improve the Website - organizational charts and division leaders should be clearly presented on its website. It is crucial that the District's chain of command is accessible to the public for accountability and timely follow-up of important matters. Often, parents are unable to determine who should be held accountable for poor service. The inability to communicate with the appropriate personnel delays the timely resolution of issues and may perpetuate an unsafe school climate.
- Communicate Actions Taken with Families - The determination and corrective action carried out in response to an incident being investigated must be communicated to the family of victims consistently and in a timely fashion without request. The form of that communication should always be in writing. To mitigate retaliation (i.e., victims or family members retaliating against original offenders), the District should take care to issue appropriate determinations and corrective action.
- Improve Notification of OSSA services - 24 P.S. 13-§1310 A states that schools shall provide information about OSSA to the victim and/or their family when there

is a report of an incident of violence. OSSA recommends that this directive be sent as a periodic reminder to school principals so that providing information about OSSA would be routine when taking and making a report. Victims should be informed of their rights.

### **Professional Development / Policy**

- Improve policy implementation and monitoring - The central administration must ensure that policies are effectively communicated to each school, and that their policies are enforced. It is this same culture of inconsistency that manifests in unreported incidents and unresolved challenges that many schools experience. OSSA has observed that an underlying reason for unreported incidents may be a level of subjectivity in deciding which incidents are considered “serious”. As noted in this report, the District has entitled its reporting system “Serious Incident Management System. OSSA has brought to the District’s attention in the past that Serious Incident Management System (SIMS) may give an inaccurate impression of what is expected to be reported by a school administrator when annual training dictates that ALL incidents, not just serious incidents, are to be reported. It appears that this incongruence leads some building administrators to be uncertain as to whether or not certain incidents should be reported. In response to inquiries from OSSA, some schools have stated that they simply do not report all incidents. Ultimately, the District needs to strictly enforce its reporting policies and hold schools accountable for the accurate, consistent, and timely reporting of incidents of violence at schools.
- Provide Training - School administrators and staff should be thoroughly and regularly trained on which incidents need to be reported. As indicated previously, some schools communicated a level of confusion regarding which incidents should be reported. Periodic reviews should be conducted by the Office of Safe Schools to determine if incident reporting is enforced and whether incidents are properly coded by the District’s Central Office.

- OSSA Orientation - It is essential that District and school-based administrators be educated on the purpose and functions of OSSA. Our office encountered staff members who at first were wary and expressed being encouraged not to communicate with OSSA, because we are a “State office”. This message is counterproductive and slows down the process of delivering the best possible service to the families that we serve.
- PDE standard is for schools to classify incidents using the highest classification if more than one applies to a situation. Our office has noticed that many incidents that qualified for more than one classification code were downgraded to the lowest classification designation by the District. This inconsistent designation of classification codes fails to give a true depiction of the nature of violence at the District. PDE should require that secondary and tertiary classification codes be collected and analyzed rather than leave it to the district to arbitrarily select between classification codes.
- District codes should mirror PIMS codes. By mirroring PIMS coding, stakeholders and the general public will have a clearer picture of assaultive incidents happening in the District. Currently, District codes do not distinguish between simple and aggravated assaults on students or staff. PIMS requires that reports be made specifically for aggravated assault on student, simple assault on student, aggravated assault on staff and simple assault on staff. Without distinguishing between the types of assaults, the only way to gather these counts for the Department is through qualitative review of the incidents.
- The District should expand its training in trauma-informed approaches for dealing with students and families.

## **Victims’ Rights**

Although steps have been taken by the District in recent years to become better at serving the needs of victims, more can be done to ensure victims’ rights are protected. The District does not currently operate from a victim-centered approach.

- It appears that the District believes that they have been given an exception to the laws regarding Unsafe School Choice Option and, as such, does not offer transfers to victims on a consistent basis as required.<sup>viii</sup> The District should reverse this stance, and allow a process by which a victim's family can request a transfer to a different school. While the current Administrative Transfers policy is meant to force a school to deal with issues, it keeps victims at the school with their attacker far longer than may be healthy.
  
- The District should adopt a Victim's Bill of Rights that includes the basic expectations of a victim and the rights of individuals under the law when going through the disciplinary process. OSSA sent a draft to be used by the District but has not received a response. This or a similar policy should be adopted, frequently reviewed with the entire school community, and sent to parents in the beginning of each year.

OSSA is statutorily mandated to assist victims. It is incumbent upon the District to provide to our office detailed information regarding any investigation involving a victim and the disciplinary action taken so that we can properly follow-up with such a victim. Complete and timely communication from the District would free staff from receiving several communications concerning a matter and simultaneously prevent the need for OSSA's small staff to pursue repeated follow-up to a situation. Currently, the typical response from the District is that they will be working with the school on the issue, without providing specific measures being taken. OSSA cannot effectively respond to a victim's request for assistance given the limited information currently provided to our office by the District.



# **GLOSSARY**

## 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.

**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**



**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE PHILADELPHIA POLICE DEPARTMENT**  
**AND**  
**THE SCHOOL DISTRICT OF PHILADELPHIA**

**September 7, 2016**

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**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.
  - 3. In no case shall a child who is 10 years old or younger be arrested.
- 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.
- E.

**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:   
William R. Hite, Jr., Ed.D.  
Superintendent

Approved as to Form Only:

  
Attorney for the School District  
of Philadelphia

PHILADELPHIA POLICE DEPARTMENT

By:   
Richard J. Ross, Jr.  
Police Commissioner

(MOU) THE PHILADELPHIA POLICE DEPARTMENT  
OGC Contract No.: 292/F17

# **Appendix B**

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 C**



**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY**

April 23, 2018

«Vic\_FName» «Vic\_LName» and Parents  
«Vic\_Address»  
PHILADELPHIA, PA «Vic\_Zip»

Re: Incident Reported by «SCHOOL\_NAME» on «IncDate»

Dear «Vic\_FName» «Vic\_LName» and Parents:

The Office of Safe Schools Advocate (OSSA) was recently notified by the School District of Philadelphia that you may have been the victim of violence and/or threat of violence reported by «SCHOOL\_NAME» on «IncDate». Because the District is required by law to advise you of your rights/your child's rights as a victim, the Office of Safe Schools Advocate is here to offer its assistance.

The OSSA wants to highlight that you have the right to attend any disciplinary hearing and request that the advocate present information and/or testimony and cross examine witnesses. The OSSA is also able and willing to support victims in court proceedings either in the juvenile court or private criminal complaint mediation hearings.

In addition, we would like to provide you with the following list of agencies and resources who may also be able to assist you through this difficult time:

Mental Health & Medical Treatment  
Sliding Scale (215) 769-1100

Victims of Crime Counseling Referral  
(215) 625-9655

To Contact School Police  
(215) 400-7233

Transfers - Office of Student Placement  
(215) 400-4290

Disciplinary Hearing Schedule  
(215) 400-4830

Juvenile Court System  
(215) 686-7682

To File a Private Criminal Complaint  
(215) 686-8370

Crime Victim Compensation Assistance  
(800) 233-2339

Victim Services Unit of the DA  
(215) 686-8027

WOAR (Women Organized Against Rape)  
(215) 985-3315

Philadelphia Federation Of Teachers –  
(215) 587-6738

Teamsters Local 502 – CASA  
Robin Cooper – 215-236-7222

Employee Health Services  
215-400-4660

To File a Private Criminal Complaint (Adult)  
(215) 686-9863

If you believe that this incident has been as a result of discrimination or harassment based on your race, color, gender, religion, familial status, age (excluding public accommodations), sexual orientation, national origin, ancestry, and/or disability, you may want to contact:

Philadelphia Commission on Human Relations - (215) 686-4670

Anti-Defamation League – (215) 215-568-2223

US Dept of Justice – SPIRIT Conflict Resolution Program – 215-597-2344

Additionally, the following state and federal agencies also receive complaints regarding discrimination:

Pennsylvania Human Relations Commission - (215) 560-2496

US Department of Education, Office for Civil Rights - (215) 861-4441

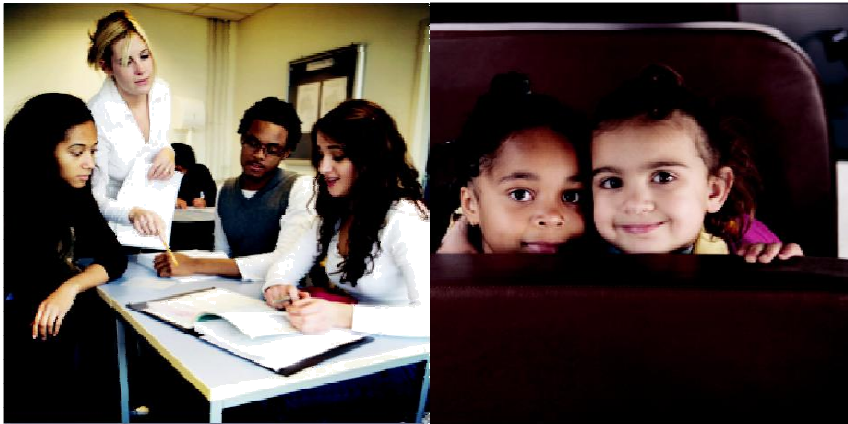
Please call our office at 215.656.5381 or stop by so we can assist you further.

Sincerely,



Roi A. Ligon, Jr  
Safe Schools Advocate  
Office of the Safe Schools Advocate  
440 N. Broad Street  
Suite 1198  
Philadelphia PA 19130  
215-656-5381  
215-656-5382 (Fax)  
ra-OSSAPhiladelphia@pa.gov

# **Appendix D**



# 2016-2017 Code of Student Conduct

**The School District of Philadelphia**



**School Reform Commission**

**Chairman  
Marjorie Neff**

**Commissioners**  
Feather Houstoun      Farah Jimenez      William Green      Sylvia P. Simms

**Superintendent  
Dr. William R. Hite, Jr.**

**Deputy Chief,  
Office of Student Rights and Responsibilities  
Rachel Holzman, Esq.**

The Code of Student Conduct will be in effect for a period of five years and is subject to change by the School Reform Commission (SRC).

## 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: \_\_\_\_\_

## 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: \_\_\_\_\_

## 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 support for my child to encourage his/her daily attendance, and to promote a positive learning environment for all.

Parent/Guardian/Caregiver's Signature: \_\_\_\_\_

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

**The Code is available in hard copy from your principal or from the Office of Family and Community Engagement, phone number 215-400-4180 or website - <http://webgui.phila.k12.pa.us/offices/p/publicengagement>**

**For copies in languages other than English, please contact The Translation and Interpretation Center at phone number 215-400-4180, or consult the Center's website - <http://webgui.phila.k12.pa.us/offices/t/translation>**



## 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.
- To provide administrators with 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.

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 community. We ask that they please read and understand the Code of Student Conduct and School Student Handbook, and discuss them with their children. We understand that families and guardians know best how to make sure that their children understand the expectations that will lead to a safe and orderly school community.

This Code of Student Conduct provides definitions of disruptive behaviors. 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 and/or the Office of Student Rights and Responsibilities at phone number 215-400-4830 or website - <http://webgui.phila.k12.pa.us/offices/s/student-rights-and-responsibilities>**

### Responsibilities of Teachers

- Respect all members of the school community.
- Use professional judgment to prevent minor incidents from becoming major problems.

## District Policy Regarding Behavior

## Behavioral Expectations & Responsibilities

### 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.

### 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.
- 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 to keep students in school.
- 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 constitute a health or safety hazard. 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.

A dress code violation shall not result in an exclusion from the classroom environment. Repeated uniform violations may result in a detention during non-instructional time.

Principals may declare spirit or club days and allow students to wear school spirit shirts, or schedule dress-up days (e.g., when school pictures are scheduled) or allow students to wear other 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 from 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.

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

## School Attendance Requirement

In Philadelphia County, school attendance is required for all children ages 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. Once a student of age 5 or older is registered for school, he/she is considered school-age and is required to attend school daily. If the student/family does not comply, they can be referred to DHS for truancy services.

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 the age of 21 is reached. 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 six 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

## Attendance Expectations

- 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 their child returns to school.
- Provide a written excuse for every late arrival and early departure.
- Provide the school with correct current addresses, emergency contacts, home, cell, and work telephone numbers, e-mail addresses 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" apply under circumstances such as illness or injury, teen parent leave (six weeks or 30 school days) after the birth of a child, death/funeral-related absence, 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 or more consecutive days. The student/family has three days from the date of the absence to provide documentation to the school for an excused absence. After the third day, the school principal or designee has the discretion to approve or deny the note.

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 not limited to) babysitting, waking up late, or being on vacation with family.

Additional attendance and truancy information is available on The School District of Philadelphia's Attendance and Truancy website - <http://webgui.phila.k12.pa.us/offices/a/attendance--truancy>

## Responses to Non-Attendance (Truancy)

A student who is absent from school without a valid excuse is considered "truant". 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, Response to Interventions and Instruction (RtII), Attendance Plan, Academic Supports, Social Service Referrals, Truancy Court). **Suspension from school or transfer to an alternative education setting is not a permissible response to truancy.**

According to Compulsory School Attendance Law, a judge or hearing officer may require students and/or their parents/guardians 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 days in county jail.

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

For more information concerning Attendance and Truancy, refer to the website - <http://webgui.phila.k12.pa.us/offices/a/attendance--truancy>

## Visitors to Campus

Parents and guardians are encouraged to visit schools and meet with teachers and administrators about their child progress. Visitors to campus must present themselves to the school office with proper identification. To provide safe and orderly learning environments, each visitor to public school buildings or grounds must receive authorization from the school

principal or his/her designee.

The Code of Student Conduct applies to all students while traveling to and from school, using any mode of transportation, as well as during any school related event. Additionally, the Code applies to off ground and after-hours behavior if there is a nexus to the school and the learning environment at the school is disrupted.

## When Does the Code Apply?

Some infractions of the Code of Student Conduct may also be crimes. The Memorandum of Understanding (MOU) lists the crimes that *must* be reported to the Philadelphia Police Department. Additionally, The School District of Philadelphia has a Memorandum of

## Referrals to the Philadelphia Police Dept.

Understanding with the Philadelphia Police Department outlining the Diversion Program that is an alternative to arrest & criminal prosecution.

All relevant Memorandum of Understanding are available on the School District of Philadelphia's website – <http://philasd.org/announcements/MOU-Between-PPD-and-SDP-2014.pdf>

## Diversion Program

The Philadelphia Police Department shall divert a student from arrest if that student has committed a non-violent offense in school and has no prior arrests. In those cases, the student will receive services from the Department of Human Services.

Principals, teachers, and other school professionals hold high expectations for students' learning and behavior. Adults in schools help students achieve personal and academic success using a range of responses.

Classroom management strategies may include the following:

- Acquire a student's attention by calling his/her name in a calm voice.
- Address the student privately.
- State the problem behavior.
- State expected behavior and explain why the student needs to satisfy the expectation.
- Listen to the student's response and help student to recognize appropriate behaviors for him/herself.
- Indicate the specific consequence of continuing to engage in the problem behavior--and the positive consequences of good behavior.
- Ask the student to demonstrate the expected behavior.
- Acknowledge the student (i.e., thanks, praise, reward, etc.) for listening to you and/or exhibiting the appropriate behavior.
- Document the infraction on a discipline referral report (EH20 – Pink Slip).
- For more information on classroom management strategies please call the Office of School Climate and Safety.

School interventions may include the following:

- Create a Student Behavior Contract
- Before or after school detention
- Alternative volunteer service (e.g., soup kitchens, shelters)
- Cafeteria duty
- Community Conferencing/Restorative Justice
- School Counselor referral for individual and/or group counseling, and individual behavioral health assessment and resource linkage
- In-school work detail
- Lunch detention
- Parent shadowing
- Peer mediation
- Reflective essay
- Independent study
- Student/teacher/parent conference
- Daily reports/self-charting
- Restorative practices
- Mentoring program
- Check in/Check Out
- Evidenced-based Tier II programs
- For more information on school-wide interventions, please call the Office of

School Climate and Safety

- Functional Behavior Assessment for Individual Behavior Planning, Implementation and Progress Monitoring
- Referral for SAP (Student Assistance Program) for Mental Health Assessment and appropriate referral
- Referral to School- Based Therapeutic Program (STS, CASST)
- Interagency Team Meeting with School, Parent, Behavioral Health Providers
- For more information on individual behavioral health interventions and school-based therapeutic programs, please call the Office of Prevention and Intervention
- For mental/behavioral health crises, please call the Emergency Crisis Line at 267-784-7895
- For allegation of abuse/neglect, please call ChildLine at 800-932-0313

**Note: For details related to RtII refer to website –**

**<http://webqui.phila.k12.pa.us/offices/c/curriculum/interventions/rtii>**

**Out-of-school suspensions should be used as a last resort and only when in-school interventions and/or consequences do not sufficiently address a student's inappropriate behavior.**

Disruptive Behaviors	Rule	Consequences Levels				
		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
Failure to follow classroom rules/Creating disruption	1A	✓				
Failure to carry hall-pass and/or appropriate ID	1B	✓				
Failure to participate in class/Unpreparedness	1C	✓				
Truancy/Excessive tardiness/Cutting class	2	✓				
Possession of inappropriate personal items	3B	✓				
Profane or obscene language or gestures	4	✓				
Inappropriate use of an electronic device	5B	✓	✓	✓	✓	✓
Mutual fighting (without serious bodily injury)	6	✓	✓			
Forgery of administrator, teacher, or parent's/guardian's signature	7	✓	✓			
Alteration of grade reporting, excuse notes, and/or school documents	8	✓	✓	✓	✓	
Destruction and/or theft of property (less than \$500)	9	✓	✓	✓		
Harassment (including Sexual Harassment)	10A	✓	✓	✓	✓	✓
Bullying/cyber-bullying	10B	✓	✓	✓	✓	✓
Intimidation	10C	✓	✓	✓	✓	✓
Sexual act (consensual)	11	✓	✓	✓		
Threatening students/staff with aggravated assault	12		✓	✓	✓	✓
Destruction and/or theft of property (totaling \$500 or more)	13		✓	✓	✓	
Breaking and entering school property	14		✓	✓	✓	
Robbery	15A		✓	✓	✓	✓
Extortion	15B		✓	✓	✓	✓
Mutual fighting (with documented serious bodily injury)	16		✓	✓	✓	
Simple assault on a school community member	17		✓	✓	✓	
Possession of alcohol and/or drugs	18		✓	✓	✓	✓
Possession and/or use of fireworks, incendiary devices and/or explosives	19		✓	✓	✓	✓
Instigation and/or participation in a group assault	20		✓	✓	✓	✓
Aggravated assault	21			✓	✓	✓
Sexual act (non-consensual)	22		✓	✓	✓	✓
Possession of a weapon	23				✓	✓
Reckless endangerment	24		✓	✓	✓	✓

\*Consequence Levels are not mutually exclusive. If a student is referred to the Office of Student Rights and Responsibilities, that student will also be suspended out of school for some period between 1-10 days. Please note disciplinary hearings **ONLY** apply to 6<sup>th</sup> -12<sup>th</sup> graders. There are **NO** out of school suspensions for the following violations: 1A,1B,1C,1D, 2, 3B and 4.

Kindergarten students may not be suspended unless they commit a violent offense. Any suspension over 3 days must be approved by an Assistant Superintendent.

Pursuant to ACT 26, the Superintendent or their designee, may, after a hearing, decide to allow the student who brought a weapon to school to remain in the school.

## Due Process

events to administrators.

All students are to be treated with fairness and respect. Students have a right to be heard and are to be provided the opportunity to explain their version of

If you feel you need victim services, please contact the Office of Safe Schools Advocate at phone number 215-656-5381 or website – <http://www.phillyossa.com>

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

## Student Conference Procedures

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.

## 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.

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

## 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

### **Kindergarten students may not be suspended unless their actions result in serious bodily injury**

**Short-term Suspension** is an exclusion from school and/or any school activity or function for a period of **three 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 to 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 Deputy Chief of the Office of Student Rights and Responsibilities is required for all suspensions exceeding eight school days.**

**All referrals to the Office of Student Rights and Responsibilities for a student discipline hearing must be preceded by an out of school suspension.**

## Parent Conference Procedures

At parent conferences, parents, guardians, and caregivers can expect that school administrators will adhere to the following protocol:

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 no later than day three of the suspension.
3. At the conference, the parent/guardian or caregiver may request to review and have a copy of the student's records and any witness statements, with other student names and information redacted.
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.

## Student Discipline Transfer Procedures

### Students in kindergarten through grade 5 are NOT eligible for disciplinary hearings.

Those students in kindergarten through grade 5 exhibiting a pattern or disruptive behavior(s) and/or committing serious violation(s) of the Code of Student Conduct are referred to the Response to Instruction and Intervention (RtII) process.

Students in grade 6 through 12 exhibiting a pattern of disruptive behavior(s) and/or committing serious violation(s) of the Code of Student Conduct may be referred to the Office of Student Rights and Responsibilities for a student disciplinary hearing. 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 education programs and supports to help students 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 period of a student's suspension, the student has the right to return to his/her school pending the outcome of the hearing, unless the behavior of the student continues to create such a risk of harm to the school community, than the school may request an interim placement. (See below for details of that process)**

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
- Review student records in advance

If the hearing officer makes a finding that the alleged violation occurred, s/he shall determine an appropriate consequence within the applicable range of the matrix.

## Interim Placements

Schools may request an interim placement for a regular education student with documentation that the student's continued presence poses a threat to the school community. In those cases when an interim assignment is granted by the Office of Student Rights and Responsibilities a hearing must be held as soon as possible after that assignment. For a special education student interim assignments will only be granted if there is documentation of weapons, drugs, or serious bodily injury.

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

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.

### The formal expulsion hearing process includes the following due process requirements:

## Expulsion Procedures

1. Notification of the charges in writing by certified mail to the student's parent/guardian.
2. At least three days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when he/she demonstrates good cause for an extension.
3. The hearing shall be private unless the student or parent/guardian requests a public hearing.
4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.
5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.
6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.
7. The right to testify, make arguments and present witnesses on the student's behalf.
8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.
9. The hearing shall be held within 15 school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:
  - a) The need for laboratory reports from law enforcement agencies.
  - b) Evaluations or other court or administrative proceedings are pending due to a student's invoking his/her rights under the Individuals with Disabilities Education Act (IDEA).
  - c) Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.
10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

## Expulsion Procedures (continued)

If a student is expelled by the School Reform Commission (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.

A student who has been permanently expelled from the School District of Philadelphia by the affirmative vote of a majority of the SRC may apply for readmission.

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.

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 the records of expulsion erased from the his/her records, or expunged. Expunging records 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.

## Expunging Records for Expelled Students

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

## Discipline for Students with Disabilities

### Suspensions for Special Education Students Identified as Intellectually Disabled

The District can only suspend students identified as Intellectually Disabled 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). PDE can be contacted by calling 717-783-6913 or visit their website – <http://www.pde.state.pa.us>.

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

The District may suspend student's with disabilities and cease educational services for up to five consecutive schools 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. Suspension for more than 15 cumulative days.
5. Suspensions totaling more than 10 days in an academic school year and when there is a pattern or 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 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 will review the manifestation determination.**

- E. If necessary, the IEP team reviews and revises 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 be changed if:

- (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 circumstances" (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 multi-tool containing a blade or cutting device is deemed a "dangerous weapon."

## Glossary

**Aggravated Assault** – An act that causes serious physical harm or creates a substantial risk of serious physical harm to another student and/or school community member.

**Breaking and Entering** – The act of entering school property through force, as minimal as pushing open a door, and without authorization.

**Bullying** – Repeated intentional conduct that is directed at another student or students, in or outside a school setting, that is severe, persistent or pervasive, and that either (1) substantially interfere with a student's education, or (2) creates a hostile learning environment, or (3) substantially disrupts school operation. Bullying occurs within an interpersonal relationship where there is an imbalance or power (e.g., one person is physically larger, stronger, mentally quicker, or socially more powerful). The conduct may be physical, psychological, verbal, nonverbal, written, or electronic.

**Cyber-bullying** – Bullying that occurs through electronic communication devices including but not limited to social networking, e-mail, instant messaging, text

messages, tweets, blogs, photo and video sharing, chat rooms, dash boards, or web sites.

**Destruction of Property** – Willful and malicious acts of damage or defacement to school property, including but not limited to graffiti, school pranks that cause a major disruption, or arson.

**Disruption** – Eating, drinking, being too loud, standing, running, loitering, throwing objects, talking out of turn, or other behavior that distracts other students from learning or teachers from instructing.

**District** – The School District of Philadelphia.

**Drugs** – Controlled substances and illegal substances, as well as "look-a-likes", which are defined as 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 device 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.

**Extortion** – Obtaining money, property or services from another student and/or school community member through coercion.

**Group Assault** – An assault committed by multiple offenders. This does not refer to a mutual fight (see "Mutual Fighting" in this Glossary), but a situation where one or more victims are attacked by a larger group of students.

**Harassment** – Unwelcome verbal, written, graphic, or physical conduct relating to a student or school community member's gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, English language proficiency, socioeconomic status, and/or political beliefs. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

**Inappropriate Use of Electronic Devices** – Including but not limited to sexting, videotaping fights, videotaping someone in a place where they have an expectation of privacy, or posting videos of inappropriate student conduct to a social media site that effect the school community in a negative manner.

**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).

**Intimidation** – To induce fear or a sense of inferiority in another student and/or school community member.

**Lateral Transfer** – A transfer to another non-disciplinary academic setting.

## Glossary (continued)

**Mutual Fighting** – If one or more students are engaged in a physical confrontation in which, after an investigation is conducted, it is unclear which student is the aggressor and which student is the victim.

**Possession** – Physical control over property (whether lost, found, or stolen), such as clothing, lockers, bags, and the contents contained therein.

**Reckless Endangerment** – Recklessly engaging in conduct that places or may place another person in danger of serious bodily injury.

**Response to Instruction and Intervention (RtII)** – The School District’s intervention system for students experiencing academic and/or behavioral challenges.

**Robbery** – Taking or attempting to take the property of another student or school community member by force or threat of force or by putting the victim in fear.

**School Community Member** – Any member of a school community, including but not limited to teachers, students, administrators, contracted employees, visitors, school police officers, and parents/guardians.

**School Grounds/Property** – Any property owned or utilized by The School District of Philadelphia or by any vendor under contract to The School District of Philadelphia.

**Serious Bodily Injury** – an injury that results in significant pain as well as requiring medical attention (with documentation).

**Sexual Act (Consensual/Non-consensual)** – Exposing or touching one’s own genitals, breast, or buttocks or those sexual parts of another person, engaging in intercourse, oral sex, or simulated sex.

**Sexual Harassment** – Unwelcome conduct of a sexual nature that can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

**Simple Assault** – Unprovoked attack by one student on another student.

**Theft** – Taking of another student’s or school community member’s property without that person’s permission.

**Threat** – Aggressive verbal or written language or gestures directed towards a student and/or school community member.

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

**A student violates Rule 24 (Possession of a Weapon) even if the student did not intend to use the object as a weapon.**

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 website –  
<http://www.philasd.org>

For copies in languages other English, please contact  
The Translation and Interpretation Center at phone number 215-400-4180.

The School District of Philadelphia does 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, disability, nationality, citizenship, union membership, or limited English proficiency. This policy of non-discrimination extends to all other legally protected classifications. Publications of this notice are in accordance with state and federal laws including Title IX of the Education Amendments of 1972 and Sections 503 and 504 of the Rehabilitation Act of 1973.



School District of Philadelphia  
Education Center  
440 North Broad Street  
Philadelphia, PA 19130  
215-400-4000

# **Appendix E**

## Office of School Safety Incident Reporting Protocol

### **Purpose:**

- ❖ To have the Office of School Safety be the sole office responsible for reporting and recording ALL incidents which will standardize reporting and take the onus of reporting off of the Principal or designee.

## **REPORTING PROCEDURES**

### **BY WHOM**

Any employee.

### **TO WHOM**

School Police Officer, Principal or principal's designee.

### **WHEN**

As soon as possible, after any immediate medical and security needs have been met.

### **WHAT HAPPENS NEXT**

- School Police Officer or in buildings where there is no School Police Officer, Principal or principal's designee calls School Police Incident Control Desk, 215-400-6100. If principal or designee does not report the incident to School Police, a staff member may report the incident.
- School Police Officer or School Police Supervisor, determines whether to notify School Police Incident Control Desk, 215-400-6100 and/or Philadelphia Police, 911.
- If there is disagreement between principal or designee and School Police Officer, the School Police Officer calls the Incident Desk for further review, who will then dispatch a Supervisor to the school. The Officer informs Lieutenant of all relevant facts and Lieutenant decides whether incident is reported to School Police Incident Control Desk and/or Philadelphia Police via 911.
- Principal or designee files an online SIMS report (EH-31) within two days.
- Principal determines what discipline to impose on student.

**NOTE:** Any notification to Philadelphia Police must be made by calling 911, even if there is a Philadelphia Police Officer present.

## **Summary Frequently Asked Questions**

### **What to report?**

Everything!

### **How do I Report Incidents?**

Incidents are reported to the Incident Control Desk by calling 215-400-6100.

- **OR in non-emergency cases:**

Faxing the report to           215-400-4712  
Emailing the report to       seriousincident@philasd.org

### **Who is responsible for reporting incidents?**

ANYONE – however, the School Police Officer(s) in your building will be responsible for calling all incidents to the Incident Control room and will also call the Philadelphia Police when necessary.

### **What if I do not have a school police officer or my officer is absent?**

Principal or designee will call the Incident control Desk.

### **What if I am not sure how to handle a serious incident?**

Call the Incident Desk for advice and guidance.

### **What if there is a disagreement between the School police Officer or yourself with the Philadelphia Police department?**

**OR**

### **What if I do not agree with the how the incident is being handled by the School Police Officer?**

Call the Incident Desk for further review, who will then dispatch a Lieutenant to the school.

### **Other Issues**

IF AT ANYTIME YOU NEED ADVICE OR HAVE A QUESTION, PLEASE CALL THE INCIDENT DESK

Types of **non-emergency** incidents (about 25% of all calls) that can be faxed or emailed to our incident desk:

- Accident or illness incidents that do not require outside medical attention
- School District vehicle accidents with no injuries
- Graffiti incidents - that are not racial or threatening in nature

## Office of School Safety

### Types of Incidents to Report

Abductions & Attempts\*  
Accidents & Illnesses  
Accidents to School District Vehicle  
Assaults\*  
Bomb Scares\*  
Bullying  
Burglary\*  
School Bus Incidents  
Computer Crimes  
Disorderly Conduct\*  
Drug & Alcohol Offenses\*  
Fire & False Alarms (Arson)\*  
Graffiti (Call 911 if racial or threatening in nature)\*  
Harassment  
Child Abuse\*  
Hate Crimes\*  
Morals Offenses (sexual incidents)\*  
Open Property  
Pickets/Demonstrations  
Property Damage (if over \$5000 call 911)\*  
Robbery\*  
Suicide Attempts/Threats  
Theft\*  
Threats (Verbal & Written)\*  
Trespassing\*  
Vandalism  
Weapons Offenses\*

\*Must be reported to the Philadelphia Police Department

# **Appendix F**



## **Request for EH-21 Disciplinary Hearing Waiver Protocol**

The ***“Request for EH-21 Disciplinary Hearing Waiver”*** is a tool created to continue our efforts to maintain a safe and supportive learning environment for all students. It is extremely important that the rules and requirements of our Code of Student Conduct are understood; though, there may be instances that require targeted strategies, for specific students that require additional interventions and support.

### ***What is the Request for Disciplinary Hearing Waiver?***

- A “waiver” to request that a student remain in your building;
- A tool to assist in determining if a student should have a discipline hearing; and
- A tool to assist in determining if a student should be transferred to a disciplinary school.

### ***What should you do when a serious incident occurs in your building but there are extenuating circumstances related to the incident?***

Discipline (EH-21) referrals should be submitted to the Office of Student Rights and Responsibilities within 7 days of the incident accompanied by an EH-21 Disciplinary Hearing Waiver as the face page of the referral packet. (For students with weapons grades k-5, only a picture and statements are required with the waiver)

### ***What factors should be considered when submitting a Request for EH-21 Disciplinary Waiver?***

A rationale that takes into account the following factors:

- Overall Academic Performance (grade average, class participation, completed assignments, extra curricula involvement)
- Attendance (Total unexcused absences, class cuts and lateness)
- Interventions (pink slips, ISS, OSS)
- Behavioral History (Number of previous EH-21 transfers)
- Miscellaneous (Parental involvement, involvement with interagency and other services, pattern of mobility/transfer between non-disciplinary schools)

### ***What happens after the Request for EH-21 Disciplinary Hearing Waiver has been submitted?***

All discipline (EH-21) referrals submitted with a request for an EH-21 waiver for a weapon violation will be reviewed by the Expulsion Committee. All other requests for disciplinary waivers (non weapons for grades 6-12) will be approved by the Deputy for the Office of Student Rights and Responsibilities.

For more information contact the Office of Student Rights and Responsibilities at phone number (215) 400 - 4830.



The School District of Philadelphia  
 The Office of Student Rights and Responsibilities  
 440 North Broad Street, 2<sup>nd</sup> Floor  
 Philadelphia, Pennsylvania 19130

Request for EH21 Disciplinary Hearing Waiver For a Weapons Violation  
 Students Grades 6-12

Student Name: _____	Student ID#: _____
School Name: _____	School Code: _____
Principal's Name: _____	Date: _____
Disruptive Behavior(s) and Rule(s) violated: _____	

**Request for EH21 Disciplinary Hearing Waiver**

The request for EH21 Waiver helps to further determine whether or not the student's actions warrant a disciplinary transfer. The notice should consider the following factors, for discussion, prior to making your recommendation as to whether the student should be placed in a Transition School or remain in their home school:

- Overall Academic Performance ( grade average, class participation, completed assignments, extra curricula involvement)
- Attendance (Total unexcused absences, class cuts and lateness)
- Interventions (Total pink slips, ISS, OSS, RtII and involvement with peer mediation and/or restorative practices)
- Behavioral History (Number of previous EH-21 transfers)
- Miscellaneous (Parental involvement, involvement with interagency and other services, pattern of mobility at non-disciplinary school transfers)
- Is the victim still in the building

Taking into consideration the above factors please explain your reason for requesting that the student **REMAIN** at your school.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Extenuating Circumstances** (Unusual/ extreme situations that may have led to misconduct such as being a victim of crime, trauma, behavioral/ mental health concerns, etc. taking into consideration the above factors).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Principal (Print Name/ Signature  _____	Date  _____
Parent/ Guardian Name/ Signature Date  _____	Date  _____

# **Appendix G**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE PHILADELPHIA SCHOOL DISTRICT,  
THE PHILADELPHIA POLICE DEPARTMENT,  
THE PHILADELPHIA DEPARTMENT OF HUMAN SERVICES,  
THE PHILADELPHIA DISTRICT ATTORNEY'S OFFICE,  
THE PHILADELPHIA COURT OF COMMON PLEAS,  
FAMILY COURT,  
THE DEPARTMENT OF BEHAVIORAL HEALTH AND  
INTELLECTUAL DISABILITIES SERVICES,  
THE DEFENDER ASSOCIATION OF PHILADELPHIA, AND ~~THE~~  
~~PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE~~  
REGARDING THE  
PHILADELPHIA DELINQUENCY DIVERSION PROGRAM**

## PURPOSE

This Memorandum of Understanding is entered into between the Philadelphia School District (hereinafter referred to as the District), the Philadelphia Department of Human Services (hereinafter referred to as DHS), the Philadelphia District Attorney's Office (hereinafter referred to as DAO), the Philadelphia Police Department (hereinafter referred to as the PPD), the Court of Common Pleas, Family Court, Philadelphia County (hereinafter referred to as the Court), the Department of Behavioral Health and Intellectual Disability Services, the Defender Association of Philadelphia, and the ~~Pennsylvania Department of Public Welfare~~ for the purposes of establishing a cooperative relationship and the implementation of a Delinquency Diversion Program between community agencies ( hereinafter referred to as the parties) involved in the handling of students alleged to have committed delinquent acts on or about Philadelphia school premises. The parties acknowledge that it may be in the best interest of students that certain summary and misdemeanor delinquent acts, defined herein as "focused acts," be handled by the school system, in conjunction with the parties, without the filing of a delinquency complaint with the Court.

**WHEREAS**, the parties acknowledge and agree that decisions affecting the filing of a delinquency complaint against a student, whether to place restraints on a student and/or place a student in a secure facility should not be taken lightly. As such, a transparent and cooperative agreement delineating the responsibilities of each party, when making a decision whether to divert a student from the Criminal Justice System is necessary and would promote the best interest of the involved students, the School System, other students and the greater community.

**WHEREAS**, the parties acknowledge and agree that this Memorandum of Understanding is a cooperative effort among the public agencies named herein to establish guidelines for the handling of school related delinquent acts against public disorder which are defined herein as "focused acts." The parties further acknowledge and agree that the guidelines contained herein are intended to establish uniformity in the handling of students who have committed one of the focused acts, as described herein, while simultaneously ensuring that each case is addressed on a case-by-case basis to promote a response proportional to the various and differing factors affecting each student's case.

**WHEREAS**, the parties acknowledge and agree that the manner in which each case or incident is handled by the parties is dependant upon the many factors unique to each student that includes, but is not limited to, the student's background, present circumstances, disciplinary record, academic record, general demeanor and disposition towards others, emotional stability, and other factors. Therefore, the parties acknowledge that students involved in the same or similar incidents may receive different and varying responses depending on the factors and needs of each student.

**WHEREAS**, the parties acknowledge and agree that while students may receive different and varying responses depending on the factors and needs of each student, the

decision whether to divert a student from the Juvenile/Criminal Justice System shall not be based upon the student's race, ethnicity, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, disability (or a perception of such disabilities), marital status, familial status, genetic information, domestic or sexual violence victim status or because of an association with a member of any of these protected classes.

***NOW THEREFORE***, the parties hereby agree to the following terms and conditions for the diversion of certain Philadelphia school students from the Juvenile/Criminal Justice System

**I. Definitions**

As used in this Agreement, the term:

- A. "Student" means a child under the age of 18 years currently enrolled in the Philadelphia School System.
- B. "Crime" means delinquent act or summary offense.
- C. "Delinquency Diversion Intake Center" means a co-location where representatives of DHS, the District, and the PPD will receive calls from officers in the field and who will have immediate access to student records to assist in determining the eligibility of students for diversion.
- D. "Focused Acts" means those summary and misdemeanor offenses limited to Pennsylvania Crimes Code § 912 Possession of Weapon on School Property, other than firearm, shotgun or rifle, §3503 Criminal Trespass, §5502 Failure of Disorderly Persons to Disperse upon Official Order, §5503 Disorderly Conduct, including both summary and misdemeanor level offenses, §5507 Obstruction of Highways and other Passageways, including both summary and misdemeanor level offenses, and Pennsylvania Controlled Substance, Drug, Devises and Cosmetic Act §780-113(16) Knowing and Intentional Possession of a Controlled Substance or Counterfeit Substance.

**II. Terms of Agreement**

- A. The parties understand and agree that a first time offense of a summary and/or misdemeanor "focused act," as defined herein, may not result in an arrest and/or filing of a delinquency complaint against a student, under the following conditions:
  - 1. Information provided by the school does not warrant juvenile justice assessment of the student,
  - 2. Information provided by DHS does not warrant juvenile justice assessment of the student,

3. The student and student's family agree to the terms and condition of the Delinquency Diversion Program set forth by the Department of Human Services.

**B. Philadelphia School District (District)**

1. The District understands and agrees that the effectiveness of the Delinquency Diversion Program is dependent upon the sharing of and/or access to certain student information. The District agrees that the Delinquency Diversion Program will help to insure that misconduct is swiftly and certainly addressed, and that the safety of all students and staff will be the paramount concern. The decision to divert must be made only after due consideration has been given to all of the relevant information about the student. Therefore, the District shall, to the extent permitted by law, provide student information, and consult and/or assist the Delinquency Diversion Program Intake Center in making final diversionary decisions.
2. The District understands and agrees that all School Police Officers (SPO) will be made aware of this Agreement and must act accordingly when responding to possible delinquent acts committed by students on or about District property.
3. The District understands and agrees that the responsibilities of the School Police Officers (SPO), under this Agreement, shall be as follows:
  - a. SPOs will contact the PPD, if probable cause is established that a student under the age of ten (10) years of age has committed a crime, but the student shall not be arrested. The role of the PPD under these circumstances is to document the incident and confiscate any weapon or contraband. The SPO shall direct the incident, along with the student, to the appropriate Principal for administrative action.
  - b. If probable cause is established that a student ten (10) years of age or older has committed a possible crime, the PPD shall be contacted.
  - c. Upon arrival of a PPD officer, the SPO shall consult with the PPD officer and assist PPD in interviewing the involved parties, and consulting with the student's teacher, counselor or advisor to determine whether the student is preliminarily eligible for the Delinquency Diversion Program.
  - d. If, after reviewing all the facts and circumstances, it is determined that the alleged offense is a disciplinary infraction only, as opposed to a delinquent act, the incident and all paperwork will be forwarded to the Principal for the appropriate administrative action.

C. Philadelphia Police Department (PPD)

1. The PPD understands and agrees that the effectiveness of the Delinquency Diversion Program is incumbent upon the proper staffing of the Delinquency Diversion Program Intake Center and that the Intake Center must be accessible during school hours and staffed with personnel with arrest powers and the lawful authority to access criminal record information. Therefore, the PPD agrees that it will staff the Delinquency Diversion Program Intake Center with two (2) certified Police Officers during school hours throughout the term of this Agreement.
2. The PPD understands and agrees that all PPD officers responding to delinquent acts occurring on or about District property will be made aware of this Agreement and act accordingly when responding to possible delinquent acts committed by students.
3. The PPD understands and agrees that the responsibilities, under this Agreement, of the PPD officers responding to alleged delinquent acts on or about District property shall be as follows:
  - a. PPD officers shall respond to calls by SPOs regarding possible delinquent acts committed by students on or about District property.
  - b. PPD officers will consult with the SPO, the student's teacher, counselor or advisor, interview all the parties and based upon the totality of this information, make a determination whether the student appears preliminarily eligible for the Delinquency Diversion program.
  - c. If the alleged offense is not a focused act, as described herein, or the student's record, demeanor and/or disposition towards others could create a hazard requiring detention to protect the person or property of others or the student or the treatment, supervision and/or rehabilitative needs of the student require it, the student shall be arrested and processed according to the standard departmental policies and the arresting officer shall complete all necessary PPD paperwork.
  - d. If the responding PPD officer determines that the student is preliminarily eligible for the Delinquency Diversion Program, the PPD officer shall contact the Delinquency Diversion Program Intake Center to determine if the student is currently under Court Supervision (*i.e. probation*) or otherwise eligible for diversion.
  - e. If the PPD officer receives confirmation from the Delinquency Diversion Program Intake Center that the student is otherwise ineligible for the Delinquency Diversion program, the student will be arrested and processed according to standard departmental polices and the officer will complete all necessary PPD paperwork.

- f. If the officer receives confirmation from the Delinquency Diversion Program Intake Center that the student is eligible for the Delinquency Diversion Program, the officers shall release the student and complete all necessary paperwork.
- g. If after reviewing all the facts and circumstances, it is determined that the alleged offense is a disciplinary infraction only, as opposed to a delinquent act, the incident and all paperwork will be forwarded to the Principal for the appropriate administrative action.
- h. The PPD will provide reports to the Court and Community Services Committee every 90 days indicating the number of students diverted, the would be charges and the plan of action. The report will also identify any challenges faced by diverting officers related to information sharing, etc.

**D. Department of Human Services (DHS)**

- 1. The DHS understands and agrees that the effectiveness of the Delinquency Diversion Program is dependent upon the sharing of and/or access to certain student information.
- 2. The decision to divert must be made only after due consideration has been given to all of the relevant information about the student. Therefore, DHS shall, to the extent permitted by law, provide student information, and consult and/or assist the Delinquency Diversion Program Intake Center in making final diversionary decisions.
- 3. DHS understands and agrees that the effectiveness of the Delinquency Diversion Program is incumbent upon the proper staffing of the Delinquency Diversion Program Intake Center and that the Intake Center must be accessible during school hours and staffed with DHS personnel with adequate resources and equipment to access student's records, juvenile court files, and any other available records necessary to assist in the diversion decision processes. Therefore, DHS agrees that it will staff the Delinquency Diversion Program Intake Center with two (2) DHS employees during school hours throughout the term of this Agreement.
- 4. DHS understands and agrees that the DHS personnel assigned to the Delinquency Diversion Program Intake Center shall notify DHS when a student is eligible for diversion.
- 5. DHS understands and agrees that upon notification by the Delinquency Diversion Program Intake Center, it shall coordinate and conduct home visits with the student and his or her family within seventy two (72) hours from the time notified by the Delinquency Diversion Program Intake Center to discuss the Diversion Program and the Program's terms and conditions.



6. DHS understands and agrees that if the student and his or her family do not agree to the terms and conditions of the Diversion Program, the student will no longer be eligible for any possible future diversion and the Delinquency Diversion Program Intake Center shall be notified of this fact, in writing.

E. District Attorney's Office

The Philadelphia District Attorney's Office (DAO) understands and agrees the Delinquency Diversion Program for focused acts, as described herein, is consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community Therefore, the DAO agrees to assist and support the parties to this Agreement in the development, implementation and continued operation of the Delinquency Diversion Program throughout the term of this Agreement.

F. Court of Common Pleas, Family Court, Philadelphia County (Court)

The Court understands and agrees the Delinquency Diversion Program for focused acts, as described herein, is consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community. Therefore, the Court agrees to assist and support the parties to this Agreement in the development, implementation and continued operation of the Delinquency Diversion Program throughout the term of this Agreement.

G. Department of Behavioral Health and Intellectual Disability Services

The Department of Behavioral Health and Intellectual Disability Services (DBHIDS) understands and agrees the Delinquency Diversion Program for focused acts, as described herein, is consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community Therefore, the DBHIDS agrees to assist and support the parties to this Agreement in the development, implementation and continued operation of the Delinquency Diversion Program throughout the term of this Agreement.

H. Defender Association of Philadelphia

The Defender Association of Philadelphia (Defender Association) understands and agrees the Delinquency Diversion Program for focused acts, as described herein, is consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community Therefore, the Defender Association agrees to assist and support the parties to this Agreement in the development, implementation and continued operation of the Delinquency Diversion Program throughout the term of this Agreement.

I. ~~Pennsylvania Department of Public Welfare~~

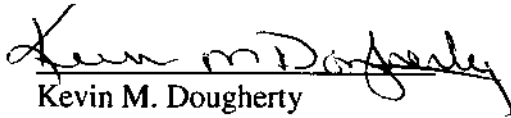
~~The Pennsylvania Department of Welfare (DPW) understands and agrees the Delinquency Diversion Program for focused acts, as described herein, is consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community Therefore, the DPW agrees to assist and support the parties to this Agreement in the development, implementation and continued operation of the Delinquency Diversion Program throughout the term of this Agreement.~~

III. **Duration and Modification of Agreement**

This Agreement shall become effective immediately upon its execution by signature and shall remain in force and effect until such time as terminated by any party to the Agreement. The Agreement may be modified at any time by amendment to the Agreement. The parties agree to meet quarterly to provide oversight of the Agreement and make recommendations to the heads of each agency on any modifications to the Agreement.

[Remainder of Page Left Intentionally Blank]

**IN WITNESS WHEREOF**, the parties hereto, intending to cooperate with each other, for the best interest of Philadelphia students, have caused this Memorandum of Understanding to be duly executed as of the date last written.



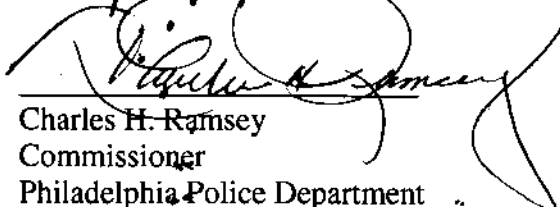
Kevin M. Dougherty  
Administrative Judge  
Court of Common Pleas  
Family Court  
Philadelphia County

Date: \_\_\_\_\_



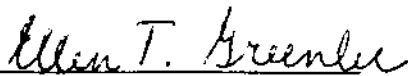
Seth William  
Philadelphia District Attorney

Date: 6/25/14



Charles H. Ramsey  
Commissioner  
Philadelphia Police Department

Date: \_\_\_\_\_



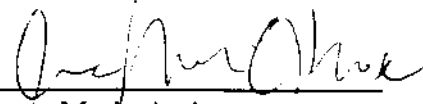
Ellen T. Greenlee  
Chief Defender  
Defender Association of Philadelphia

Date: 7/24/14



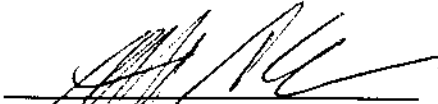
Dr. William R. Hite, Jr.  
Superintendent  
Philadelphia School District

Date: \_\_\_\_\_



Anne Marie Ambrose  
Commissioner  
Philadelphia Department of Human Services

Date: 6/17/14

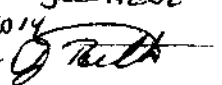


Arthur Evans  
Commissioner  
Philadelphia Department of Behavioral  
Health and Intellectual Disability Services

Date: 9-12-14

~~Rakeemah Shamond-Jean Hampton~~  
~~Director of Southeast Regional Office~~  
~~Pennsylvania Department of Public Welfare~~

Date: \_\_\_\_\_

DPW WITHDRAWN  
FROM AGREEMENT  
7/16/2014  
DICK 

# **Appendix H**

Dear Principal ,

In reviewing the attached incident we noticed that there is no mention of the school filing a police report.

Please be reminded that according to the Memorandum of Understanding between the Philadelphia Police Department and the School District of Philadelphia for the following incidents it is mandatory for the school to file a report with the Philadelphia Police Department as soon as possible:

- Weapons
- Kidnapping
- Aggravated Assault (this includes any and all assaults on personnel no matter how minor)
- Arson
- Homicide
- Stalking
- Indecent Assault, Forced Oral Sex, or Rape/Attempted Rape
- Vandalism – rising to a felony
- Burglary
- Criminal Trespass
- Controlled Substances
- Riot

Conspiracy to Commit any of the above

Let us know if you have any questions regarding the MOU.

---

<sup>i</sup> Appendix A: School District of Philadelphia Memorandum of Understanding, dated September 7, 2016.

<sup>ii</sup> Appendix B: Possession of weapons prohibited (a.k.a. "Act 26")

<sup>iii</sup> Appendix C: Victim Outreach Letter : Letters are not sent to School Police Officers, or individuals injured in an incident for which we could not ascribe mens rea on the part of the defendant.

<sup>iv</sup> Appendix D: Student Code of Conduct

<sup>v</sup> Appendix E: Office of School Safety Incident Reporting Protocol

<sup>vi</sup> See Appendix F: Request for EH21 Disciplinary Hearing Waiver For a Weapons Violation Students Grades 6-12

<sup>viii</sup> See Appendix G: Unsafe School Choice Pamphlet