

Final

ASSIGNMENT AND PROCESS

During July 2005, I was retained by Mr. Paul Vallas, Chief Executive Officer of the Philadelphia School District (“the District”), to conduct an independent and comprehensive evaluation of the student disciplinary system. The purpose of this study is twofold:

- To assess the effectiveness and fairness of the current disciplinary policies and practices in light of the various reform initiatives implemented over the past several years and,
- To make recommendations for improvement of the student disciplinary system.

The conclusions and recommendations contained in this report are based on an extensive analysis of legislation, judicial determinations, and other documents and data; interviews with involved stakeholders both inside and outside the District; and other miscellaneous sources. The legislation, judicial determinations, other documents and data reviewed during the project include the following:

- Federal and State laws that directly impact on the District’s legal obligations as it relates to student discipline and safety and the overall school environment.¹
- Consent Decrees pertaining to disciplinary practices and procedures and subsequent modifications and stipulations to these consent decrees;
- Disciplinary data collected and maintained by the District’s Office of Transition and Alternative Education and the Office of Information & Technology;
- Pertinent audits and studies by the District’s Office of Accountability, Assessment and Intervention;

¹ The “No Child Left Behind Act” of 2001; Individuals with Disabilities Education Act “IDEA” 20 U.S.C. Section 615; pertinent sections of Title 24 Pennsylvania Consolidated Statutes; Act 26 (Mandates reporting of incidents involving weapons and expulsion of students who possess weapons on school property); Act 30 (Alternative Education Program for Disruptive Youth); Act 48 (Private Alternative Education Institutions for Disruptive Students); Act 88 (Mandated Transitional Programs for Students Returning from Court Ordered Placements); 24 PS 13-1301 et seq. which created the Office of Safe Schools Advocate in Philadelphia;

- The Code of Student Conduct (both the current and former versions);
District policies, manuals, and forms pertaining to discipline, the Comprehensive Student Assistance Program (“C-SAP”)², special education, student attendance, truancy, promotion and graduation, among others;
- Organizational charts, mission statements, and job descriptions for District offices and employees that are relevant to the student disciplinary system;
Training records maintained by the Office of Staff Development;
- The Annual Reports of the Office of Safe Schools Advocate and the District’s responses thereto; and
- Various academic studies and articles regarding best practices in student discipline, prevention, and intervention.³

The interviews conducted as part of this study included representatives from the following District offices and independent organizations and individuals that have an interest and play a role in the student disciplinary system:

- Office of School Climate and Safety,
- Office of Transition and Alternative Education,
- Office of Specialized Services,
- Office of Information & Technology,
- Office of General Counsel,
- Executive Office,

² Both state and federal laws mandate that District provide prevention and intervention services to all students experiencing “barriers to learning”. The District’s “CSAP” policies and process are the District’s efforts to comply with this broad legal mandate and will be discussed in greater detail later in this Report.

³ Beyond Suspension: Safe & Orderly Schools That Educate All Students, Milwaukee Catalyst Inc. 2001; Summit on New Direction for Student Support, Center for Mental Health in Schools November 2002; Community Education Partners Program Evaluation Report, The Laboratory for Student Success, Temple University Center for Research in Human Development and Education, January 2005; Defining and Redirecting a School-to-Prison Pipeline, Johanna Wald and Daniel Losen, New Directions for Youth Development, No. 99, Fall 2003; What We Can Do: A Report on Our Schools, Our Students and Difficult Behavior, Philadelphia Citizens for Children and Youth, January 2004.

- Office of Accountability, Assessment, and Intervention,
- Office of Staff Development,
- Principals, assistant principals, teachers, students, deans of students, non-teaching assistants, social workers, counselors, nurses, and various school “climate” personnel from elementary, middle and high schools throughout the District,
- Disciplinary Transfer Hearing Officers,
- Representatives from the Philadelphia Federation of Teachers and the Commonwealth Association of School Administrators,
- Representatives from student/education and children advocacy organizations such as the Education Law Center, Community Legal Services, Philadelphia Citizens for Children and Youth, and Youth United for Change,
- The Office of Safe Schools Advocate,
- Behavioral and Mental Health Specialists operating as independent contractors with the District, and
- The Pennsylvania Department of Education

In addition to the above, I attended numerous disciplinary transfer hearings, the summer 2005 professional development course for principals related to the disciplinary system, and I spent more than a week at various schools observing school operations and discussing a variety of issues with various personnel responsible for school climate and discipline.

INTRODUCTION

In order to comprehend the issues relating to student discipline and the challenges that are faced by the District, it is essential to begin by clearly identifying the nature and scope of the problem. The general idea of what constitutes a discipline issue appears to be widely accepted. Simply stated, undisciplined behavior constitutes actions by one or more students that unreasonably disrupt or endanger the educational environment.

Attributes of an Effective Disciplinary System

Determining whether an effective disciplinary system exists to enforce and encourage appropriate conduct is a more complex inquiry and requires affirmative answers to each of the following questions:

1. Are standards and expectations regarding acceptable and unacceptable codes of conduct clearly articulated and communicated?
2. Are investigations into, and reviews of allegations of misconduct conducted in a timely, thorough, unbiased and professional manner?
3. Are the penalties and consequences for disciplinary infractions unambiguous, appropriate, and rational to the particular situation?
4. Does the disciplinary process occur in a timely manner? Are unnecessary and unreasonable delays in responding to and resolving disciplinary matters identified and appropriately addressed?
5. Are the personnel responsible for the enforcing the disciplinary system appropriately trained, skilled, and committed to ensuring full compliance with disciplinary policies and procedures?

6. Is there consistency in the enforcement of the disciplinary policies and procedures and the imposition of penalties?
7. Is the disciplinary system transparent? Are adequate records and data maintained that clearly identify the nature of the disciplinary occurrence and the District's responses. Are these records easily accessible?
8. Is there accountability throughout the disciplinary system? Specifically, is there a system which effectively identifies and responds to situations where rules, policies and procedures are not followed or system breakdowns are occurring?

Complexities Encountered in the Disciplinary System

In an organization that operates under the constraints faced by the Philadelphia School District, establishing a disciplinary system that fulfills each of the above essential criteria is an extraordinarily complex undertaking.

First, the District must enforce an identical code of conduct on a population of approximately 180,000⁴ students ranging from ages 6 to 19 years reflecting a wide range of socio-economic, religious, racial, and ethnic backgrounds. Each group, particularly as it relates to age, presents its own set of issues and challenges.

Second, the District has responsibility for student behavior and discipline that is far reaching in scope. Specifically, the District's jurisdiction and authority in student disciplinary matters applies to any misconduct by a student that occurs:

- On School grounds at any time;
- Off School Grounds at any school activity, function or event;

⁴ As of mid-October 2005, 27,000 additional students were currently enrolled in charter schools.

- Off School Grounds when the conduct may reasonably be expected: (a) to undermine the proper disciplinary authority of the school; (b) to endanger the safety of members of the school community; or (c) to disrupt the school; and
- While traveling to and from school, including but not limited to actions on any school bus, van or public transportation.⁵

Third, the number and variety of individuals that need to be educated in the complex disciplinary system and their individual roles and responsibilities in that system, represents a daunting challenge. In support of its 268 schools, the District has 12 regional superintendents, 268 principals, 212 assistant principals, 10,200 teachers, 2,226 teaching assistants, over 700 school police officers and per diem security personnel, and several thousand various support personnel, among which there is continual turnover. This **alone** suggests that the training and monitoring necessary to create an effective disciplinary system represents a major undertaking.

Fourth, these logistical realities are further complicated by the fact that, for several decades, the District has experienced numerous changes in administration, each with a different vision, educational philosophy, and approach. These changes have resulted in significant restructurings and a major turnover of school administrators, teachers, and other support personnel the schools. Each new “educational plan” has necessitated creating a new infrastructure, changes in policies, training, record-keeping, and other essential tasks. Without consistent leadership, organizational structure, and expectations, it is virtually impossible to establish an organizational culture, particularly as it relates to school climate and discipline.⁶ Furthermore, frequent changes in the disciplinary philosophy and system preclude the ability to assess the effectiveness of any particular approach.

⁵ Section 1.3 Code of the 2005-2006 Code of Student Conduct

⁶ It is therefore hardly surprising that those schools currently experiencing acute discipline, safety, and climate problems have experienced the highest turnover of administration, teaching staff, and support personnel. One high school in particular that has been operating in crisis mode has had 10 new principals in just 9 years and has had nearly complete turnover in teachers every few years.

Fifth, and perhaps most daunting, the Philadelphia Public School District does not have the option of educating only responsive, motivated, and intellectually competent children. Rather, it is legally obligated to educate all children between the ages of 6 and 19 who reside in Philadelphia. Both federal and state laws require that the District provide all students with an appropriate education in a safe and orderly environment; ensure the health, welfare, and safety of all students; and provide systemic, targeted, timely, and appropriate prevention and intervention services to all students experiencing barriers to learning in the least restrictive environment possible.⁷

Additionally the Federal No Child Left Behind Act of 2001 has mandated the District to rapidly meet stipulated levels of achievement in math, reading and language arts, and science, and to increase rates of student attendance and graduation. Achieving the mandates established by No Child Left Behind has given rise to intense internal pressures to show results, which have had an unforeseen impact on the disciplinary system as limited resources and personnel are diverted from school safety and climate needs to focus on academic issues.⁸

Effective compliance with these mandates and obligations is extraordinarily challenging in light of the profoundly complex issues facing a significant portion of Philadelphia's public school population.

The lives of many students in Philadelphia's public schools are deeply troubling. Many students lack stable, supportive, safe, and caring environments. Rather, their lives are marked by chaos and instability, poverty, neglect, violence, crime and fear, physical, emotional and sexual abuse, teenage pregnancies, and drug and alcohol abuse. Many of these children lack the necessary or appropriate role models where one or both parents are incarcerated, deceased, missing, addicted, illiterate, violent, or homeless. These factors compromise the emotional, psychological, and behavioral well-being of a segment of the

⁷ Federal No Child Left Behind of 2001, Individuals with Disabilities Act (IDEA) of 1997, Commonwealth of PA Act 211 of 1990, among others.

⁸ During this study, it was widely reported that some principals prohibit suspensions during testing periods mandated by No Child Left Behind ("NCLB"). Other principals prohibited suspensions in general because they negatively impacted on student attendance rates necessary to achieve an "Adequate Yearly Progress" rating pursuant to NCLB guidelines. One school went so far as to order misbehaving student's home calling these actions "Days of Reflection" and not indicating these students' absences on their attendance records – a patent violation of District policy.

student population, all of which impedes their ability to adapt to and flourish in a structured and challenging academic environment. Many of these students become the chronic “disciplinary” problems that adversely affect the academic environment.

Additionally, many students face various learning impediments, typically referred to as “learning differences”, that require special supports. If such students are not quickly identified and necessary supports not forthcoming, their frustrations are likely to give rise to disciplinary problems.

In summary, from the School District’s perspective, the frustrations and challenges emerge from the fact that the origin and scope of the problems and issues that underlie a lack of student discipline are largely influenced by conditions beyond the District’s control. The District may attempt to influence or change the environment by integrating parents, caregivers, and the community into the school system, increasing awareness of the issues, and whenever possible providing necessary services and supports. However, limits on the District’s jurisdiction, legal authority, and oversight oftentimes frustrates and undermines District efforts to serve its students in the sustained, effective, and comprehensive manner necessary to overcome these challenges.⁹

A minority of students with chronic disciplinary problems can have a disproportionately large impact on the educational system. While many students go to school capable and enthusiastic about learning, it only takes **one** student to completely disrupt the learning environment in a class. Some school officials have estimated that between 10% to 30% of their student body are seriously “at risk” students and the major cause of disciplinary problems that impact on school climate and safety. Numerous teachers interviewed during this study estimated that up to 40% to 50% of their classroom time is spent trying to address chronic low level student infractions and disruptions or serious incidents.

Unless and until the District is able to address the issues of these students in a sustained, effective, and comprehensive manner, the District will be limited in its ability to insure safe and orderly school environments in which teachers can teach and students can learn.

⁹ For many Philadelphia students, their schools are their only safe havens where they receive regular meals, and consistent adult supervision, recognition, care, and comfort. In this regard, schools become surrogate families, communities, medical providers, counselors, and mentors for these students.

The District's Response to the Problem

It is abundantly clear that the District's mandates and obligations as they relate to student discipline, safety, and climate are monumental - and that they must all be achieved despite steadily declining budgets, resources, and personnel. It is also clear that the District is committed to improving the student disciplinary system, which is evident in the achievements listed below:

- The District has literally thousands of internal personnel, outside agencies, and contracted service providers who are either **directly or indirectly** involved in student discipline and school climate and safety. Inside the District alone, these personnel include, but are not limited to regional superintendents, principals, assistant principals, teachers, teaching assistants, counselors/psychologists, Discipline Transfer Hearing Officers, non-teaching assistants, School Police Officers and per-diem security officers, School Climate Managers, Climate Support Assistants, Noon-Time Aides, social workers, Local Management Officers, Discipline and Truancy Liaisons, Parent Truancy Officers, and personnel assigned to the District's Offices of School Climate and Safety, Transition and Alternative Education, Specialized Services, Truancy, Information & Technology, General Counsel, and Staff Development.
- Since 2004, the District has been successful in eliminating the restrictive requirements of various Consent Decrees¹⁰ and streamlined the disciplinary process. Several cumbersome and unnecessary steps have been removed from the process, thereby significantly reducing the time it should take to resolve disciplinary matters.

¹⁰ The various consent decrees include: Dunmore v. School District of Philadelphia, No. 72-43 (E.D. Pa. 1973) that established procedures for disciplinary transfers to disciplinary schools; Everett v. Costanzo, No. 75-2 and 75-459 (E.D. Pa. 1977) that established procedures for disciplinary transfers to non-disciplinary schools; and established 5 day limitations on suspensions and; Jones v. Gillespie, No. 4198 (Phil. C.P. 1970) which allowed the District to increase the suspension limit from 5 to 10 days in the case of students who pose a threat of disruption to the academic process or the safety of the school environment, streamlined the disciplinary procedures, and modified the parent notification requirements.

- The District has been successful in publishing a more comprehensive and comprehensible Code of Student Conduct in which disciplinary offenses are more clearly defined and corrective measures and punitive responses are more clearly delineated.

- As of September 2005, the Student Incident Management System (“SIMS”), a technological initiative that has been years in the making, became operational District wide. This web-based system enables schools to complete basic disciplinary forms on-line and to electronically share this information, which should enhance the efficiency and reliability of certain aspects of the disciplinary process.

- The District continues to make improvements in the collection, completeness, and quality of data regarding serious disciplinary incidents. The District is currently in the planning and development phases of building a central data repository that will collect information from various sources in an effort to integrate disparate yet interrelated data sources. When complete and fully functioning, this information system will facilitate identifying emerging patterns and monitoring trends in order to evaluate the effectiveness of programs and policies.

- The District has contracted with private providers to operate **six** alternative remedial/disciplinary schools for disruptive and/or dangerous students who are in grades 5 - 12 and **eleven** regional highly structured classrooms for students in grades 3-4 who need behavioral and other supports.

- The District is developing and implementing various innovative **School Based Behavioral Health** programs and classes to provide students with “short-term, intensive behavioral health services during the school day in an effort to increase positive behaviors so that the children can effectively participate in their education”.¹¹

- In the fall of 2006, the Office of Special Services produced a Principals’ Best

¹¹ Philadelphia Behavioral Health Services - School Based Behavioral Health Initiatives, Consultant’s Year End Report and Recommendations, 2003

Practice Toolkit to offer guidance to administrators on the CSAP process. Additionally the Office of Special Services is in the process of creating a CSAP best practices manual in conjunction with other pertinent District offices which will be utilized during mandatory annual principals' training.

- The District has worked to improve coordination and communication efforts among and between the District and various City agencies that are involved with students who are disciplinary problems including the Philadelphia Police Department, Department of Human Services, Family Courts, Probation, and juvenile placement facilities.
- Efficiency in the overall operations of District has improved as a result of the centralization of the District's administrative offices into one facility, which was a massive undertaking.
- The District has made significant improvements in the centralization, efficiency, and transparency of its training/professional development operations.
- The District is devoting significant resources to **prevention and intervention** programs and services that address issues related to discipline, school climate and safety, special education, truancy, student behavioral/emotional/mental health, juvenile justice, parenting, teenage pregnancies, drug and alcohol abuse, mentoring, and tutoring, among others.

The foregoing are all extremely important and necessary reforms and there are many instances in which the disciplinary process works. However the student disciplinary system still faces significant challenges. This study has identified a lack of consistency, uniformity, transparency, and accountability in the disciplinary system, all of which seriously undermines its overall integrity and effectiveness. This study has also found that many individuals who are involved in the disciplinary system experience intense frustration, feelings of futility and powerlessness, and lack of confidence in the integrity or effectiveness

of the disciplinary process. In some schools, teachers and administrators have virtually abandoned the system in all but the most extreme and dangerous of situations.

Teachers blame unresponsive and unsupportive administrators in helping with their troubled students. Administrators blame ineffective teachers with poor classroom management and teaching skills. Principals point to unresponsive and unrealistic regional staff as significant impediments to imposing discipline. However, there is widespread agreement on two points:

- Many of the chronic disciplinary problems that exist are the fault of **uninvolved and/or dysfunctional parents** who undermine the District's efforts to help their children, and
- There are insufficient resources and personnel to address these issues.

This study has concluded that, to some degree, there is validity in all these perspectives and concerns.

Despite the oftentimes rancorous finger pointing that is pervasive in this organization, every stakeholder in the school system expressed a fervent desire to improve school safety and climate; to provide the necessary supports, programs, and services to students who have exhibited disruptive behaviors; and to help all students achieve their fullest potential. Each and every stakeholder in the system expressed a sincere interest in building on the advances that the District has achieved. These shared goals are reason to be optimistic that continued improvements are not only possible, but inevitable.

The remainder of this report will examine the stated policies and procedures for handling student disciplinary matters. It will then examine aspects of the system that are working and those that are not working and the reasons for these system "successes" and "failures". And finally this report will offer recommendations and strategies for improving problems identified.

THE COMPREHENSIVE STUDENT ASSISTANT PROGRAM

The disciplinary process can only be fully understood by first examining the District's Comprehensive Student Assistance Program ("CSAP") since, in many instances, they are inextricably entwined.

As previously discussed, both State and Federal laws mandate that the District fulfill three basic responsibilities to its students which are:

- to provide an appropriate education;
- to provide a safe and orderly educational environment; and
- to ensure the health, welfare, and safety of all students.

Many of the chronic "disciplinary" problems involve students who face the complex social, economic, and emotional/psychological issues previously described. And, there exist students with "learning differences" and other behavioral and mental health issues, that impact on student's capacity to participate in a traditional classroom setting.

In **all** of these cases, the District is legally obligated to identify the underlying basis for each student's "barrier to learning" and to make appropriate provisions to enable the student to receive an education in the "**least restrictive environment**" possible. CSAP is the process by which the District attempts to fulfill this broad mandate.

Under current District policy, each school is required to create a CSAP team that is typically comprised of teachers, administrative staff as needed, counselors, nurses, parents/guardian, and psychologists, among others. The CSAP team is required to meet on a regular basis to discuss issues and problems of students who are struggling academically and/or behaviorally and to develop appropriate responses.

The CSAP process involves three “tiers”¹² of assessment and intervention depending on the nature and severity of the student’s issues and problems. The CSAP team is required to reconvene within established time periods to re-evaluate a student’s status and to determine whether the interventions and services are working.

The entire CSAP process including the meetings, interventions and services ordered, and the student’s progress must be carefully documented. All records pertaining to the CSAP process must be maintained in the student’s file.

The following is a brief discussion of how the disciplinary system is expected to work within the context of CSAP.

CURRENT DISCIPLINARY POLICIES AND PROCEDURES

The District has adopted and refined a Code of Student Conduct that delineates the District’s standards of acceptable conduct and the interventions and consequences for not meeting these standards. The overall goal of the Code of Student Conduct is to ensure a safe and orderly school environment that is conducive to learning while simultaneously ensuring that the specific underlying issues affecting a student’s behavioral problems are effectively identified and addressed.

¹² **Tier I requires weekly meetings among teachers and other appropriate Administrative staff to develop plans and strategies to support groups of students who are experiencing similar barriers to learning.**

Tier II focuses on individual students who have not responded to Tier I interventions or who have other serious issues that require immediate attention. The Tier II CSAP team is required to create an intervention plan designed to address the needs of the student and/or the student’s family.

If Tier II interventions are unsuccessful, Tier III becomes necessary. In these cases, the CSAP team focuses on whether alternative educational placement and/or special education assessment or services are required or whether to redesign an intervention plan.

If the CSAP process reveals that the student is designated as requiring “special education” services, a completely different set of laws and legal obligations are triggered which involve different types and levels of assessment, testing, documentation, monitoring, and tracking.

The severity of the remedial and punitive measures the District impose is dependent on whether the offense is designated a Level I or Level II offense, the students grade, and whether the student has been identified as being in need of “special education” services and programs.

Students considered for special education services must be evaluated and found to have one of the following conditions: mental retardation, hearing impairment or deafness, speech or language impairment, visual impairment, serious emotional disturbance, orthopedic impairment, autism, traumatic brain injury, other health impairment, specific learning disability, deaf-blindness, or multiple disabilities. The special education services and programs designed to assist these students include specialized classroom settings, and various types and levels of specialized and individual tutoring and counseling, among other supports.

The punitive elements of the Code of Student Conduct are not designed to address students whose disciplinary problems are the direct result of these special education needs and the legal guidelines pertaining to discipline for “special education” students differ from regular education students. One of the major challenges facing the District is distinguishing between students whose behavior is the direct result of these conditions, as opposed to those students whose misbehavior is simply the result of a lack of respect for the educational system and those in it.

Unless specifically noted, the following discussions regarding responses to Level I or Level II offenses apply to regular education students only, and not “special education students”.

Level I Offenses and Responses

Level I offenses consist of what are regarded as minor offenses, but encompass a wide range of disruptive and aggressive conduct, offensive language or minor threats, theft or destruction of property (valued at less than \$150), dress code violations, lateness for school or classes, consensual but inappropriate sexual conduct¹³, smoking, drug use, gambling, and cheating. While these offenses do not qualify as “serious incidents” for reporting and

¹³ Generally refers to sexual behavior which involves consensual exposure or touching of genitals.

monitoring purposes, they clearly detract from the quality of the learning environment, they negatively impact the culture and climate of a school, and they may be extremely disturbing to the targets or victims of these offenses.

The District's responses to Level I offenses are generally the same regardless of the student's grade and are determined based on the specific nature of the infraction and the history of the student involved. If the infraction is minor (as, for example, when a student is tardy or disrupts the class by talking out of turn), and the behavior is atypical for that particular student, the incident may be simply resolved between the student and the teacher. Resolutions can include establishing expectations for improving behavior, detention, involving the student's parents, temporary assignment to a discipline or "cooling off" location ("accommodation" rooms or a different class setting), or other so-called "lower level" interventions.

If the Level I offense involves sexual misconduct, drug or alcohol abuse, or smoking, or if the student is habitually guilty of Level I offenses, the student may be suspended from school, required to participate in the Saturday Morning Alternative Reach and Teach Program ("SMART")¹⁴, face loss of school privileges, or be referred to either CSAP for Tier I or Tier II evaluations and interventions, or to counselors, substance abuse programs, mental health providers or other services.

In order for the process to work, accurate and complete documentation of **all** Level I offenses and the schools' responses thereto is critical. All records generated as a result of Level I offenses including EH-20 forms (commonly referred to as "pink slips"), disciplinary offense investigation notes and records, student behavior logs, responses, interventions, and actions, and all CSAP documentation are required to be maintained in each student's file (commonly referred to as the "pupil pocket").

¹⁴ The SMART Program is a 2 to 4 week Saturday program that focuses on character development, conflict resolution, decision-making, familial relationship pressures and anti-social behavior.

Level II Offenses and Responses

Level II offenses include more serious misconduct that endangers the health, safety, or welfare of any member of the school community. Such misconduct includes: bullying, serious threats, harassment, sexual assaults, physical assaults on school personnel, aggravated assaults, robbery, possession of weapons, distribution of drugs and/or alcohol, or destruction and theft of property in an amount greater than \$150.

Rule 16 of the Student Code of Conduct states that **multiple** Level I violations can rise to the level of a Level II offense, however **“this rule will not be considered violated if the school has failed to take all appropriate remedial interventions in response to each of those violations”**. (Emphasis added)

With the exception of a Level II designation that results solely from multiple Level I offenses (Rule 16), Level II offenses are considered to be “serious incidents” that must be reported to the School District Police and entered into both the Serious Incident Reports and the “Serious Incident Management” computer systems.

Unlike Level I offenses, responses to Level II offenses differ depending on the student’s grade.

Kindergarten through Fourth Grade

The Code of Student Conduct states that students in grades kindergarten to 4th grade who commit Level II offenses will be suspended from school, assigned to the “SMART” program, and *recommended* (Italics added) for transfer to an “alternative educational setting”. This could involve a transfer to another elementary school¹⁵ or one of 11 special disciplinary remedial classrooms that are currently in operations for 3rd and 4th grade students. For sexual offenses, such students shall also be referred to appropriate family support services.

Pursuant to District policy, disciplinary transfers for Kindergarten through 4th Grade students:

¹⁵ This is referred to as a “lateral” transfer.

(O)nly occur for students who pose a danger to themselves and the school community and have committed a Level II offense of the Code of Student Conduct. Referrals based on Rule 16 (repeated violations of Level I offenses are viewed with circumspection). If a student has a history of inappropriate behavior, documentation must be submitted showing interventions or attempts at intervention including the CSAP, Functional Behavior Assessment and a formal evaluation, if applicable.¹⁶

In order to effectuate the disciplinary transfer of a Kindergarten through fourth grade student, administrative staff from the school requesting the transfer must prepare a disciplinary transfer request form, complete a Behavior Performance Review, and collect all documents which support the request for the disciplinary transfer.

The Behavior Performance Review¹⁷ involves an evaluation of the student's disciplinary, academic, behavioral, attendance, CSAP and other pertinent records to assess whether the student is a candidate for special education services and programs described earlier. If the Behavior Performance Review concludes that the student should be evaluated for special education services or programs, the case is referred to the District's Office of Special Services, which is responsible for all "special education" issues. If the Behavior Performance Review concludes that the student is not a candidate for special education evaluation, the paperwork is forwarded to the regional Discipline and Truancy Liaison¹⁸ who reviews the paperwork for completeness and procedural correctness.

These forms and documents must be reviewed and signed by "appropriate personnel, usually the principal". A school based conference must occur to discuss the student, after which the completed documents are sent to the regional Discipline & Truancy Liaison

¹⁶ See attached memo prepared by the District's Office of Transition and Alternative Education ("OTAE"). The Office of Transition and Alternative Education is the District office with primary responsibility for monitoring student discipline involving Level II offenses and coordinating disciplinary interventions and transfers and alternative placements.

¹⁷ During my observations of disciplinary transfer hearings, which will be described more fully later in this report, it became apparent that in some schools, the Behavior Performance Reviews have degenerated into a cursory "check-off" procedure and contained little or no meaningful information despite the fact that the student was obviously seriously "at risk".

¹⁸ The Discipline and Truancy Liaisons are part of the Office of Transition and Alternative Education. One Discipline & Truancy Liaison is assigned to each of the District's school regions. Among their various roles, Discipline & Truancy Liaisons are responsible for reviewing and processing the paperwork for all requests for disciplinary transfers, arranging for disciplinary hearings, and implementing decisions of the Hearings Officers regarding disciplinary transfers.

“DTL”). The DTL then forwards the case to the District’s Office of Transition and Alternative Education (“OTAE”) where the case is again reviewed by the OTAE “K-4 Disciplinary Coordinator” for final disposition.

If the transfer is approved, the student will either be laterally transferred to another school or will be assigned to one of 11 privately managed alternative classrooms. If the transfer is not approved, the student returns to his or her original school.

Grades Five through Twelve

The Code of Student Conduct specifically requires that when an older student commits a Level II offense the District shall “Suspend student and *recommend* student for transfer/expulsion”. (Emphasis added)

In order to effectuate a disciplinary transfer the following process must occur:

The Level II incident (with the exception Rule 16 violations) must be reported to the Office of Transition and Alternative Education, the school’s regional administrative office, and the School Police incident desk. The School Police enter the incident into the Serious Incident Reports and the Serious Incident Management databases and the incident is given a control number for tracking purposes.

2. The school must conduct an investigation into the incident and then hold a student conference where the student is given an opportunity to tell his or her side of the story. The school investigation is summarized on an EH-30 form along with supporting documentation and records which should include copies of interviews, photographs, and other evidence as relevant. If the investigation concludes that the Level II offense was committed by the student, the student is immediately suspended for 5 days. Simultaneously, the student’s parent /guardian is notified of the incident and suspension and a conference is scheduled with the parent/student and the regional Discipline and Truancy Liaison within the 5 day suspension period.

3. During this 5 day suspension period, the School is required to complete the Disciplinary Transfer Request Form (the “EH-21” form), the Behavior Performance Review,

and compile all supporting records and documentation in support of the disciplinary transfer request (including student logs, copies of the investigation, and CSAP records among others).¹⁹

- If the Behavior Performance Review concludes that the student should be evaluated for special education services or programs, the case is referred to the District's Office of Special Services.

If the Behavior Performance Review concludes that the student is not a candidate for special education services, the paperwork is forwarded to the regional Discipline and Truancy Liaison who reviews the paperwork for completeness and procedural correctness.

4. The Discipline and Truancy Liaison ("DTL") meets with parent/guardian and student to discuss incident and allow the student to defend the allegations. If warranted, the DTL makes a recommendation for an alternative school placement.

- If the parent/guardian does not object to the disciplinary transfer, the parent/guardian signs a form waiving their right to an independent hearing on the matter and the DTL gives the parent/guardian a letter indicating the student's new disciplinary school assignment.
- If the parent/guardian opposes the transfer, the DTL is required to immediately arrange for a hearing with an "independent" Hearing Officer. These hearings are currently arranged between the DTL and a social worker who is assigned to the District's Office of Legal Counsel where the Disciplinary Transfer Hearings are conducted. The hearings are supposed to be scheduled within a few days and the parent/guardian is handed a copy of hearing notice indicating the date, time, and location of their hearing and their

¹⁹ In cases where the EH-21 and the BPR are not completed within the 5-day suspension period, the parent conference must be held by the school and student must be reinstated.

rights at the hearing. The DTL then forwards the paperwork to the Legal Counsel/Hearing Officers.

Pending the hearing, the student returns to his or her original school, except in cases where the Level II violation involves possession of weapons or if the student otherwise presents a clear danger to the school. In these latter situations, the student is supposed to be immediately transferred to a disciplinary school pending the hearing.

At the hearing, representatives from the school and the student/parent are permitted to present witnesses, documents, and other evidence in support of their positions. These hearings are audio recorded via cassette tapes and the Hearing Officer renders a written decision, typically within a few days after the hearing. If the Hearing Officer upholds the school's recommendation to transfer the student, the student is assigned to alternative school if an interim transfer has not already occurred. If the Hearing Officer overturns the school's recommendation to transfer the student to a disciplinary school, the student is returned to the original school where the violation occurred or another neighborhood school based on Hearing Officer's decision.

EXAMPLES OF SUCCESS

Evaluation Process

To assess the extent to which these policies are actually being followed I evaluated disciplinary data, observed numerous disciplinary transfer hearings, visited nearly a dozen schools, and interviewed Principals, Assistant Principals, teachers, counselors, labor officials and representatives, Hearing Officers, "Deans of Students", social workers, students, school climate and safety personnel, and personnel assigned to the District's Offices of School Climate and Safety, Transition and Alternative Education, Specialized Services, and General Counsel.

In this process, I encountered widespread frustration and cynicism about the disciplinary process and a general consensus that the disciplinary system is failing on many

levels. In light of this pervasive attitude I made a concerted effort to identify and visit schools whose reputations were that disciplinary problems were not debilitating the school environment. The purpose was to try and identify what **was** working in those schools.

In making this selection process²⁰ I explicitly avoided “magnet” schools since these schools generally have substantial resources and, like private schools, have a competitive student selection process which allows them to reject the admission of students with poor or problematic academic and behavioral records. The schools I visited were the “comprehensive” neighborhood schools, located in distressed communities with a significant “at-risk” student population.

During this process I learned that discipline statistics, including the incidence of suspensions or disciplinary transfers, or the “Adequate Yearly Progress” ratings achieved pursuant to the No Child Left Behind Act are not reliable indicators of the success of a school’s disciplinary program or its overall “climate”.

For example, an absence of disciplinary actions such as suspensions or disciplinary transfers could be indicative of **either** a school experiencing serious discipline problems or a school that has developed alternative methods of successfully responding to inappropriate behavior. An absence of disciplinary actions, including suspensions, can signal that the situation is either going very well or very poorly. Nothing in the statistics indicates whether discipline is rational, fair, or consistent. **One of the few effective ways to assess the situation in a particular school is through on-site observation.**

Factors Correlated With Success

Based on my observations, it is my opinion that it is **not** the disciplinary system per se that is “leading the way”, causing some schools to be more successful than others. The factors that seem to be highly correlated with the success of a school in establishing a safe and orderly environment include the following:

- **Strong leaders who possessed highly developed, effective, and creative management, organizational, and personnel skills, and who were knowledgeable**

²⁰ The Philadelphia Federation of Teachers was instrumental in assisting in this selection process.

in the goals and attributes of the disciplinary system. It seems axiomatic that a smoothly-functioning, successful disciplinary infrastructure will emerge only under these conditions.

- **Continuity in administration, teachers, and support staff.** This is critical. In the “successful” schools I visited, the principals had been assigned to the school for a **minimum** of five years. The current disciplinary system affords those in leadership positions a great deal of latitude, giving rise to significant differences of approach. As a result, the practices and procedures that are actually followed in a school, and the expectations of those leaders regarding the actions to be taken in individual incidents, will reflect a particular leadership’s philosophy. A clear understanding of these approaches on the part of everyone affected by the system, can be gained only through having **sufficient experience** within a given school environment.
- **A belief among the teachers and staff that they are respected and that the school leadership is, to the best of its ability, responsive to their needs and concerns.** In these schools, established and effective lines of communication and “information feed-back loops” are in place and teachers and staff are generally kept informed of issues related to their students and various working conditions.
- **Leadership, teachers, and support staff in these schools had cultivated a personal identity with the school and a commitment to the success and well-being of their students.** These schools had adopted the philosophy that transferring a difficult child to another school, while alleviating their daily challenges, would in most cases prove more destructive to the child, for whom they are willing to make sacrifices. Teachers and support staff in these schools are willing to work additional hours, for no additional compensation, to attend CSAP meetings, arrange and attend parent-teacher conferences, make home visits, work with students during lunch, recess hours, and after school, and participate in events and programs designed to bolster students’ self-esteem, social skills, and involvement in the school. **This level**

of commitment generally does not develop if teachers and staff do not feel supported and respected by the school administration.

- **A belief among students that they are being respected, listened to, and that there is a genuine concern for their individual well-being.** In these schools, the staff recognized and was acquainted with the students individually: by name, personality, and personal history. As the students develop their sense of belonging, they are much more likely to develop an identity with the school and personal responsibility for the environment.
- **Clear expectations regarding acceptable behavior and the consequences for failure to adhere to these expectations that were routinely and effectively communicated to the entire student body.**
- These schools all had “**accommodation rooms**” which were staffed by caring and committed individuals. School personnel uniformly regarded these accommodation rooms as an essential resource because they provided immediate relief valves for teachers and student’s experiencing tensions without resorting to student suspensions, which are oftentimes inadequate solutions to lower level student misconduct.
- **A strong emphasis on positive reinforcement.** In these schools, creative solutions were established to recognize and reward students’ good behavior, positive character traits, and academic achievements as often as possible.

It should be noted that even in these schools, there is a degree of frustration and even an impending “fear of failure” emanating from situations that are largely beyond the control of the principals, staff, and teachers. This was especially pronounced among principals in schools experiencing a significant increase in the size and diversity of the student population because of the District’s decision to reorganize the schools, incorporating formerly separate “lower” and “middle” school grades into the same structure, or dividing larger schools into smaller separate schools. In many instances, these changes are being

instituted without giving appropriate consideration to the change in resources required for a successful transition. These schools are experiencing sudden increases and changes in their student populations without corresponding increases in support staff and resources, which were already stretched to the limit. In these cases, the goodwill and sense of shared mission that had developed over the years is becoming strained as administrators are less able to effectively respond to the needs and concerns of their staff and students.

SHORTCOMINGS

There are, unfortunately, other schools in which serious breakdowns in the disciplinary process are occurring. The following discussion will focus on the reasons for these breakdowns and will offer recommendations to address some of these problems.

Policies and Guidelines

Despite the procedural, legal, and substantive changes which have occurred in the disciplinary and CSAP systems, **the District does not have current, detailed, and easily accessible policies, procedures and guidelines for utilizing the disciplinary system.**

The Code of Student Conduct addresses suspensions and disciplinary transfer procedures, but the information is incomplete and vague. The Office of Transition and Alternative Education recently prepared a two page description of the disciplinary transfer process, which was provided to the Philadelphia Federation of Teachers for distribution. The Office of Specialized Services offers fairly comprehensive guidelines on issues related to the disciplinary process and CSAP, but it is limited to those students requiring special education programs and services. This information is easily accessible online via the Office of Specialized Services website that is part of the District's overall website.

These disparate sources do not address many of the fundamental aspects of the disciplinary process. Understanding the relationships within the disciplinary system, the CSAP process, special education, the roles and responsibilities of the various District offices and personnel who are involved in the disciplinary system, and the availability and route to

necessary support services is a complex undertaking. This is true even for professionals with considerable experience in these areas. The fact that there is constant turnover of personnel assigned to manage disciplinary and CSAP matters, many of whom are not trained in the complexities of these systems, magnifies the problem.

The District would benefit from creating a detailed, comprehensive, user-friendly manual which describes **all** aspects of the entire disciplinary system and related areas such as CSAP. This manual should incorporate the following:

Level I offenses: “Best practices” for managing Level I offenses, especially as it relates to **documenting** student behavior and responding to low level offenses.

- **Level II offenses:** A detailed description of the process and procedures for responding to and handling Level II offenses.
- **All necessary forms to be used, to insure consistency throughout the District.**
- **Effective classroom behavioral management techniques, guidelines, and resources.**
- **Investigations into Student Misconduct:** I was unable to identify a single policy, guideline, resource, or training workshop regarding the method of conducting a proper investigation into student misconduct. District personnel would benefit from guidelines regarding “best practices” for conducting and **documenting** investigations into violations of the Code of Student Conduct, including effective interviewing techniques and practices, and the collection and preservation of evidence, among other issues.
- **Detailed descriptions of the roles and responsibilities of the various District offices and personnel who manage disciplinary matters, school climate and safety, and CSAP.** The organizational charts of these offices as well as their

positions in the District's overall organizational structure should be clearly delineated.

- **Student Record Keeping Requirements and Guidelines:** This study has revealed widespread confusion about which disciplinary and CSAP records must be maintained in a pupil's pocket and which records are to follow students as they move through the school system, particularly those related to Level I and Level II offenses, student logs, and CSAP.

During this study I had the opportunity to review the “pupil pockets” of students with extensive disciplinary offenses, numerous unexplained “lateral” transfers, serious and chronic truancy problems, and evidence of serious academic problems. These students’ files were remarkably devoid of any documentation or information describing these disciplinary incidents or any efforts that were made to address these issues.

This problem was particularly important in the context of CSAP. There is a widely held belief that each and every time a student exhibits behavioral or academic problems, the CSAP process must be started from the beginning and that CSAP and other records documenting interventions and services are not permitted to follow the student through his or her academic career.

The ramifications of these common misperceptions are enormous. The CSAP and disciplinary processes are time consuming and require meticulous and detailed documentation to justify disciplinary transfers and special services. Since many administrators and teachers believe that they are required to start the process anew with every new infraction or problem, they become understandably frustrated and unwilling to repeatedly begin the process – especially since they oftentimes received no feedback regarding their prior CSAP efforts. This reluctance to act only exacerbates the problems because now the student who is exhibiting behavioral and/or academic problems is not getting the focused attention required.

This issue requires immediate attention.

- **Disciplinary Transfer Hearings:** The absence of established and clearly articulated policies, procedures, and guidelines is a particularly acute problem in the context of Level II disciplinary transfer hearings. As a result, the disciplinary transfer hearing process is highly inconsistent with virtually no accountability for breakdowns.²¹

I spent four days observing disciplinary transfer hearings, which are held in two conference rooms located in the District's Office of Legal Counsel. During this period, school personnel routinely failed to appear for a hearing, for which they offered no explanation. In some cases, school personnel who did appear for the hearing were unfamiliar with either the incident or the student, or they were not authorized to make recommendations.²² In many of the cases, the required documentation, including the EH-21's, Behavior Performance Reviews, CSAP records (if they were provided) and school investigations were incomplete, contained errors and inconsistencies, were lacking in essential information, and were not signed by appropriate personnel. In several instances, the school investigations into the Level II violations were extremely poor, leaving critical questions unanswered.

In several instances, the disciplinary documentation had never been forwarded by the regional Discipline and Truancy Liaison, which resulted in continuances. These delays appeared to be extremely frustrating and sometimes anxiety provoking for the school personnel, parents, students, and Hearing Officers. In most of these instances, many of the attendees missed time from school and work to attend the hearings

In order for the process to become more effective, it is imperative that the District immediately establish detailed policies and guidelines regarding disciplinary transfer hearings. In establishing guidelines for disciplinary transfer hearings consideration should be given to the following issues:

²¹ The only official guidelines that I could locate regarding disciplinary transfer hearings were in the Student Code of Student Conduct Section 4.43 which states: "A student shall be afforded a hearing which shall: a) be conducted by an independent hearing officer; b) provide an opportunity for the parent/guardian to review student records, present evidence and witnesses, and ask questions of District witnesses when presented".

²² In one case a School Police Officer was the sole representative at the hearing. In another case, a "Dean of Students" who was in actuality a "Non-Teaching Assistant" represented a school at the hearing. These personnel are not authorized to make major disciplinary and academic recommendations regarding a student.

Hearing Officers:

- The exact role and responsibility of the “independent” Hearing Officer.

The definition of “independence” in this context.

Reporting requirements and relationships for Hearing Officers (to whom should the Hearing Officers report?).

The circumstances under which a Hearing Officers decision can or should be overturned and the party (ies) authorized to do so.

Whether these reversals should be documented and be included in the student’s file. (It is important to recognize that unexplained and undocumented reversals of decisions by Hearing Officers, which do occur, compromise the integrity and confidence in the “independence” of the hearing process, and undermine the system),

The necessary qualifications for a Hearing Officer.

Whether the current selection process is designed to recruit and select personnel well-suited for this difficult position.

Responsibility for training and monitoring the Hearing Officers.

The fact that there has been a **constant** turnover of Hearing Officers over the past several years is a clear indication that serious problems exist concerning the selection, training, monitoring, and working conditions of Hearing Officers.

In observing these hearings, it also became clear that Hearing Officers are **ideally** situated to serve as a “quality control” mechanism for the overall disciplinary and CSAP systems since many disciplinary and CSAP breakdowns are vividly exposed at these hearings. However, I was unable to identify any effective or meaningful process by which Hearing Officers can report these problems. This problem touches on the issue of accountability in the disciplinary system that will be discussed at greater length later in this Report.

Evidentiary Issues at the Disciplinary Transfer Hearing:

The type of evidence that should be expected and permitted at disciplinary hearings.

- The practice that needs to be followed in order to assure procedural fairness at a hearing.

For example, under current practices, a written report, that is based on hearsay evidence, which may be read aloud by someone with no personal knowledge of the incident, can be used as the basis for the Hearing Officers findings. Considering the poor quality of some of the investigations into student violations of the Student Code of Conduct, this issue clearly warrants further scrutiny.

Training

Once the District has clearly established its policies and guidelines, the ability of District personnel to enforce them is obviously dependent on their awareness of, and ability to comprehend them. It is essential that pertinent District personnel receive effective and adequate training on the disciplinary system, investigations into student misconduct and serious incidents, CSAP, school safety and climate, effective classroom management techniques, and the various issues associated with these important areas.

Currently, the District's Office of Staff Development has primary responsibility for planning, coordinating, documenting, and tracking the training of **all** District personnel including administrators, teachers, and non-instructional staff and support personnel. The Office is also responsible for maintaining records and ensuring that all teachers comply with state mandated continuing professional education guidelines, which are necessary to maintain their teaching credentials.²³ With a total staff of approximately 25, the Office of Staff Development obviously faces an enormous challenge.

²³ The guidelines are established by "Act 48" which require that every five years, educators must earn six college credits OR six Pennsylvania Department of Education approved in-service credits OR 180 continuing education hours OR any combination of the above.

Recent Training

Despite its limited resources and broad mandate, during 2004 and 2005 the Office of Staff Development, working in conjunction with other District offices, (particularly the Office of Specialized Services), developed and offered training workshops that addressed the CSAP process, school safety and climate, effective classroom management techniques, and other subjects related to these vital areas.

However, training records indicates that attendance at many of these workshops was generally sparse. For example, a 6 hour training session entitled “Understanding and Effectively Addressing Student Misbehavior (K-8)” was attended by only 12 participants. A 1.5 hour course entitled “CSAP Training for First Year Teachers” was attended by only 19 participants. A course in “Bullying Prevention” that was offered to 12 elementary and middle schools was attended by only 11 participants. During 2005, the Office of Staff Development and the Office of Specialized Services provided several three-day comprehensive workshops on the CSAP process for 5 of the Districts school regions. Unfortunately, attendance at these vital workshops has been marginal. In one region, only 6 people attended. In the other 4 regions where this CSAP training was offered, there were a total of only 40 participants. Considering the number of personnel who are required to implement CSAP this number of participants was initially discouraging. During the first several months of 2006 however, attendance at these workshops dramatically increased and additional 258 have attended the CSAP training.

During 2004, a two-day 12 hour course entitled “School Climate” was offered to principals and assistant principals and was attended by 371 participants. During 2005 a six hour workshop entitled “Second Step” was offered to District personnel directly involved in discipline and school climate and safety. “Second Step” is a violence prevention and “character education” curriculum for students in grades K-9. This workshop was attended by 191 attendees. The more robust attendance of these two workshops suggests greater interest in these subject areas and consideration should be given to offering these types of workshops more frequently.

Implementation of Policies and Procedures

Even if policies, procedures, guidelines, and “best practices” are clearly delineated and widely disseminated, they are of little value if they are not effectively **implemented**. This requires that each school have an appropriate infrastructure to enforce these policies and procedures. Such an infrastructure must include an appropriate number and compliment of trained personnel, along with the necessary resources such as computers, office space, and “accommodation rooms,” among others. Personnel with discipline and CSAP responsibilities also require **dedicated individual** time for preparation, follow-up, and monitoring, and **dedicated** time for **joint** planning sessions during which the “team” can fully examine each “case”

Furthermore, the infrastructure must be firmly established as of the first day of the school year. Otherwise, the school climate and culture will rapidly deteriorate, resulting in a difficult process of regaining control and establishing and enforcing expectations.

In schools where discipline, and school climate and safety are problematic, disciplinary and CSAP infrastructures are extremely weak. In these schools, the frustration level of the staff was high and morale was extremely low. I observed classrooms in these schools where it was obvious that little or no learning was actually occurring. Many of the students in attendance were listening to headphones, sleeping, doodling, or wandering around the room talking or shouting. In these schools I observed a prevalence of Level I offenses including violations of the school’s uniform code, unauthorized wandering in hallways, and students who were tardy for class, disruptive, aggressive, and disrespectful to the teachers. The teachers with whom I spoke in these schools said that reporting these violations was useless since nothing would be done. The staff in these schools also reported an absence of any CSAP activities.

The following are the key impediments to establishing and maintaining effective disciplinary and CSAP infrastructures:

- A lack of **dedicated funding to support effective discipline and CSAP infrastructures**. Each school in the District is allotted a specific budget which the Principal is responsible for allocating to operate the school. Experts in the District

have estimated that approximately 90% of a school's budget must be utilized for teachers' salaries and benefits. The remaining 10% is all that is available to meet the schools' additional urgent needs. These include, among others:

The additional services, programs and personnel needed to address school climate and safety;

Discipline;

- Custodial services for building maintenance;

Counselors and other emotional and behavioral specialists and programs;

Specialized academic support services and programs (such as tutoring and reading support programs);

Extracurricular and enrichment programs for sports, music, art, theatre, and other activities that enrich and engage students.

While a school's annual budget may remain the same (or worse, decline), it does not factor in the rising costs for teacher annual cost of living salary increases. Therefore the share of the budget for activities other than teachers' salaries and benefits actually declines, despite the fact that the costs of these other activities are rising as well.

Despite these limitations some schools have managed to assemble personnel to handle disciplinary and CSAP matters, which may include the principal, assistant principal, teachers, non-teaching assistants, school climate officers, sports coaches, or administrative aids.²⁴ As described earlier, in many some of these schools involvement in and commitment to these responsibilities are dependent on the goodwill and commitment of the staff. Furthermore, most of these individuals have numerous additional responsibilities unrelated to discipline

²⁴ The District's Office of Specialized Services ("OSS") has staffed each region with a CSAP/Behavioral Health liaison. This individual develops CSAP action plans with leadership teams in all schools within his/her region, assists OSS in completing a mid-year CSAP audit, co-facilitates two annual CSAP regional trainings and provides ongoing training and technical assistance to schools based on regional needs. This is an important initiative, however, each individual school needs dedicated funding and time to properly carry out CSAP functions

and CSAP, which results in delays in the process, mistakes, and hastily and poorly prepared documentation, among other problems.

- **High turnover of administrators, teachers, and support staff.** In some cases the school principal receives his or her assignment to a new school weeks before the beginning, or even worse, in the middle of a school year. This does not allow the principal, with little understanding of the culture, climate, staff, or needs of the school, to establish a disciplinary and CSAP infrastructure before the school year begins.
- **As previously mentioned, based on the District's decision to reorganize certain schools, some schools are experiencing a sudden and significant increase in the number, and change in the diversity of the student population.** These schools are having particular problems creating or maintaining disciplinary and CSAP infrastructures since these changes are being instituted without giving appropriate consideration to the changes in resources required for a successful transition. These schools are experiencing dramatic increases and changes in their student populations without corresponding increases in personnel or support staff and resources, which were already strained to the limit.
- **Additional resources necessary to support these infrastructures are scarce.**

In the context of discipline and CSAP the following are, in my opinion, the resources that would best enhance the efficacy of the discipline system and CSAP, but which are lacking in many schools.

Accommodation Rooms - All schools would benefit from having "accommodation rooms" staffed by caring and committed individuals who have the ability to effectively communicate and work with students who are experiencing behavioral and emotional difficulties. Students and teachers alike benefit from "accommodation rooms" since they provide an **immediate and necessary** method of defusing and ameliorating tense and frustrating situations as

opposed to suspending a student, which is oftentimes an inadequate solution to the problem.

School Counselors - School counselors are supposed to be key personnel as it relates to the coordination, implementation, and tracking of the CSAP process. This alone can be a full-time responsibility. However, in many schools, counselors are **also** responsible for academic counseling, behavioral and emotional counseling, scheduling of mandated tests including SAT's, staffing classrooms, and responding to student document requests, among other tasks. The District's current counselor to student ratio of **1 counselor to 500 students** may explain why CSAP is not functioning in some schools. The District would benefit from hiring more counselors and providing them with the resources necessary to do their jobs.²⁵

Psychologists for Testing - Psychologists are needed to conduct specialized testing of students who are exhibiting "barriers to learning". **The current District ratio of 1 psychologist to 1,666 students is severely impacting on the District's ability to identify the causes of students' academic, behavioral, and emotional difficulties, which is necessary in order to know what supports these students require in order to address their "barriers to learning".**

Administrators, teachers, and counselors throughout the District have informed me that once a student has been identified as needing testing, six or more weeks will typically elapse before a testing date is available. If the testing does not occur for any reason (for example, the parent/guardian fails to authorize the test or bring the student to the testing location, the student is ill, or there is a snow day) the process must begin again, delaying the matter for several more months. I was informed of numerous instances in which the testing process was never completed within the school year.

²⁵ In one "at-risk" school I visited in December 2005, the school counselor was trying to manage these varied responsibilities **without a dedicated office or computer.**

By the time the necessary testing is completed, the report prepared, and the CSAP team reconvenes, **at the very minimum several months may have elapsed.** During this time many of these students remain chronic disciplinary problems and are extremely disruptive to the learning environment. Furthermore, during this time period, these students are not getting the supports they need and are most likely falling behind academically.

Reading Programs - Experts agree, and studies have consistently proved, that students with reading difficulties are much more likely to become disciplinary problems.²⁶ Students who are developmentally delayed in their reading skills are more likely to become frustrated, embarrassed, and disruptive of classes in an effort to divert classroom attention from the fact that they are struggling.

My interviews with teachers and school administrators revealed that there are schools lacking necessary personnel and resources to support the number of students and the various specialized reading enhancement programs that the schools are required to offer pursuant to designated CSAP interventions.

Consistency and Transparency in the Disciplinary System

The fairness and objectivity with which any disciplinary system is viewed has manifold ramifications relating to the attitude and behavior of those responsible for the system and for those subject to it. To a large extent, perceptions of fairness and objectivity are determined by its consistency and transparency. When a system is transparent, it is possible to easily determine the rationale for the disposition of individual cases and therefore to determine the integrity of the system. When it is not, the system engenders suspicion and mistrust regarding both fairness and consistency.

²⁶ During the four days that I observed the disciplinary transfer hearings and reviewed students' files, I found that, with the exception of 2 cases, every student facing disciplinary transfers had reading level scores that were either below grade or basic levels.

The weaknesses described in previous sections have resulted in a disciplinary system that is highly inconsistent. To reiterate, the system is characterized in some schools by: (a) a lack of clearly articulated policies and procedures; (b) inadequate training; (c) an absence of disciplinary and CSAP infrastructures; (d) a high turnover of leadership and staff; and (e) inadequate resources. In some schools, students are routinely and consistently disciplined for violations of the Code of Student Conduct; in other schools similar student offenses are routinely ignored.

Furthermore, my research has revealed a lack of transparency in the disciplinary system. As was previously discussed, disciplinary statistics that are being maintained are of little value in determining whether discipline is rational, fair, or consistent in any given school, or the overall “climate” of the school. An absence of disciplinary actions, such as suspensions and disciplinary transfers, could be indicative of **either** a school experiencing a breakdown in the disciplinary system, or a school that has developed methods of successfully responding to inappropriate behavior by other means. As previously observed, the only effective way to assess the situation in a particular school is through on-site observation.

The lack of transparency in the disciplinary system is also evidenced in the disposition of Level II offenses. As previously indicated, the Student Code of Conduct specifically states that students who commit violations of Level II offenses will be immediately suspended and recommended for transfer to disciplinary schools or expulsion. However, statistics obtained from the School District indicated that the majority of Level II incidents that were reported during the period 2002 through 2005 did not result in disciplinary transfers.

An absence of disciplinary transfers for a certain percentage of Level II violations is not altogether troubling since there are legitimate and compelling reasons why some Level II offenses do not result in transfers to disciplinary schools. For example, the statistics do not take into account the following scenarios:

- **Not all Level II offenses warrant a disciplinary transfer.** In some cases, compelling extenuating circumstances surrounding a particular Level II offense would render such a disposition patently unreasonable, unduly harsh, and potentially harmful to the student.

For example, an incident occurred involving a 5th grader, who was in the midst of a classroom social studies assignment that involved cutting out newspaper articles. The teacher discovered that this 5th grader was using a pair of small **round-tipped, plastic handled** scissors that were unauthorized and technically in violation of school policy regarding possession of weapons. The teacher confiscated the scissors and reported the incident. This student had never before been in trouble and was regarded as a hardworking, well behaved student. While possession of these scissors was technically a Level II weapons offense, transferring this 5th grader to a disciplinary school would obviously have been totally inappropriate.

During this study, I identified numerous cases such as this, and others, in which it was obvious that a disciplinary transfer would have been patently unreasonable. However, under current documenting and record keeping practices, it is extremely difficult to tell how many other examples of this nature exist among the recorded Level II offenses.

- Some of the students who committed the Level II offenses maintained in the data were in grades Kindergarten through second grade. In these cases, such students can not be transferred to disciplinary schools or classrooms because no such facilities exist to accommodate students in these early grades.
- Some of the offending students who are included in the data have been designated “special education” students. The law specifically prohibits disciplinary transfers of “special education” students who commit Level II offenses if it is subsequently determined that the offenses committed were a **direct result**, or “manifestation” of the student’s disability that resulted in their designation as requiring special education services.
- If **at any time** during the disciplinary process a request is made by the student’s parent/guardian, teacher, principal, or other pertinent District official, to have the student evaluated for special education services, the matter is diverted to the Office of Specialized Services, and the disciplinary proceedings are suspended until there is a

Despite these commendable efforts by the Office of Staff Development and other District offices working in conjunction with the Office of Staff Development, it is still extremely difficult to assess whether personnel responsible for enforcing the disciplinary system have been fully and accurately informed of and trained in these policies and procedures. Training in these vital areas is generally offered to limited school personnel such as principals and assistant principals who must then filter the information down to staff responsible for implementing these policies. The extent to which this is happening cannot be determined and the high turnover of administrators, teachers and support personnel further exacerbates the ability to ascertain who has received training and the quality of the training.

Recommendations for Improvements in Training

1. An alternative, more economical approach to training would involve designating experts from within the School District who can advise relevant personnel in each school, through formal training sessions conducted at the school. The dates, times, locations and names of participants of this training should be carefully documented, with such documentation being provided to the Office of Staff Development for record keeping purposes. Ideally these training sessions would be of sufficient quality so they could be utilized toward compliance with Act 48 continuing professional training guidelines.

2. As described earlier in this Report, the creation of a detailed, comprehensive, and user-friendly manual and resource guide, which describes **all** aspects of the entire disciplinary system and related areas and which would be available on-line on the District's website, would greatly enhance the District's ability to widely disseminate this vital information. An effective system should be established for regularly updating this manual and website to reflect changes in policies and personnel, additional resources, and best practices.

- Administrators improperly allow for “lateral”²⁷ transfers in order to avoid the work involved in effectuating disciplinary transfers and to remove troublesome students from their school. In some cases, the student’s parents or guardians manipulate the system to obtain “lateral” transfers and the District does not challenge this improper transfer.
- **A decision to reject a transfer to a disciplinary school can occur at many levels and by many different personnel in the District. The reasons for these determinations are not always documented and school administrators and teachers are not informed of the reasons. These situations breed cynicism, distrust, and frustration. It is oftentimes perceived that pressures brought to bear by influences outside the School District are the causes of these dispositions. This perception is fueled by absence of documentation and a failure to communicate the reasons for the dispositions to the professionals directly involved with these students, particularly principals and teachers.**

These practices all adversely impact on the transparency of the disciplinary system and the ramifications are serious. The fairness and objectivity with which the disciplinary process is viewed influences those involved in the process, including the offender. If the system is seen as unresponsive, irrational or unfair, it generates lack of respect for system.

When there are no immediate, rational, and meaningful responses to, and consequences for, misconduct it sends a clear message that such behavior is acceptable and will only encourage similar behavior by other students. When dedicated administrators, teachers, and students, who follow the rules, observe others breaking the same rules without consequences, they become cynical and resentful. This has an especially demoralizing effect on the teachers who see no appropriate follow up or response to their time consuming reports. My interviews clearly indicated that many principals and teachers are abandoning the formal disciplinary process because they believe it is ineffective and unresponsive.

²⁷ A “lateral” transfer involves transferring from one school to another, as opposed to transferring the student to a disciplinary school.

resolution of the matter which can take months. These situations are not reflected in the database or the statistics.

- In some cases, the offending students withdrew, dropped out, or otherwise disappeared from the school system.
- In some cases, Hearing Officers may have overturned a school administrator's recommendation for a disciplinary transfer based on reasonable and compelling evidence presented at the hearing.

In other cases however, the lack of disciplinary transfers are the result of system breakdowns. For example in some of these cases:

Special education students could not be disciplined because the school had failed to provide the students with all the required supports and services.

- In some cases there was a lack of proper and sufficiently detailed documentation to justify the transfer requests, which resulted in cases being sent back to schools. In other cases the disciplinary paperwork was allegedly "lost" in the system. In some cases ineffective or improper proper notifications were made so that parties relevant to the case were not present to participate in the process. These types of delays may stall a disciplinary action for months, in some cases until the end of a school year. In many of these cases, students move on to different schools within the system, and the prior outstanding disciplinary matter may be ignored.
- There is no evidence of CSAP interventions justifying or permitting disciplinary transfers based on repeated violations of Level I offenses.

There is an urgent need for the District to establish policies and procedures regarding documenting, recording, monitoring, and tracking the disposition of Level II offenses, clearly designating the parties responsible for these activities, and holding these individuals accountable for documenting the reasons for their dispositions. In order to enable the Department to identify emerging trends, patterns and problems, these determinations should be maintained in both the student's file and incorporated into the disciplinary databases.

Accountability

As stated at the outset of this report, an effective disciplinary system requires a meaningful system of accountability that identifies and effectively responds to situations where rules, policies, and procedures are not followed **and** system breakdowns are occurring. I could **not** identify such a system in the School District.

Personnel throughout the District are extremely frustrated by the lack of an unthreatening, responsive, and reliable outlet where they can report problems or obtain guidance or clarification on issues that emerge.

It is my opinion that a general lack of accountability for issues and problems related to discipline and school climate and safety is the result of the current organizational structure within the School District.

School Climate and Safety are as important as academic-related considerations (i.e. the determination of the subject matter and academic goals pursued by the District) since academic goals will not be achieved in an environment characterized by disruption, intimidation, and the other problems and issues associated with undisciplined behavior. Despite the critical importance of discipline and school climate and safety, **under the current organizational structure, oversight of, and responsibility for, these issues is fragmented.** If discipline requires a cohesive response, which it certainly does, then it requires a cohesive organization with coordination among the various groups most directly involved.

SUGGESTED REORGANIZATION

Based on all the difficulties that I have uncovered, I propose that the District create high level “chief” or “cabinet” position, reporting directly to the Chief Executive Office of the School District. A position of this type is just as important as, and should be on equal footing with, those senior officials responsible for academic and financial issues, since the District will be unable to achieve academic goals, and financial issues will become more severe, if the school environment is unstable, chaotic, or unsafe.

This “cabinet” level person would have oversight responsibilities and authority over the various offices that are encompassed within the category of discipline, and school safety and climate including the Office of School Climate and Safety, the Office of Transition and Alternative Education, and the Office of Truancy. This official would also need to work closely and coordinate efforts with the District Offices of Specialized Services, Staff Development, Legal Counsel, and Information and Technology, among others and would also serve as the point person with outside agencies and organizations on key issues and initiatives regarding discipline and school safety and climate.

The individual chosen for this position must have academic achievements that are on par with other senior officials in the District, and the professional experiences that would garner credibility and respect. While not necessarily requiring academic experience, the person must be well versed in all aspects of the disciplinary system, CSAP, special education, law enforcement, pertinent legal issues, and other related areas.

Areas of responsibilities that would fall within the purview of this position would include, but are not limited to, the following:

- Creating a comprehensive manual and maintaining a District website which contains all policies and practices regarding discipline and related issues. Insuring dissemination of this information including any updates;
- Creating and implementing a decentralized discipline training program (working in conjunction with Office of Staff Development);
- Identifying best practices currently in existence in the District and working with distressed schools to replicate these practices.

- Identifying, monitoring, and evaluating the effectiveness of all contracted services and programs related to discipline, school safety and climate.
- Serving as a type of high level “ombudsman”. As previously stated there is an urgent need for an effective, responsive, reliable, and unthreatening “outlet” to whom personnel can report problems, issues, and concerns regarding discipline and other school climate and safety issues. Anything that is causing disciplinary problems to exist and persist, require a forum or some effective way of addressing and responding to these problems.
- **Reviving and coordinating the activities of the “School’s Safety Advisory Committee” (the “SSAC”).** Pursuant to a 2004 “Agreement of Understanding” modifying the various consent decrees that impacted on the District’s disciplinary system, the District agreed to the creation of a “Schools Safety Advisory Committee”. According to this “Agreement of Understanding” the role of the SSAC was the following:

“Assist the District in providing further safety for our children. The SSAC’s mission is to discuss discipline procedures, safety and climate issues, alternative programs for students with behavior management problems and other related discipline issues of particular interest and to ensure fair treatment for students in the disciplinary process and also to review publicly available safety data to determine trends that may require emergency response or crisis management. The SSAC will meet at least quarterly, or more often as needed. The ultimate goal of the SSAC is to provide a resource for the administration of the District to assist in its commitment to provide a safe environment for all children to learn.”

This Committee, which was to be chaired by a representative from the School District, was comprised of experienced and knowledgeable representatives from various organizations that are fully committed to the welfare of Philadelphia students.²⁸

²⁸ Designated members included representatives from the following offices and organizations: the School District’s Office of General Counsel, the Commonwealth Association of School Administrators, the Philadelphia Federation of teachers, the Education Law Center, Community Legal Services, Philadelphia Citizens for Children and Youth, the Juvenile Unit of the Defender Association of Philadelphia, the Home

Unfortunately, only three meetings of this group were held, nothing of substance was accomplished, and the SSAC died a quick death. Some of the representatives with whom I spoke believed that the SSAC was poorly coordinated, that they were given “lip service”, and that their advice and opinions were regarded as “unwelcome irritants” by District personnel.

The District would be well served to take full advantage of the collective expertise, credibility, contacts, and skills of these individuals and organizations, who could serve as important and effective allies in helping the District achieve its goals.

COORDINATION AND EVALUATION OF PROGRAMS AND SERVICES

A perception and concern that was widely expressed during my research was that, as it relates to discipline, the District’s primary emphasis is on **punishment as opposed to prevention and intervention.**

In response to this, I made an extensive and concerted effort to determine whether there was a legitimate basis for these concerns. In fact, I identified literally hundreds of **prevention and intervention** programs and services that address issues related to discipline, school climate and safety, bullying, truancy, behavioral/emotional/mental health, special education, juvenile justice, parenting, socialization and other life skills, teenage pregnancies, drug and alcohol abuse, mentoring, and tutoring, among others. Furthermore, while it was impossible to estimate with accuracy, it is reasonable to conclude that **hundreds of million of dollars** are dedicated to funding programs and services aimed at prevention and intervention.²⁹

and School Association, the Department of Human Services, the Family Court of the court of Common Pleas, the Safe Schools Advocate, and student representative from City Wide government.

²⁹ Funding sources for these services and programs are derived directly from the School District’s budget, additional federal, state and local sources, grants, and private donations. In numerous instances, the District is the beneficiary of services and programs that are funded through the budgets of other

This exercise proved to be an enormous and elusive task which I ultimately determined to be beyond the scope of this project. However, my efforts clearly revealed these various resources and programs are difficult to identify and categorize and they are fragmented and uncoordinated.

In spite of this plethora of services and programs, in some schools personnel expressed significant frustration at the loss of programs and services that they had found to be extraordinarily beneficial, and reported encountering an unwanted imposition of other programs that were having little beneficial effect, were adding unexpected and hidden costs to the school, and were in some cases even **undermining school climate and safety**. Many school administrators and teacher were unaware of the existence of vital services and programs and did not know how to access them

It appears that while the District has devoted significant time and resources to creating or purchasing prevention, intervention, and other remedial services and programs, less consideration has been given as to how these various programs and services would be coordinated, implemented, and most importantly, monitored for effectiveness.

As was aptly stated in a recent report on this issue:

“To insure all students have an equal opportunity to succeed at school, the long-range aim should be to evolve a comprehensive component to effectively address barriers to development, learning, and teaching by weaving resources together into the fabric of every school. The focus should be on all school resources (e.g., compensatory and special education, support services, recreation and enrichment programs, adult education, facility use) and all community resources (e.g., public and private agencies, families, businesses; services, programs, facilities; volunteers, professionals-in-training). **Toward these ends, new mechanisms are needed to enhance resource use through braiding, coordination, integration, and careful priority setting.**” (Emphasis Added)³⁰

agencies, such as the Department of Human Services, the Courts, and the Philadelphia District Attorney’s Office. Some services and programs are provided by volunteers.

³⁰ Summit on New Direction for Student Support, Center for Mental Health in Schools, November 2002.

Thus, it is clear that the District needs to devise more effective, ongoing, and comprehensive methods of identifying and categorizing all services and programs as well as methods of monitoring and evaluating their effectiveness. Based on these ongoing assessments, the District should be able to **quickly** reduce, expand, or eliminate programs that are proving to be beneficial or ineffectual, thus insuring that limited resources are being utilized to greatest benefit of the School District.

MEMORANDUM

Ellen Ceisler

FROM: Heather Frattone

Evaluation of Disciplinary Process

DATE: June 15, 2006

We have reviewed the draft of your evaluation of the School District's student disciplinary system. Please review the following questions, comments and points of clarification regarding the evaluation. Additionally, it would be helpful if you would include a brief executive summary highlighting your recommendations for reorganization and coordination and evaluation of programs and services.

- **Anecdotal Information:** The report uses terms such as numerous or persistent but does not identify the total number of schools visited, teachers interviewed, etc. We need a better understanding of how many schools were visited or surveyed, a description of the methodology and the number of personnel interviewed. For example:

As part of this study I visited the following schools: Grover Washington Middle School, Taylor Elementary School, Spring Garden (K- middle), Kearney Elementary School, Cooke Middle School, Pickett Elementary, Central East Middle School, Roberto Clemente School, Stoddard-Fleisher Middle School, Turner Middle School, Benjamin Franklin High School, Lincoln High School, Olney High School.

In the majority of these schools I met with either the principal or the assistant principal. In each school, (with the exception of one where I only interviewed the principal on the premises), I interviewed an average of 5 to 8 personnel, including teachers, counselors, nurses, and disciplinary personnel. With the exception of the principals, these interviews were generally impromptu and ranged in length from 10 to 20 minutes. In a few exceptional cases, the interviews lasted approximately a half hour. In 2 schools, the principals organized formal gatherings of approximately 5 to 6 personnel (including personnel responsible for disciplinary matters). These group sessions lasted approximately 1 to 2 hours each. In one school, a teacher organized a formal gathering of 5/6 personnel, including teachers. This session also lasted approximately 2 hours.

I facilitated three monthly meetings of school PFT building representatives to ask questions and obtain responses regarding student discipline. The following school regions were represented at these meetings: Southwest, West, Central East, East, North, Northeast, Northwest, Center City, Central, CEO, Edison, EMO and South. The estimated attendance of teachers and other staff totaled approximately 200. As a result of these sessions, I received approximately 20 e-mails and phone calls from teachers (18) and counselors (2) from the following schools: Smedley

Elementary, Williard School, Alaine Locke Elementary School, Pierce Middle School, Hamilton Disston School, Germantown High School, Roberto Clemente School, and Roxborough High School. I personally responded to each of these individuals by conducting phone interviews that each lasted approximately 30 to 45 minutes.

I attended four days of disciplinary hearings where 2 hearing Officers were conducting hearings. I observed 6 complete hearings and at the conclusion, I interviewed the school personnel who attended these meetings. These interviews were typically brief lasting an average of 10 to 15 minutes (This does not include the hearings that were scheduled that did not go one for one reason or another. In those cases, I reviewed the entire case file and discussed the case with the hearing officers. My interviews with the 2 hearing Officers lasted for many hours over the course of the week.

In addition to the above, I also interviewed personnel from the following offices: Office of School Climate and Safety, Office of Transition and Alternative Education, Office of Specialized Services, Office of Information & Technology, Office of General Counsel, Executive Office, Office of Accountability, Assessment, and Intervention, Office of Staff Development, Disciplinary Transfer Hearing Officers, Representatives from the Philadelphia Federation of Teachers and the Commonwealth Association of School Administrators, Representatives from student/education and children advocacy organizations such as the Education Law Center, Community Legal Services, Philadelphia Citizens for Children and Youth, and Youth United for Change, the Office of Safe Schools Advocate, Behavioral and Mental Health Specialists operating as independent contractors with the District, and The Pennsylvania Department of Education.

I would estimate that I interviewed and polled approximately 330/340 teachers and other pertinent School District personnel and individuals from organizations independent of the school district. Based on the number of interviews conducted and the consistency of the issues and concerns raised, I determined that my sampling was statistically significant and the findings were credible.

The scope of my inquiry appears to have exceeded those conducted by the School District as part of its own 2004 assessment of the student disciplinary process which formed the basis of its recommendations to the School Reform Commission. As you no doubt recall, some of the School District's own recommendations included the need to take steps to insure accountability, consistency, and transparency in the disciplinary system.

Interview Methodology

Prior to each interview, I assured each participant of confidentiality. I advised each participant that while my report may contain actual interviewee quotes, the source of the quote would not be identified and that my sampling would be large enough to preclude identification of the source of the quote.

Each interviewee was asked to provide their employment history including how long they had been teaching and in what grades and schools, as well as any other positions they held in the School District.

Every interview included similar stock questions including, but not limited to:

What percentage of your time do you estimate you spend on disciplinary matters on any given day?

In your estimation, what percentage of your students are the serious disciplinary problems?

As it relates to the student disciplinary process, what areas and issues are your greatest concerns?

What recommendations would you make to improve the student disciplinary system?

What do you think are the biggest hurdles to reforming the disciplinary system?

As concerns about CSAP became prevalent, I incorporated a series of questions regarding CSAP in each interview.

I asked targeted questions about specific "low level" offenses and the manner in which each school handled these offenses.

I asked for anecdotes and cases studies to support their statements. Some teachers actually provided me partial copies of the student files.

As I previously explained to you, one of the issues I faced while conducting this study, was the overwhelming negativity and frustration of the School District personnel regarding the disciplinary system. In the interests of doing as balanced, fair, and accurate report as possible, I made a concerted effort to find schools that were "working". You can confirm this with Jerry Jordan from the PFT, who was instrumental in helping me to identify and visit these schools. Similar efforts that I made with School District personnel, such as Gwenn Morris and Tanya Wise, proved to be unsuccessful, because the principals in schools recommended by School District officials refused to cooperate. I attended one monthly CASA meeting to introduce myself to a group of approximately 20 principals and explain the nature of my study. Only one of three principals that I contacted after that meeting was willing to cooperate with my study.

See pages 22 and 23 of my report:

"In this process, I encountered widespread frustration and cynicism about the disciplinary process and a general consensus that the disciplinary system is failing on many levels. In light of this pervasive attitude I made a concerted effort to identify and visit schools whose reputations were that disciplinary problems were not debilitating the school environment. The purpose was to try and identify what was working in those schools.

In making this selection process I explicitly avoided "magnet" schools since these schools generally have substantial resources and, like private schools, have a competitive student selection process which allows them to reject the admission of

students with poor or problematic academic and behavioral records. The schools I visited were the “comprehensive” neighborhood schools, located in distressed communities with a significant “at-risk” student population.”

- 10-30% of student body is “at risk” and the major cause of disciplinary programs that impact on school climate and safety – How many schools visits/interviews is this based on? How many elementary, middle and high schools? How many teachers, administrators and support staff were interviewed?

See Above. Also, I modified the report language to indicate that these are estimates of some school officials.

- 40-50% of teacher classroom time is spent trying to address chronic low level student infractions and disruptions or serious incidents. How many schools visits/interviews is this based on?

See Above.

- The report indicates that schools use lateral transfers as opposed to disciplinary transfers – How many? What schools?

The disciplinary database does not adequately capture this information so there is no way to reliably determine the full extent the number of, and reasons for, lateral transfers. This implicates transparency issues.

Interviews indicated many teachers and administrators are abandoning the disciplinary process – How many interviews? What schools?

See Above.

- **Generalizations and Lack of Clarity:** The report contains many generalizations that are not supported by data. For example, the report states the following:

81% of Level II offenses did not result in disciplinary transfers. The report does not describe what happened in the cases – were the recommendations overturned at hearing, special education, primary grades, left the system, etc.

That was a crux of the problem. There was inadequate data to answer these questions in any efficient or reasonable way. This is thoroughly explained in my report. Furthermore, my report specifically states that the lack of disciplinary transfers was not so much the issue, but the fact that weaknesses in data collection and record keeping practices precluded accurate and efficient assessment of precisely these issues. In my opinion, these statistics go to the very heart of the issue

of transparency in the system. A lack of transparency drives inconsistency and lack of accountability.

Although the statistics contained in the original draft are accurate, I decided that the District's stated concerns that these raw numbers could potentially be unreasonably inflammatory and would likely be taken out of context, were valid. As a result I removed the statistical Table contained in the original report.

Additionally as I expressly stated in my report (page 28): "During this study I had the opportunity to review the "pupil pockets" of students with extensive disciplinary offenses, numerous unexplained "lateral" transfers, serious and chronic truancy problems, and evidence of serious academic problems. These students' files were remarkably devoid of any documentation or information describing these disciplinary incidents or any efforts that were made to address these issues."

- Lack of consistency, uniformity, transparency and accountability in the disciplinary system – What is this based on?
See above and below and the report itself.**
- In the section regarding the evaluation process, the report states that disciplinary data was evaluated. It would be helpful to know the specific data included in this process.**

I spent approximately four hours over the course of two days with Josh Culbertson analyzing the student discipline database in great detail. I also interviewed the head of the Office of Information & Technology and one of her top deputies to determine what disciplinary data was available. While progress has been made in capturing more data regarding disciplinary actions (which I acknowledge at the outset in my report), the current database is still lacking in sufficient detail regarding the status and disposition of each case. As a result, neither the OTAE nor the Office of Information and Technology were able to respond to my requests for data/information that would have answered precisely these and other questions. This contributes to lack of transparency and accountability in the disciplinary system.

If teachers and administrators are abandoning the formal disciplinary and CSAP procedures because they perceive these systems as unresponsive and ineffective, this contributes to lack of consistency, transparency, and accountability in the disciplinary system.

Inconsistency in the disciplinary system was clearly evidenced by the fact that similar offenses were treated differently depending on the school. In some schools, certain offenses were overlooked or ignored, while in other schools, similar offenses resulted in disciplinary actions. My observations confirmed this. I observed classrooms where students were sleeping, listening to headphones, talking, shouting, wandering around the class or running in and out of the classrooms. In one situation, I overheard a student curse a teacher and in another case, the student made a vulgar remark to the teacher. In an elementary school I observed a student

throw over a desk. In some of these schools I observed violations of the school uniform code and unauthorized roaming of hallways. In these situations, no disciplinary actions were taken. When I questioned personnel, the prevailing attitude was “why bother, nothing is going to happen”. I observed two disciplinary hearings involving students who were charged with assaulting school personnel. In one case, the student was arrested (victim sustained no injuries) and in the other case the student was not arrested (victim sustained minor injuries).

I was given a copy of memo by a regional superintendent in which teachers were told to reduce suspensions by 75% without providing any guidance or additional resources. As a result of this edict, some of the teachers from this region that I interviewed stopped bringing disciplinary actions, except in the most serious of cases. I spoke to several teachers in one school who were not allowed to order suspensions during testing periods. Another principal ordered undocumented “days of reflection” instead of suspensions to improve that school’s disciplinary statistics. I heard other anecdotes along this line that indicate that each region, principal and teacher are approaching discipline in their own way.

All of this, and other issues that I addressed in the report, such as the problems with the disciplinary hearings and the lack of CSAP and disciplinary infrastructures in some schools all go to the heart of consistency, accountability and transparency.

Office of Safe Schools Advocate: The report mentions that the advocate was interviewed but does not make any other mention of the office, its functions or responsibilities fulfilled.

As my contract proposal to the School District clearly states, I was hired by Paul Vallas to do an independent audit of the student disciplinary process. At different points during this project, Paul and OTAE personnel expressed significant consternation about the OSSA. They were very upset with the fact that the statistical evidence in the OSSA reports was fundamentally flawed and, without going into specifics here, that the manner in which Harvey Rice ran the OSSA was unprofessional and unproductive.

As my study progressed, I sensed that Paul and the OTAE’s main concern was that I discredit the OSSA. In fact during one session with an OTAE employee, I requested some data regarding student arrests. That individual, in my presence, called an employee from the School Police and stated something to the effect that I needed this information because I was hired to “trash Harvey Rice’s Office”. When I heard that, I was astounded. I ordered this person to immediately call back the School Police official and recant the damaging and outrageous remark. If I had reason to believe, at the outset, that the sole purpose of my contract was to “trash” a critic of the School District, I never would have agreed to undertake this study. Furthermore, I believe that Paul would face public criticism if it appeared that he used taxpayer dollars to audit a state office that was not even under his jurisdiction, simply because that office was critical of the District.

In response to School District concerns about OSSA, however, I did review the OSSA reports, the District responses to these reports, as well as correspondence between the OTAE regarding OSSA regarding OSSA requests for data and records. And finally, I conducted an interview with Harvey Rice whom I had never met before that interview.

In the end I made the determination that the OSSA was not a relevant factor in the problems existing in the student disciplinary system. I didn't believe that the OSSA analysis of disciplinary data fully and fairly examined the issues, nor do I believe that it was appropriate for the OSSA to release their reports without giving the District a reasonable opportunity to review and respond to the reports. However, I also reviewed OSSA correspondence to the District in which the OSSA had requested SPECIFIC information and data that would have enabled the OSSA to effectively analyze and understand the disposition of disciplinary actions, particularly the disposition of Level II offenses. The School District never provided the OSSA with this information. The School District's position as it relates to Harvey Rice and the OSSA is significantly weakened by this failure to fully respond to his records/data requests.

As part of this study, I also requested similar data to determine the disposition of Level 2 offenses and other issues. The information was never provided. The reason the information was never provided to the OSSA or me was because of weaknesses in the data maintenance and record keeping practices of the District that are detailed in my report. This all goes to the heart of my discussions regarding transparency, consistency and accountability.

To further clarify the services offered by the District, please review the information below regarding CSAP and special education.

CSAP: The Comprehensive Student Assistance Process is not the avenue to special education but rather a comprehensive process by which schools identify barriers to learning and develop an action plan to support the removal of such barriers. The CSAP tiers support addressing specific barriers at the classroom level as well as the whole school environment. It is a vehicle that moves the entire process not an optional part of the process.

This is precisely what my report states.

Specific responses are detailed below:

- “The Office of Specialized Services offers fairly comprehensive guidelines on issues related to the disciplinary process and CSAP, but it is limited to those students requiring special education programs and services.” (page 25) **Thus not relevant to my report which specifically excluded special education students, however, I do note this in my report.** In addition to a number of CSAP resources on OSS website, OSS

has staffed each region with a CSAP/BH liaison. This individual develops CSAP action plans with leadership teams in all schools within his/her region (see attached site visitation rubric) in fall and spring, assists OSS in completing a mid-year CSAP audit, co-facilitates two annual CSAP regional trainings (see attached schedule) and provides ongoing training and technical assistance to schools based on regional needs. **This has been incorporated directly into the report. As an aside, this seems like an enormous workload for one liaison per region.**

- No manuals for CSAP (page 26): OSS provides comprehensive CSAP training manuals to all school core team members to support turn-around training. **This is specifically stated in my report.** OSS also provides regions with a CSAP tickler for administrators. In addition, this fall the office produced a Principals' Best Practice Toolkit. OSS is in the process of creating a CSAP best practice manual with OTAE, OLCA, OSCS, and C & I that will be ready for summer principals' training. **This was one of my recommendations. I have added these recent reform efforts into the report.**
- CSAP has to begin anew with each problem (page 27): CSAP process does not have to begin anew each time a child exhibits a behavioral problem. However, CSAP is an annual support process, and the process cannot cross years- students cannot remain in Tier II indefinitely due to law (60 school-day timeline). **My report points to the difficulties in starting and following through on the initial CSAP process (i.e. lack of dedicated CSAP staff, lack of dedicated time for CSAP meetings for follow up, lack of psychologists, etc).** For example, my study found that months or longer can elapse before critical steps such as testing are taken. In some situations, the school year ends and the student moves on before any resolution to the CSAP issues. In addition, all student records are archived in the CSAP database and can be easily accessed. In addition, when a child transfers from school to school during the school year, his/her CSAP record follows. **A common complaint was that the pupil files and records did not follow the student. Also, I observed that these records were not always brought to Level 2 disciplinary hearings. CSAP database records were also not brought to the hearings. At the hearings, school officials complained that they had never received the records when the student had been transferred to their school (including lateral transfers, or situations where schools had been expanded or reduced resulting in large migrations of students to other schools.)**

CSAP training is not well attended (page 31): The numbers contained in the evaluation are not accurate. Please see attached document for accurate attendance numbers. **The statistics that I provided in the draft report were the exact numbers provided to me by the Office of Staff Development as of December 2005 when this report was**

drafted. Most of the statistics that you provide below included training workshops that had not yet occurred when I wrote my report. These additional statistics have been incorporated into the report with a statement that there has been a dramatic increase in attendance of these workshops since the start of 2006. (In light of the fact that that every teacher and many administrators etc. must be part of the CSAP process, the number of personnel who have attended from certain regions is still distressingly low.)

- **The Special Education Process:** Students considered for special education services must be evaluated, found to have one of the following handicapping conditions and be in need of specially designed instruction.
 - Mental retardation
 - Hearing impairment
 - deafness
 - Speech or language impairment
 - Visual impairment
 - Serious emotional disturbance
 - Orthopedic impairment
 - Autism
 - Traumatic brain injury
 - Other health impairment
 - Specific learning disability
 - Deaf-blindness
 - Multiple disabilities

This has been specifically incorporated into the report.

CSAP Training NE: 1/1-11/3/2005 :	11
CSAP Training CE: 11/15-11-17:	25
CSAP Training W: 11/28-11/30:	24
CSAP Training E: 11/28-11-30:	22
CSAP Training S: 1/4-1/6:	21
CSAP Training C & CC: 1/10-1/12:	31
CSAP Training N: 1/10-1/12:	16
CSAP Training SW: 1/10-1/12:	42
CSAP Training CEO: 1/25-1/27:	30
CSAP Training EMO: 1/25-1/27:	40
CSAP Training NW: 1/30-2/1:	43
CSAP Training City Wide: 2/7- 2/9:	35

OSS 2005-2006 CSAP Certification Schedule

Region	Lead Facilitator(s)	Dates
Northeast	Alfred Quarles Verna Cole	November 1, 2, 3
Center City/Central (Joint Training 1)	James Adams Ray Fitzgerald	November 15, 16, 17
Central East	Deborah James Matthew Aigen	November 15, 16, 17
West	Bridget Taylor Brown Alex Stone	November 28, 29, 30
East	Lisa Moore Pamela Brown	November 28, 29, 30
South	Tamika Purvines Jennifer Collier	January 4, 5, 6
Northwest	Lisa Moore Deborah James	January 25, 30, 31
Central/Center City (Joint Training II)	James Adams Ray Fitzgerald	January 10, 11, 12
North	Alex Stone Bridget Taylor Brown	January 10, 11, 12
Southwest	Virgil Sheppard Pam Brown	January 10, 11, 12
CEO	Matthew Aigen Mario Aleus	January 18, 19, 20
EMO	Gretchen Barnes Jennifer Collier	January 25, 26, 27
District-Wide	Tamika Purvines	February 7, 8, 9

(Make-Up)	Verna Cole	
------------------	-------------------	--

**COMPREHENSIVE STUDENT ASSISTANCE PROCESS
ACTION PLAN**

2005 – 2006 Academic Year

SCHOOL: _____
 CSAP/BH LIAISON: _____
 PRINCIPAL: _____ PHONE: _____
 DATE: _____

1	School- Wide Indicators:	Low			High	Com
1a	Staff are able to articulate the purpose of CSAP	1	2	3	4	5
1b	Staff are clear on their role and responsibility in CSAP	1	2	3	4	5
1c	School has rostered meeting time for CSAP meetings	1	2	3	4	5
1d	Internal and external resources are identified and coordinated	1	2	3	4	5
1e	CSAP documentation is appropriately utilized, including CSAP database	1	2	3	4	5
1f	School has a viable behavioral health partner (SAP, C&E, SBBH Program, CARE, etc.) that is addressing its needs	1	2	3	4	5
1g	Evidence of efforts to involve parents as educational partners exists	1	2	3	4	5
1h	Evidence of school-wide prevention and early intervention policies exists, including safety/crisis plan	1	2	3	4	5
1i	School Has the Following Supports in Place: Mentoring Program After-School Program Active Home and School Association Active School Council Researched-Based Bullying Prevention Practices or Program Safe Corridors Program Ally/Anti-Harassment for LGBTQ Students Faith Based Partner Peer Mediation/Conflict Resolution Teams Active Student Support Room Other:	Yes			No	
		___			___	
		___			___	
		___			___	
		___			___	
		___			___	
		___			___	
		___			___	
		___			___	
		___			___	
		___			___	
		___			___	
2	Tier I Indicators:					
2a	Meeting time is allotted and meetings occur regularly	1	2	3	4	5
2b	Meeting agendas are distributed by designated facilitators and are followed, demonstrating productive process	1	2	3	4	5
2c	Focus is on instructional/classroom issues, data-driven decision-making	1	2	3	4	5

2d	Resources are available (e.g. PRIM) in common meeting area to facilitate problem solving	1	2	3	4	5
2e	Appropriate Tier I documentation is completed before, during, and after meetings	1	2	3	4	5
2f	Follow up occurs within 30 school days for all groups	1	2	3	4	5
3	Tier II Indicators:					
3a	Meeting time is allotted and meetings occur at least once per week	1	2	3	4	5
3b	Tier II referrals are appropriate and evidence of prior interventions exists as indicated by review of individual student Pre-Meeting checklist		2	3	4	5
3c	Appropriate data is collected and reviewed (Student Observation Forms, additional academic and behavior data, attendance data, parent data, current interventions/services/linkages)	1	2	3	4	5
3d	Parent/guardian involvement in process is evident, as demonstrated by evidence of parental/guardianship contact		2	3	4	5
3e	Tier II documentation completed before, during, and after meeting as indicated by individual case review					
3f	Case management system and intervention plans is clearly defined by CSAP Support Log	1	2	3	4	5
3g	Data entry is being entered into the School District's system, monthly		2	3	4	5
3h	Follow-up occurs within 30-60 school days and student outcomes are monitored and achieved as indicated by CSAP Support Log	1	2	3	4	5
4	Tier III Indicators:					
4a	Core teams are established to address various change in placement considerations in a timely manner; roles, responsibilities are clear	1	2	3	4	5
4b	Record keeping and case management system is in place	1	2	3	4	5
4c	Teams have completed the CSAP Tier I and II process and are complying with all timeline, documentation, and parent/guardian involvement requirements (Sp. Ed/Disciplinary) in Tier III		2	3	4	5

SUMMARY OF VISIT:	NEEDS IDENTIFIED BY SCHOOL:		STRENGTHS:	
			CHALLENGES:	
ACTION PLAN:	GOAL	ACTIVITY:	TIMELINE:	PERSON(S) RESPONSIBLE:

<i>FOLLOW-UP:</i>	PLAN REVIEWED ON: _____	ADDITIONAL SUPPORT PLANNED:		
	ADDITIONAL SUPPORT NEEDED? Y_____ N			
	Comments/Evidence:			

--	--	--