

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

ANNUAL REPORT FOR SCHOOL YEAR 2017-2018

Issued
September 2019

Charles H. Ramsey, Chairman
Michael Pennington, Executive Director
Roi A. Ligon Jr., Safe Schools Advocate

September 16, 2019

Mr. Michael Pennington
Executive Director
Pennsylvania Commission on Crime and Delinquency
3101 North Front Street
Harrisburg, Pennsylvania 17110

Dear Mr. Pennington:

Enclosed please find the annual report detailing the activities of the Office of Safe Schools Advocate (OSSA) along with any recommendations for remedial legislation, regulations, or District administrative reforms as related to the 2017-18 fiscal year.

The report is based upon the observations of the Advocate from August 1, 2017 through June 30, 2018 and the analysis of data submitted by the School District of Philadelphia to our office as well as to the Pennsylvania Department of Education.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roi Ligon Jr.", written in a cursive style.

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

Contents

Acknowledgements..... 4

Executive Summary..... 5

Introduction 6

 Background 6

 Responsibilities and Authority of OSSA 7

2017-18 Initiatives, Findings, and Recommendations 9

 Background and Context..... 9

 OSSA Daily Operations 11

Victim Services 12

 Overview 12

 Recommendations 14

Bullying..... 15

 Overview 15

 Recommendations 17

Monitoring 18

 Overview 18

 Recommendations 19

Communication and Outreach..... 20

 Overview 20

 Recommendations 22

Glossary..... 23

Appendix A: Relevant State Laws..... 28

Appendix B: 2017-2018 Incidents Reported by SDP to OSSA 32

Appendix C: Expulsions 33

Appendix D: Arrests and Diversions..... 34

Appendix E: Violent Incidents, Weapons, and Controlled Substances 35

Acknowledgements

The Advocate is supported in his efforts by two staff members, Legal Assistant Leslie Cesari and Administrative Assistant Mary Kinney. Both have served OSSA since it reopened in 2011. The Pennsylvania Commission on Crime and Delinquency (PCCD) has continued to support OSSA with advocacy, data analytics, technical support and providing research throughout the school year. The Advocate thanks OSSA's staff, PCCD, and the Pennsylvania Department of Education (PDE) for their role in helping OSSA fulfill the requirements outlined by law. It is through these joint partnerships that OSSA has remained successful.

Executive Summary

The Office of Safe Schools Advocate (OSSA) was the first and only one of its kind when it was created by the Pennsylvania General Assembly in 2000.¹ In addition to providing information and helping victims of school-based violence understand their rights and options, OSSA is responsible for monitoring the School District of Philadelphia's compliance with all laws, regulations, and reporting requirements pertaining to school safety and discipline. The Office is also tasked with reviewing and advising on legislation and policy.

OSSA continues to spearhead its operation from the Education Center for the School District of Philadelphia (District), located at 440 N. Broad Street in Philadelphia. The Pennsylvania Commission on Crime and Delinquency (PCCD) oversees OSSA; additional support is provided by the Pennsylvania Department of Education (PDE). The 2017-18 reporting period marked Safe Schools Advocate Roi A. Ligon, Jr.'s second school year in the role. As in the previous year, much of the 2017-18 school year was spent on efforts to improve data and information sharing, strengthen OSSA's relationship with District and community partners, and spreading awareness about services provided by the Office.

The 2017-18 school year also marked a time of significant change within the District. In November 2017, the School Reform Commission (SRC) approved a resolution to dissolve the Commission and establish local control through a new nine-member Board of Education effective July 1, 2018. This historic shift in governance marked the first time since 2001 that Philadelphia's schools would be managed by a local school board. During its final year, the SRC continued taking distinctive steps to improve transparency at the District through monthly policy committee meetings in a public forum and often attended by journalists and advocacy groups. These efforts have continued with the transition to the Board of Education.

At the same time, discussions in Philadelphia and across the Commonwealth shifted toward meeting the non-academic needs of students – including mental, emotional, and behavioral health – through comprehensive efforts. These include the Mayor's Community Schools initiative, where schools become neighborhood centers improving access to a wide range of services and supports for students and their families.

As required by state law, OSSA provides analysis and recommendations to improve school safety on an annual basis to relevant local and state leaders, including the Superintendent of the School District of Philadelphia, the Secretary of Education, the Chairman and Executive Director of PCCD, and the majority and minority chairs of both the Senate and House Education Committees in the General Assembly. The enclosed report offers a summary of initiatives, findings, and recommendations based on OSSA's work during the 2017-18 school year, focused on four key areas:

1. Victim Services
2. Bullying
3. Monitoring
4. Communications and Outreach

¹ 24 P.S. Article XIII-A – Safe Schools

Introduction

Background

Safety is critical for student learning and well-being. Research suggests that a positive school climate is associated with improved academic achievement, engagement, and social skills development.² While overall rates of crime and violence in schools have declined over the past two decades, safety issues remain a concern.³ In 2017-18, Pennsylvania public schools reported more than 49,000 safety-related incidents to PDE, including assaults, harassment and intimidation, sexual violence, and fighting, among others.⁴ Under both federal and state law, schools have obligations to take prompt and effective steps to address, respond to, and prevent the recurrence of incidents of violence and harassment, including those motivated by bias and discrimination.⁵

Brief History of OSSA

2000	The Office of Safe Schools Advocate (OSSA) was created by the state legislature.
2001	First Advocate appointed by Governor Tom Ridge and Office placed under the PA Department of Education to assist victims and monitor the District's compliance with mandatory reporting.
2009	Closed due to lack of funding.
2011	Funding re-instated and OSSA placed under PCCD.
2015	Budget moves funding back to PDE; PCCD continues to oversee Office for continuity.
2016	New Advocate, Roi A. Ligon, appointed by Governor Tom Wolf.

OSSA was originally established by Act 91 of 2000, and has responsibilities outlined in Article XIII-A of the Pennsylvania School Code (24 P.S. 13-§1310 A). PCCD has direct oversight of OSSA, with support and collaboration required by statute from both PDE as well as the District.

Article XIII-A also includes responsibilities for PDE's Office of Safe Schools, including annually collecting and publishing data reported by public school entities regarding incidents of crime that occur on school property, as well as those involving acts of violence, possession of a weapon, and possession, use, or sale of controlled substances such as alcohol, tobacco, and other drugs. This data is collected annually through the Pennsylvania Information Management

² A. Thapa, et al., [School Climate Research Summary](#), National School Climate Center, August 2012.

³ [Crime, Violence, Discipline, and Safety in U.S. Public Schools: Findings From the School Survey on Crime and Safety: 2015-16](#), National Center for Education Statistics, U.S. Department of Education, July 2017.

⁴ [Safe Schools Online – 2017-18 State Report](#), PA Department of Education.

⁵ 24 P.S. Article XIII-A – Safe Schools; 22 Pa. Chapter 14; Pennsylvania Human Relations Act (43 P.S. §§951 *et seq.*); 18 Pa. C.S. § 2710 – Ethnic Intimidation; Title VI of the Civil Rights Act of 1964 (federal law prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance); Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (federal laws prohibiting discrimination based on disability); Title IX of the Education Amendments of 1972 (federal law protecting against discrimination based on sex in education programs or activities that receive federal financial assistance); and the Equal Educational Opportunities Act of 1974 (EEOA), which prohibits the denial of equal educational opportunity based on race, color, sex, and national origin.

System (PIMS), and is then aggregated and published by PDE on its [Safe Schools Online](#) website.

The Pennsylvania State Board of Education is also responsible for establishing and reviewing regulations related to implementation of the Safe Schools requirements, including providing model memorandum of understanding (MOU) for local education agencies (LEAs) to use with local law enforcement.⁶ LEAs – including the School District of Philadelphia – are also required to submit these MOUs to PDE’s Office of Safe Schools.

Responsibilities and Authority of OSSA

OSSA manages a broad scope of responsibility - its role balanced between monitoring the District’s incident reporting practices, and providing advocacy on behalf of victims of school-based acts of violence.⁷ Under state law, OSSA has responsibility, among other things, to monitor the District’s compliance with various requirements of the Safe Schools Act, including annual data reporting to PDE’s Office for Safe Schools, as well as activities undertaken as part of the District’s MOU with the Philadelphia Police Department. State law requires cooperation from the District in supporting OSSA in these efforts,⁸ and also prescribes other responsibilities under the law.

Per the Act, OSSA’s powers and duties are defined (in part) as follows:

1. To monitor, review, and analyze the District’s compliance with mandated annual reporting to PDE’s Office for Safe Schools of incidents involving acts of violence, possession of a weapon, or possession, use or sale of controlled substances, or possession, use, or sale of alcohol or tobacco by any person on school property.
2. To monitor the District’s compliance with the procedures set forth in its MOU with the Philadelphia Police Department regarding incidents involving acts of violence and possession of weapons.
3. To obtain documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the Philadelphia Police Department consistent with the requirements of the MOU.
4. To monitor the District’s compliance with the mandatory expulsion requirements of Section 1317.2 of the PA School Code (“Act 26”).
5. To receive inquiries from school staff, parents, or guardians of students who are victims of acts of violence on school property.
6. To establish a program to assure extensive and continuing public awareness regarding the role of the Advocate on behalf of victims of acts of violence on school property, which may include the mailing of information to parents or guardians in the District or other forms of communication.
7. To review and analyze federal and state statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property, and to prepare reports making recommendations for changes to the statutes

⁶ Pa. Code 22, Chapter 10 – Safe Schools.

⁷ “Acts of violence” defined in Article XIII-A of the PA School Code include the possession of a weapon on school property or the following offenses: criminal homicide, aggravated assault, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, arson and related offenses, robbery, and robbery of a motor vehicle.

⁸ 24 P.S. §13-1310-A (e)

which would promote school safety and facilitate effective and expedient disciplinary action.

8. To review and analyze court decisions applicable to the District's disciplinary process and procedures, and to make recommendations to the District regarding any negative impact these decisions have upon the effective maintenance of school safety as well as relating to the existing provisions of consent decrees.
9. To provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim services agencies.

The District is also responsible for the following:

1. Upon discovery of the commission of an act of violence against a student, the District shall immediately notify the victim's parent or guardian of the Safe Schools Advocate.
2. The principal of each school shall post a notice entitled "Safe Schools Advocate" at a prominent location within each school building. The notice shall be developed by the Advocate.
3. Each school administrator must cooperate with OSSA to implement these terms and provide the Advocate, upon request, all available information authorized by state law.

A full listing of responsibilities of OSSA as well as the District prescribed in statute is available in Appendix A of this report.

2017-18 Initiatives, Findings, and Recommendations

Background and Context

The School District of Philadelphia is the largest school district in the Commonwealth of Pennsylvania, comprised of 218 schools serving more than 131,000 students in grades Pre-K through 12.⁹ The District is also among the most diverse in the state, serving students from a wide range of racial/ethnic, socioeconomic, linguistic, and cultural backgrounds.

Student Enrollment by Group, School District of Philadelphia vs. Statewide (2017-18)

Student Group	District (2017-18)	Statewide (2017-18)
English Learner (EL)	10.7%	3.6%
Special Education	14.0%	16.9%
American Indian/Alaskan Native	0.2%	0.2%
Asian	8.3%	3.9%
Black	49.7%	14.7%
Native Hawaiian or other Pacific Islander	0.1%	0.1%
Hispanic	20.0%	11.5%
White	14.5%	65.7%
2 or More Races	7.2%	3.9%

In recent years, school leaders in Philadelphia and across Pennsylvania have expressed concerns about the growing mental health needs of students. Exposure to adverse childhood experiences and violence (e.g., child abuse and neglect, bullying, peer violence, dating violence, sexual violence, and intimate partner violence) is associated with increased risk of depression, post-traumatic stress disorder (PTSD), anxiety, suicide, and suicide attempts.¹⁰

The School District of Philadelphia utilizes the *Youth Risk Behavior Survey (YRBS)*, which is a tool to help determine the prevalence of health behaviors and assess whether they increase, decrease or stay the same over time. The School District of Philadelphia has historically participated in the YRBS prepared by the Centers for Disease Control; however, roughly only 1% of students participate.

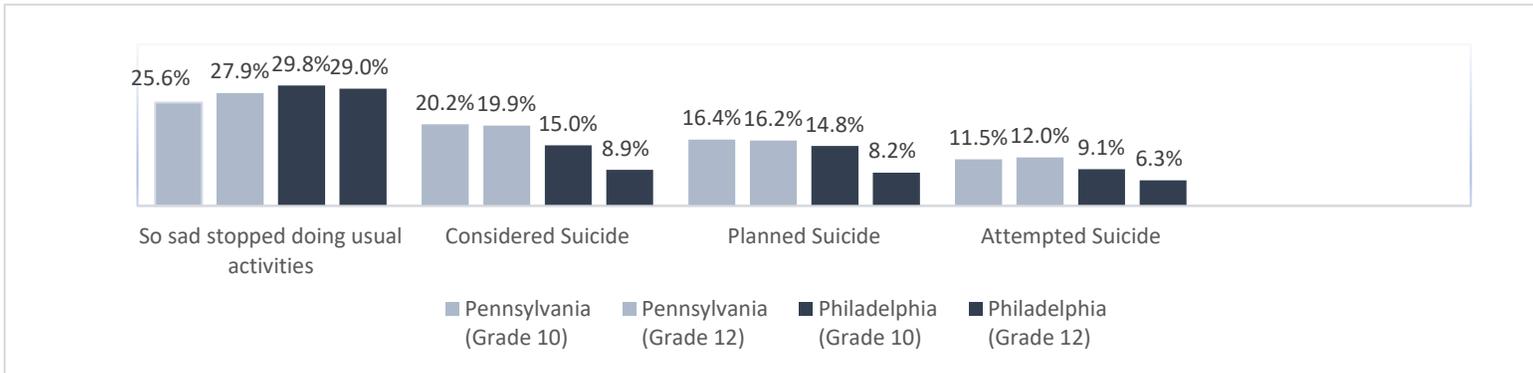
Survey data from the 2017 *Pennsylvania Youth Survey (PAYS)*¹¹ conducted statewide by PCCD and the 2017 *Youth Risk Behavior Survey (YRBS)* suggest that many teens are at risk.

⁹ *District Fast Facts: Philadelphia City SD*, Future Ready PA Index, PDE, accessed 6/19/2019.

¹⁰ [Preventing Suicide: A Technical Package of Policy, Programs, and Practices](#), Division of Violence Prevention, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2017.

¹¹ The *Pennsylvania Youth Survey (PAYS)* is used to assess locally-identified issues facing youth in a community and gather local data needed to select appropriate prevention and intervention programs to address root cause behaviors. PAYS is the only survey in Pennsylvania that collects the level of detailed risk and protective factor data used to identify individuals community needs. However, while most of the state administers the PAYS survey, the District does not participate. There were three non-traditional public schools from Philadelphia that participated in the 2017 statewide survey.

Suicide Risk Among Surveyed High School Students, Pennsylvania & Philadelphia (2017)¹²



The 2017 YRBS of high school students in Philadelphia reveal other concerning trends:¹³

- 6.9% of surveyed students reported not attending school at least one day in the past month because they felt they would be unsafe on the way to or at school.
- In the past month, 1.6% of surveyed students reported bringing a weapon, such as a gun, knife, or club, to school, and 5.7% reported being threatened or injured with a weapon on school property.
- 9.2% of high schoolers reported experiencing sexual violence in the past year.

For many students in Philadelphia, safety concerns extend beyond school to their homes, neighborhoods, and community. A third of surveyed youth in grades 9-12 said they did not feel safe and secure in their neighborhood at least most of the time.¹⁴ Data compiled by *The Philadelphia Inquirer* suggest the number of people shot in the city rose 10 percent in 2018 to 1,376, with nearly one in 10 of shooting victims under the age of 18.¹⁵ Students, educators, families, and community members across the city have highlighted the impact of violence on young people, and have pushed for additional supports and resources for schools to address trauma.¹⁶ In June 2018, staff members from Philadelphia schools and local leaders also called for enhanced security measures in response to nearly 150 assaults on teachers and school administrators during the school year.¹⁷

The 2017-18 school year also marked a time of significant change within the District. In November 2017, the School Reform Commission (SRC) approved a resolution to dissolve the Commission and establish local control through a new nine-member Board of Education, effective July 1, 2018. This historic shift in governance marked the first time since 2001 that Philadelphia’s schools would be managed by a local school board. During its final year, the SRC continued taking distinctive steps to improve transparency at the District through monthly

¹² Data Sources: 2017 Pennsylvania Youth Survey (PCCD), 2017 Youth Risk Behavior Survey (CDC).

¹³ [High School YRBS – Philadelphia, PA 2017 Results](#), Centers for Disease Control and Prevention (CDC).

¹⁴ [High School YRBS – Philadelphia, PA 2017 Results](#), CDC.

¹⁵ [Data Hub: Philadelphia Shooting Victims](#), 2018, The Philadelphia Inquirer, accessed 6/19/2019.

¹⁶ Darryl C. Murphy, [“One year after Parkland, Philly students, teachers say more counselors needed to deal with trauma from gun violence,”](#) WHYY, February 14, 2019.

¹⁷ Kristen A. Graham and Claudia Irizarry-Aponte, [“Enough is enough’: Philly school unions boiling over assaults on staff,”](#) *The Philadelphia Inquirer*, June 15, 2018.

policy committee meetings in a public forum and often attended by journalists and advocacy groups. These efforts have continued with the transition to the Board of Education.

Within this context, OSSA continued its work in partnership with District educators and administrators, students and their families, local and state leaders, and others to identify and address impacts of school-based violence in Philadelphia during the 2017-18 school year.

OSSA Daily Operations

During the 2017-18 school year, OSSA continued to work with key partners to fulfill requirements under state law. On a daily basis, OSSA reviewed approximately 30 to 50 individual incidents provided by the District from its Serious Incident Management System (SIMS), a database used to collect and report incident data and to meet the Commonwealth's annual school safety reporting requirements.

Cases are opened by OSSA through phone calls, emails, and personal in-office contact. Most case files are opened based on a named victim being identified in the incident. OSSA would also create files that were linked to a school in those instances where there was no direct victim contact but still a heightened level of concern for the school community as a whole. As a result, in these instances, the Advocate would make direct contact with the school principal or with an executive team administrator to notify them of the factual circumstances and the need for their response or attention.

From September 1, 2017 through June 30, 2018, OSSA did intake of, and assisted, 490 individual victims from District schools. While not required under state law, OSSA also provided some level of assistance to victims enrolled in Philadelphia charter schools who contacted the office. These were incidents reported by parents/guardians or school personnel. Intakes are phone calls, emails, or in-office encounters that OSSA receives and result with a contact form being completed, and is separate from the victim outreach done from the daily SIMS incident review.

2017-18 Summary of OSSA Activities

OSSA's roles and responsibilities can be categorized into four distinct program areas: Victim Support Services, Monitoring, Public Awareness, and Policy.

- OSSA reviewed 5,943 serious incidents reported to the District;
- Mailed 1,826 personalized letters to victims of school-based violence;
- Made 490 direct contacts through the office;
- Participated in 131 school disciplinary hearings;
- Attended 11 Juvenile Court hearings with victims of school violence;
- Participated in 28 community events;
- Visited 20 District schools; and
- Coordinated over 100 hours of regional safety conference calls.

Victim Services

Overview

Since its creation nearly two decades ago, OSSA's primary mission has been protecting the rights of all victims of school-based violence in Philadelphia. Ensuring the safety of students is a shared responsibility among educators, parents/families, law enforcement, and community members, and OSSA serves those partners in a critical and unique role.

OSSA's services include providing outreach and support to victims of school-based violence and their families, helping them understand and navigate options and systems as they seek recovery and justice. These include, but are not limited to, the following:

- Offering assistance and advice to victims of school-based violence, including information on support services provided by local victim assistance offices;
- Providing information to parents/guardians of student victims regarding the disciplinary process and any action ultimately taken against a student accused of committing the act of violence;
- Attending and providing testimony or presentations at formal disciplinary hearings, when requested by the victim's family;
- Helping parents/guardians provide input to the District and appropriate juvenile or criminal justice authorities to ensure the victim's safety on school property in cases where a perpetrator is returning to school after placement under a consent decree, adjudication of delinquency, or conviction of a criminal offense; and
- Providing information and making recommendations to the District Attorney regarding the impact of the act of violence on the victim and their family.

In the 2017-18 school year, OSSA reviewed data on more than 5,000 school-based incidents identifying more than 1,800 victims, and provided direct support and assistance to more than 490 victims and their families. Notable accomplishments are highlighted below.

Effective Outreach to Victims Identified Through Incident Reports

Individuals affected by school violence include school administrators, staff, students, and their family members. In many instances, by the time individuals contacted OSSA, they had attempted to pursue other avenues available to them. Because victims and families often face challenges navigating the complex systems of school and District procedures, OSSA serves as a critical liaison to help resolve issues.

During the 2017-18 school year, OSSA identified 1,826 victims within District incident reports compiled through SIMS. OSSA sent each identified victim a letter with information about supportive services and available resources based on the nature of the incident. This proactive outreach aims to help connect victims with information about their rights and options, and to make them aware of OSSA's role as a resource.

OSSA also supported 490 victims who contacted the office directly. These individuals were commonly referred by an outside entity such as Juvenile Court, a legislative office, victim service agency, hospital or a friend. OSSA successfully located a District incident report associated with many of the individuals assisted, but there were times where limited or no

documentation was available or provided, limiting the Office's ability to provide effective supports.

Attendance at Disciplinary and Juvenile Court Hearings

In the 2017-18 school year, the District reported 1,160 requests for disciplinary hearings made by schools – a 12% decrease from the prior year. Out of the total disciplinary hearings held, 307 students received a lateral transfer to another District school and 581 students received disciplinary school transfers. Out of those students receiving disciplinary transfers, 535 were referred to the Expulsion Review Committee. From those referrals, the committee approved 17 expulsion hearings. Incidents qualifying for expulsion hearings typically include serious incidents, such as aggravated assault, sexual violence, and drug or weapon violations.

OSSA continued to attend disciplinary hearings held by the District's Office of Student Rights and Responsibilities (OSRR) when possible. OSSA participated in 131 hearings by either accompanying the victim, attending on their behalf, or in cases where a victim chose not to participate, to ask the school representatives about the victim's well-being in the aftermath of the incident. With the consent of the victims' guardians, OSSA questioned witness and presented information during the hearings.

In 2017-18, OSSA staff also accompanied victims to 11 private criminal complaint hearings at Juvenile Court. The private criminal complaint is a voluntary process for participants to have their grievance resolved by a court officer. In this alternative system outside of the school environment, both parties must be willing to participate. Some barriers exist for families to attend juvenile court -- such as arranging time off from work to meet in Center City – and it is possible that the accused may not show up at all, which means an issue can remain unaddressed and potentially escalate. However, it is yet another option for families to take if they believe the school has failed to address issues between students effectively or appropriately.

Client Feedback

"I truly appreciate your dedication on my daughter's case. I came to the [Office of Safe School Advocate] in hopes for help with my complaint against my daughter's school and you have showed me that there are still people out here in the world who truly care, and seek justice for those who doesn't have a voice. You labored long hours and many phone calls and frustrating conversations to see justice for my baby... Your relentless pursuit with my daughter's case have been part of the reason we have seen justice. Once again, thank you."
- *Parent of Victim (Student)*

"Thank you for being there for me at the hearing the other day. Having you there was very reassuring and helpful! It was such a tough situation, but I feel better... Again, thank you for being there for me!"
- *Victim (Teacher)*

Recommendations

- Any student who is a victim has the right to know that the perpetrator of the act will not pose any threat of harm to them in the future, and that all reasonably necessary steps will be taken to maintain their safety. The District should ensure that all victims of violence are aware of interim and long-term protective measures and other resources available to maintain safety, and should ensure that victims and families are notified, within the parameter of FERPA guidelines, regarding violent perpetrators who are returning to the same school placement as their victim for any period of time.
- The District should adopt a Victim's Bill of Rights based on protections and provided under federal and state law.
- The reporting of violent incidents should be consistent throughout the District, as well as the notification of relevant local law enforcement. The protocols, procedures and training regarding actions which must be taken by a school administrator or their designee when an incident of violence takes place must be clear, concise, and uniform.
- Schools should not rely on Juvenile Court as their primary means of resolving matters. School-based personnel should be well-trained to mediate conflicts. The District's Office of School Climate and Safety and the Office of Prevention and Intervention should also be prepared to support schools in more effectively responding to challenges and problematic behavior through mediation and other interventions, as appropriate.
- The District's incident reporting database should allow for secondary and tertiary codes to be noted in a factual narrative to improve accuracy of reporting and reflect the totality of incident information.
- OSSA is required to assist victims of violence and appropriately follow up on disciplinary and/or delinquency proceedings. To help fulfill that responsibility, OSSA should receive any and all information related to any school-based incident, disciplinary action or investigation in a timely fashion when requested and, ideally, proactively.
- The District's professional development requirements for administrators, teachers, and principals should require training dedicated to school climate and safety. Teachers and principals should also receive training and professional development to promote compassionate and effective communication with victims and their families.

Bullying

Overview

Bullying is a form of youth violence defined as any unwanted aggressive behavior(s) by another youth or group of youths (excluding siblings or dating partners) that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated.¹⁸ Bullying can sometimes fall into criminal categories such as harassment, hazing, or assault.¹⁹

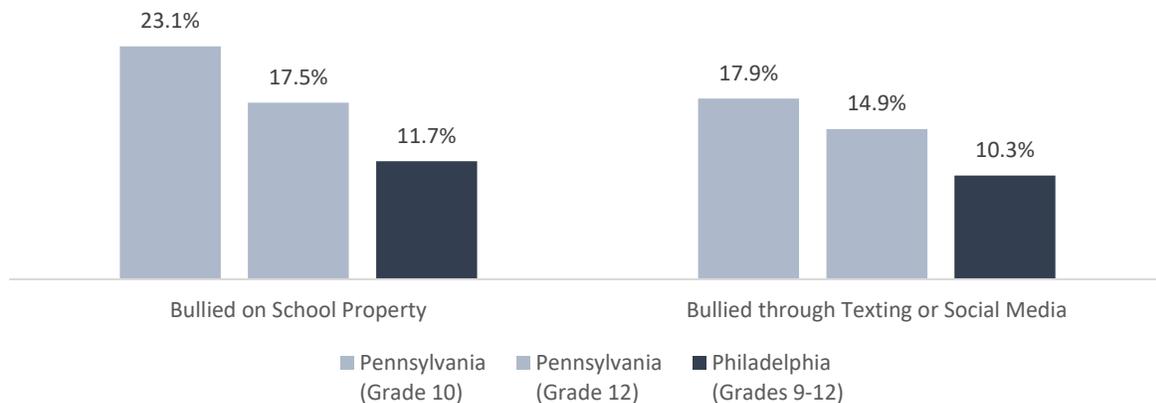
Examples of Bullying Behavior

Bullying can take many forms and can include a variety of behavior. As defined in the District's policy, bullying refers to direct or indirect action, which may include, but is not limited to, the following types of behaviors:

- **Physical** – hitting, kicking, pushing, shoving, getting another person to hurt someone.
- **Verbal** – racial slurs, name-calling, teasing, taunting, harassment, gossiping, spreading rumors.
- **Nonverbal** – threatening, obscene gestures, isolation, exclusion, stalking, cyberbullying (bullying that occurs by use of electronic communication devices through means of social networking, e-mail, instant messaging, text messages, tweets, blogs, photo and video sharing, chat rooms, dash boards, or web sites).

Research suggests that bullying is widespread: between one in four and one in three students in the U.S. say they have been bullied at school,²⁰ with similar rates reported in Pennsylvania. Some groups of students are especially vulnerable to bullying, including lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth, youth with disabilities, and socially isolated youth.²¹

*Bullying & Cyberbullying Among Surveyed High School Students, PA vs. Philadelphia (2017)*²²



¹⁸ [Violence Prevention – Bullying](#), National Center for Injury Prevention and Control, Division of Violence Prevention, CDC, 2018.

¹⁹ [Facts About Bullying](#), StopBullying.gov.

²⁰ [Bullying statistics](#), National Bullying Prevention Center, accessed 6/26/2019.

²¹ [Who Is At Risk](#), StopBullying.gov.

²² Data Sources: 2017 Pennsylvania Youth Survey (PCCD), 2017 Youth Risk Behavior Survey (CDC).

OSSA is tasked with supporting efforts to prevent violence and monitor District compliance with Pennsylvania's Safe Schools law, including requirements related to bullying. The District has adopted policies on [Bullying/Cyberbullying](#) as well as [Harassment and Discrimination of Students](#).²³ These policies provide District-specific definitions of these issues, and outline reporting and response requirements for schools. Students, parents/guardians, school staff, and community members can also report bullying and harassment incidents using the District's online [Bullying and Harassment Reporting and Investigation Form](#).



Figure 5: State Representative Stephen Kinsey anti-bullying press conference.



Figure 6: Pennsylvania House Democratic Committee Hearing on HB 2009 at First United Methodist Church of Germantown.

OSSA believes that timely intervention can serve as an effective deterrent to violence and prevent serious incidents. During the 2017-18 school year, the Advocate stood with partners such as State Representative Stephen Kinsey, Education Law Center and Know Bullying Coalition to advocate against bullying. OSSA continues to advocate for more training on interventions and administrator bullying investigations, increased administrative oversight, and enhanced communication with parents/families after a report is made.

²³ [Bullying & Harassment](#), Office of Climate & Safety, School District of Philadelphia, accessed 6/26/2019.

Recommendations

- The District should participate in the next distribution of the Pennsylvania Youth Survey (PAYS) in the fall of 2019. Over 300 districts across the Commonwealth participated in 2017 and the data that is collected by this free, voluntary and confidential survey can serve as a key tool in helping to identify community-based risks/problems and applying for the necessary resources to address those problem areas.
- Through involvement with parents of victims, OSSA has observed that enforcement of the policy varies from school to school. The District should consistently implement and enforce its *Bullying/Cyberbullying* and related policies, including promoting buy-in from school administrators and staff. Thorough and effective training should be provided to each school administration team regarding the policy and procedure for investigating bullying.
- District and school staff should work collaboratively with students, parents/families, and community members – including OSSA staff – to develop clear communications and information about reporting and response procedures. OSSA found that in many cases parents were not informed of the process for identifying or investigating bullying incidents, so they were not aware of an investigation or its subsequent findings.
- As it exists today, many “bully-like behaviors” also do not fit within the scope of bullying as defined by the District’s policy. The District should consider expanding the scope of its *Bullying/Cyberbullying* and related policies (such as *Harassment and Discrimination of Students*) to cover the range of bullying-like behaviors and incidents that are not currently covered. Specifically, the District should adopt the federally recognized definition of bullying, which includes both actual and anticipated repetition as recognized characteristics.
- The District should also consider updating both its *Bullying/Cyberbullying* and *Harassment and Discrimination of Students* policies to align (i.e., make clear that incidents can be categorized and addressed through both policies). Both policies should also explicitly reference rights afforded under state and federal law, including the Pennsylvania Human Relations Act (43 P.S. §§951 *et seq.*); 18 Pa. C.S. § 2710 – Ethnic Intimidation; Title VI of the Civil Rights Act of 1964 (federal law prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance); Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (federal laws prohibiting discrimination based on disability); Title IX of the Education Amendments of 1972 (federal law protecting against discrimination based on sex in education programs or activities that receive federal financial assistance); and the Equal Educational Opportunities Act of 1974 (EEOA), which prohibits the denial of equal educational opportunity based on race, color, sex, and national origin.
- The District should support schools by identifying protocols to more effectively address bullying incidents where the alleged offender has an Individualized Education Plan

(IEP).²⁴ Since federal law prohibits schools from disclosing sensitive information regarding another student, including their IEP status, administrators struggled with explaining their limited response to addressing some confirmed cases of bullying. There were also some cases where students were able to repeat bullying behavior over time with limited intervention.

Monitoring

Overview

In the 2017-18 school year, OSSA continued to review and analyze incidents involving acts of violence, possession of a weapon and possession, use or sale of controlled substances that occurred on school grounds, school-sponsored activities or occurring on the way to or from school and school-sponsored activities. Pursuant to state law, the District must report certain school-based incidents to PDE's Office for Safe Schools annually, on or before July 31st.²⁵ OSSA provides analysis of that data to monitor compliance with the law.

It is important to note that while Philadelphia is unique in its assignment of a Safe Schools Advocate, its responsibilities and issues related to school safety and climate are shared by all 500 school districts and other LEAs across Pennsylvania. PDE's Office for Safe Schools collects data and monitors compliance for all LEAs across the Commonwealth. The Department also offers free resources focused on addressing issues like bullying, harassment, violence, and discrimination.²⁶ In recent years, other state agencies, including PCCD, have also been tasked with supporting schools in their efforts to enhance safety and security.²⁷ In addition, federal law requires that all students who are victims of school-based violence or who are enrolled in schools that have been designated as "Persistently Dangerous" by their state education agency be offered an option to transfer through an *Unsafe School Choice Option*.²⁸

²⁴ An IEP is the document that guides the yearly educational programming for a student with disabilities. Every child who receives special education services must have an IEP. IEPs can also be written to ensure special education students remain safe.

²⁵ Article XIII-A Safe Schools §1302-A (b) (2.1) the Public School Code, 24 P. S. § 13-1302-A

²⁶ See: [Safe Schools](#) webpage and [PA Standards Aligned System \(SAS\) – Safe Supportive Schools](#), PDE.

²⁷ See: [School Safety and Security](#), PCCD.

²⁸ See: [Unsafe School Choice Option](#), PDE. The Department's current standards, adopted in 2002, define a "persistently dangerous school as any public elementary, secondary, or charter school that meets any of the following criteria in the most recent school year and in one additional year of the two years prior: 1) for a school whose enrollment is 250 or less, at least 5 dangerous incidents; 2) for a school whose enrollment is 251 to 1,000, a number of dangerous incidents that represents at least 2% of the school's enrollment; or for a school whose enrollment is over 1,000, 20 or more dangerous incidents.

2017-18 Monitoring of Incidents and Expulsions

During the 2017-18 school year, OSSA continued to monitor the District's compliance with state-mandated incident reporting and expulsion procedures, including:

- Reviewing 5,943 serious incidents reported to the District in 2017-18.
- Recording 429 miscoded incidents (7% of the incidents received by OSSA), and recorded 125 unreported incidents;
- Identifying zero expulsions due to possession of a weapon, despite the number of reported incidents involving weapons exceeding 350 (District approved 36 weapons waivers in 2017-18); and
- Conducting site visits at 20 District schools.

Like many other LEAs across the Commonwealth, the District uses an internal incident management system – the Serious Incident Management System (SIMS) – to track safety and disciplinary issues in its schools. The data collected through this system is then used to produce the annual School Safety reports that are submitted to PDE through its statewide longitudinal data system, the Pennsylvania Information Management System (PIMS). A total of 5,943 reported incidents were reviewed by OSSA in 2017-18, a 2% decrease from the prior year. For the same period, 5,629 incidents were ultimately reported to PDE through PIMS. Because the District's SIMS code classifications do not mirror PDE's PIMS classification codes, comparisons between data sets can prove difficult. (A more detailed breakdown of reported incidents is available in the Appendix.)

Recommendations

- The District's Office of School Safety (OSS) should continue to provide training to school-based staff and provide clear communication to schools that all incidents should be reported. Administrators should take a proactive approach in ensuring schools are consistently and accurately reporting and classifying incidents of violence, and should address discrepancies when they are brought to attention of staff. Data collection functions, such as coding incidents of violence, should be a standardized process that is uniformly instituted District-wide to improve accuracy. In reviewing incidents, OSSA recorded 429 miscoded incidents (7% of the incidents received by the Office) during the 2017-18 school year.
- At the beginning of each school year OSSA has encountered challenges with obtaining records and data related to school-based incidents of violence. OSSA is bound by FERPA and should have direct, "view only" access to school district disciplinary databases to ensure the accurate reporting by the District.
- OSSA remains concerned about the number of victims injured by weapons during, before, and after school. During the 2017-18 school year, OSSA made hospital visits to students who were stabbed on two separate occasions. However, current state law means that schools can only choose between two options: expulsion or a waiver. School administrators are sometimes hesitant to refer students found with a weapon for a disciplinary hearing if they believe expulsion is not an appropriate consequence for that student. However, students who remain in a school after having been caught in possession of a weapon sends a conflicting message to the school community regarding

the level of seriousness of the situation. The General Assembly should amend the Safe Schools Act (Act 26) to eliminate the mandatory expulsion requirement for weapons, and should provide clear criteria for LEAs – including the District – to evaluate incidents on a case-by-case basis, including guidelines for appropriate disciplinary actions and referrals to local law enforcement. Administrators should also have the option to request a lateral transfer to another school for certain students facing a mandatory expulsion.

- OSSA continues to believe the Diversion Program is a valuable tool when the MOU is implemented with fidelity. The success of the program is rooted in its strict implementation. Diversion outcomes can be strengthened with more consistency and more coordination among the collective agencies and stakeholders which form the program. Students who opt out of the program should default to normal consequences like in similar programs such as the youth aide panel.
- Pursuant to its responsibilities as a state education agency under ESSA, PDE should re-evaluate the criteria used to determine what constitutes a “Persistently Dangerous School” to accurately gauge the extent of violent incidents occurring at schools in the Commonwealth.

Communication and Outreach

Overview

Clear and consistent communication to all stakeholders, before, during, and after an incident is essential for ensuring safety and promoting positive relationships built on trust. OSSA serves as an important link between those seeking help after experiencing violence and officials who are responsible for their care.

While OSSA’s services are publicly funded and available at no charge for students and families, the office is not well known in the city as a resource. State law requires that referrals to OSSA take place when acts of school-based violence occur; however, families often accidentally stumbled upon the office as a resource. Lack of consistent communication can contribute to a delay in victims and their families receiving support. In 2017-18, the Advocate spent time spreading awareness about OSSA to reach new communities and audiences, including participating in several key events and initiatives around the city.



Figure 1: students being honored at Gideon Elementary School for their mural creations.



Figure 1: WURD radio station Transmit Transform 2 part community event and discussion on violence at Bartram Gardens.



Figure 3: North Central Victim Services annual kickball challenge for students of Kelley Elementary and Fredrick Douglas Elementary schools at Temple University.



Figure 4: D.A.A.P. TV taping on drug abuse awareness sponsored by Councilman Curtis Jones and Mingle Studio.

Participated in Community Outreach Events

OSSA remained available during school hours, as well as evenings and weekends, to attend meetings or share information during community events. In 2017-18, OSSA staff participated in over 25 events, including a St. Christopher Hospital panel discussion for new medical residents, the Philadelphia District Attorney's Office Community Resource Fair, and presentation for parents at the Children's Crisis Treatment Center. OSSA also visited over 20 schools, touring facilities with an administrator to learn more about issues impacting safety, or accompanying a client to a parent conference.

Coordinated Citywide Regional Conference Calls with Key Partners

OSSA staff spent over 100 hours leading five regional weekly conference calls to discuss school safety with stakeholders from each community around the city. Call participants included a combination of school representatives (including charter school partners), as well as designees from the Philadelphia Police Department, Town Watch, SEPTA, and elected officials. These virtual meetings provided the opportunity for partners to share relevant updates and information, as well as coordinate multidisciplinary responses to school-based challenges. These meetings were also helpful keeping OSSA informed of the issues happening around the District and building rapport with school-based administrators.

Recommendations

- OSSA should work collaboratively with District and local leaders to promote visibility and awareness of the Advocate's services, responsibilities, and resources for victims of violence and their families. District-adopted policy should also include explicit references to and encourage coordination with OSSA where appropriate, including the MOU with local law enforcement required by state law as well as policies related to violence, bullying, harassment, and other safety issues.
- The District should continue to evaluate and update its website and public-facing communications to make sure it is easy for the public and school community to navigate. This includes providing access to the District's chain of command and organizational chart, as well as clearly identifying individuals responsible for school safety and climate. Contact information should be provided and updated for key individuals to improve ability to communicate with the appropriate personnel to resolve issues.
- The District should provide timely and consistent communication, in writing, to families of victims regarding the determination and corrective action(s) made in response to an investigated incident.
- District and school staff should always provide information about OSSA to victims and/or families whenever there is a reported incident of violence. Victims should also be informed of their rights, and of available resources and supports. OSSA recommends this information be sent out periodically as a reminder to school principals and other staff to ensure compliance with notification and referral requirements under state law.

Glossary

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

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

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

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

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

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

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

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

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

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

Dangerous Incident: A weapons possession incident resulting in arrest (guns, knives, or other weapons) or a violent incident resulting in arrest (homicide, kidnapping, robbery, sexual offenses, and assaults) as reported on the Violence and Weapons Possession Report (PDE-360), which school districts file each year with the PA Department of Education.

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

Disciplinary Transfer: Placement of a student at a disciplinary school, which may or may not occur during a period of expulsion, following the student's commission of an offense with a consequence level warranting a transfer according to the Code of Conduct.

District or SDP: School District of Philadelphia.

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

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

EH-21: School Police incident report paperwork.

EH-31: Incident Follow-up Report.

Expulsion: Removal of a student from a regular public school for any period beyond ten (10) days. The District may assign that student to a disciplinary school during the period of expulsion.

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

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

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

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

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

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

Every Student Succeeds Act (ESSA): Signed into law in 2015, Congress reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), the principal federal law affecting pre-K through 12 education. As with its predecessor, No Child Left Behind (NCLB), ESSA requires schools to implement a statewide policy giving students the choice to attend a safe public school within the District if they either attend a persistently dangerous public elementary or secondary school, or becomes a victim of violent crime while in or on the grounds of the public school he/she attends.

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

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

Safe Schools Act: See “Act 26”.

Persistently Dangerous School: PDE’s standards define a persistently dangerous school as any public elementary, secondary, or charter school that meets any of the following criteria in the most recent school year and in one additional year of the two years prior:

- For a school whose enrollment is 250 or less, at least 5 dangerous incidents;
- For a school whose enrollment is 251 to 1,000, a number of dangerous incidents that represents at least 2% of the school’s enrollment; or
- For a school whose enrollment is over 1,000, 20 or more dangerous incidents.

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

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

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

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

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

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

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

Unsafe School Choice Option: Federal law requires that states adopt standards for the Unsafe School Choice Option provision of Section 9532 of the Elementary and Secondary Education Act (20. U.S.C.A. § 7912). Under current regulations, students in Pennsylvania who 1) become a victim of a violent criminal offense reported to local law enforcement while in or on the grounds of the public school the student attends, or 2) attend a persistently dangerous school may transfer to a safe public school within the local education agency.

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

APPENDICES

Appendix A: Relevant State Laws

Article XIII-A. Safe Schools.

Section 1310-A. Safe Schools Advocate in School Districts of the First Class.--(a) The Executive Director of the Pennsylvania Commission on Crime and Delinquency shall establish, within the commission, a safe schools advocate for each school district of the first class. The advocate shall not be subject to the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act." The advocate shall establish and maintain an office within the school district. ((a) amended June 30, 2011, P.L.112, No.24)

(b) The safe schools advocate shall have the power and its duties shall be:

(1) To monitor the school district's compliance with this article, including:

(i) the school district's reporting to the office of incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property;

(ii) obtaining copies of the school district's reports to the office and reviewing and analyzing them;

(iii) the school district's compliance with the procedures set forth in the memorandum of understanding with the appropriate police department regarding incidents involving acts of violence and possession of weapons; and

(iv) obtaining documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the appropriate police department consistent with the requirements of the memorandum of understanding.

(2) To monitor the school district's compliance with the mandatory expulsion requirements of section 1317.2.

(3) To receive inquiries from school staff and parents or guardians of students who are victims of acts of violence on school property.

(4) To establish a protocol, in consultation with the Juvenile Court Judges' Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district's use of that information to ensure that victims of acts of violence by a student are protected.

(5) To establish a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of acts of violence on school property, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.

(6) To review and analyze Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property and to prepare, by April 30, 2001, and as necessary from time to time thereafter, reports making recommendations for changes to the statutes which would promote school safety and facilitate effective and expedient disciplinary action. The reports shall be submitted to the secretary and the Executive Director of the Pennsylvania Commission on Crime and Delinquency. ((6) amended June 30, 2011, P.L.112, No.24)

(7) To review and analyze court decisions applicable to the school district's disciplinary process and procedures, to make recommendations to the school district regarding any negative impact these decisions have upon the effective maintenance of school safety and to make recommendations relating to the existing provisions of consent decrees.

(8) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendations for remedial legislation, regulations or school district administrative reforms, which shall be submitted to the school district superintendent, the secretary, the Executive Director of the Pennsylvania Commission on Crime and Delinquency, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year. ((8) amended June 30, 2011, P.L.112, No.24)

(9) To monitor infractions of the school district's code of conduct to identify students whose conduct would constitute an offense under 18 Pa.C.S. § 2701 (relating to simple assault).

(c) The safe schools advocate shall, on behalf of victims of acts of violence on school property, victims of conduct that would constitute an act of violence and victims of students who have committed two or more infractions as set forth in subsection (b)(9):

(1) provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies;

(2) provide information to the parent or guardian of the student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the act of violence;

(3) in cases involving the possession or use of a weapon, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2;

(4) in cases where the advocate has received a request by the parent or guardian of the victim, to attend formal disciplinary proceedings;

(5) with the consent of the parent or guardian of the victim, present information in the disciplinary proceeding, which may include oral or written presentations, including testimony by the victim or the parent or guardian of the victim, regarding the impact on the victim and the victim's family and the appropriate disciplinary action and which may include direct or cross-examination of witnesses;

(6) where the perpetrator of an act of violence is returning to school after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense, assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property;

(7) in cases where the district has failed to report the act of violence to the appropriate police department as required by the memorandum of understanding, to report such act of violence directly; and

(8) provide information and make recommendations to the office of the district attorney regarding the impact of the act of violence on the victim and the victim's family.

(d) Upon discovery of the commission of an act of violence upon a student, the school district of the first class shall immediately notify the victim's parent or guardian of the safe schools advocate. The form of this notice shall be developed by the advocate and provided to the school district. This form shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate. The principal of each school within the school district shall post a notice not less than 8 1/2 by 11 inches entitled "Safe Schools Advocate" at a prominent location within each school building, where such notices are usually posted. The form of this notice shall also be developed by the advocate and provided to the school district.

(e) It shall be the duty of each school administrator in a school district of the first class to cooperate with the safe schools advocate to implement this section and to provide the advocate, upon request, with all available information authorized by State law. In regard to individual cases of acts of violence, only information permitted to be shared under subsection (f) shall be disclosed.

(f) The advocate and all employees and agents of the safe schools advocate shall be subject to and bound by section 444 of the General Education Provisions Act (Public Law 90-247, 20 U.S.C. § 1232g) and 34 CFR Pt. 99 (relating to family educational rights and privacy).

(g) This section shall not apply to the extent that it would conflict with the requirements of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or other applicable Federal statute or regulation.

(h) As used in this section:

"Act of violence" shall mean the possession of a weapon on school property or an offense, including the attempt, solicitation or conspiracy to commit the offense, under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

- (1) Section 2501 (relating to criminal homicide).
- (2) Section 2702 (relating to aggravated assault).
- (3) Section 3121 (relating to rape).
- (4) Section 3122.1 (relating to statutory sexual assault).
- (5) Section 3123 (relating to involuntary deviate sexual intercourse).
- (6) Section 3124.1 (relating to sexual assault).
- (7) Section 3125 (relating to aggravated indecent assault).
- (8) Section 3126 (relating to indecent assault).
- (9) Section 3301 (relating to arson and related offenses).
- (10) Section 3701 (relating to robbery).
- (11) Section 3702 (relating to robbery of motor vehicle).

"School district" shall mean school district of the first class.

(i) At least eighty per centum (80%) of all appropriations for the Office of Safe Schools Advocate in fiscal year 2006-2007 shall be expended by June 30, 2007, and the remaining balance of the appropriation shall be committed or encumbered by June 30, 2007. ((i) added July 11, 2006, P.L.1092, No.114)

(1310-A added Nov. 22, 2000, P.L.672, No.91)

Article XIII, Section 1317.2 Possession of Weapons Prohibited. (Act 26)

Section 1317.2. Possession of Weapons Prohibited.--(a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

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

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

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

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

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

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

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

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

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

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

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

(1317.2 amended June 25, 1997, P.L.297, No.30)

Appendix B: 2017-2018 Incidents Reported by SDP to OSSA

Charge	Qty	Charge	Qty
Abductions and Attempts	6	Harassment of Teacher	74
Alcohol Poss.	8	Hate Crimes Inv - On Admin.	3
Assault on Administrator	25	Inappropriate Conduct	121
Assault on Employee	50	Indecent Assault	47
Assault on Other Person	40	Indecent Exposure	16
Assault on School Police	45	Investigation of Lost Property	87
Assault on Student	696	Investigation of Persons	75
Assault on Teacher/Adm	122	Investigation of Property	74
Bomb Scare - No Evacuation	4	Investigation of Shootings	13
Bomb Scare - With Evacuation	2	Investigation of Students followed	32
Bullying of Administrator	2	Marijuana Poss.	179
Bullying of Student	38	Marijuana Poss./Distribution	27
Burglary - Friday	4	Other Guns	32
Burglary - Monday	9	Other Types of Weapons	64
Burglary - Saturday	3	Rape and Attempts	4
Burglary - Sunday	1	Robbery of Employee	3
Burglary - Thursday	2	Robbery of Other Person	1
Burglary - Tuesday	1	Robbery of Student	66
Burglary - Wednesday	4	Robbery of Teacher	1
Cigarette Poss./Use	13	Sexual Content	16
Cutting Instrument	258	Sexual Misconduct	10
Death of Other Person	1	Stabbing of Student	1
Disorderly Conduct w/injury	887	Suicide by Student	74
Disruption/Misbehavior	742	Threats to Admin.	146
Drug Poss.	11	Threats to Employees	86
Drug Poss./Distribution	1	Threats to Other Person	17
Extortion of Student	1	Threats to Student	158
Fighting - Gang Related	1	Threats to Teacher	154
Fighting by Individuals	646	Trespassing by Other Person	34
Firearms	7	Trespassing by Student	45
Fireworks	7	Truancy Investigation	24
Forced Oral Sex	5	Under the Influence	17
Gambling	1	Vandalism of Fire Equipment	8
Harassment of Admin.	7	Vandalism of Personal Property	16
Harassment of Employee	27	Vandalism of School Property	24
Harassment of Other Person	10	Vandalism of School Property (school hours)	370
Harassment of Student	124	Vandalism of School Vehicles	13
Grand Total		5943	

Appendix C: Expulsions

Table 1: Total Expulsions in District

2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018
53	42	27	10	13

Table 2: Total Expulsion Referrals in District

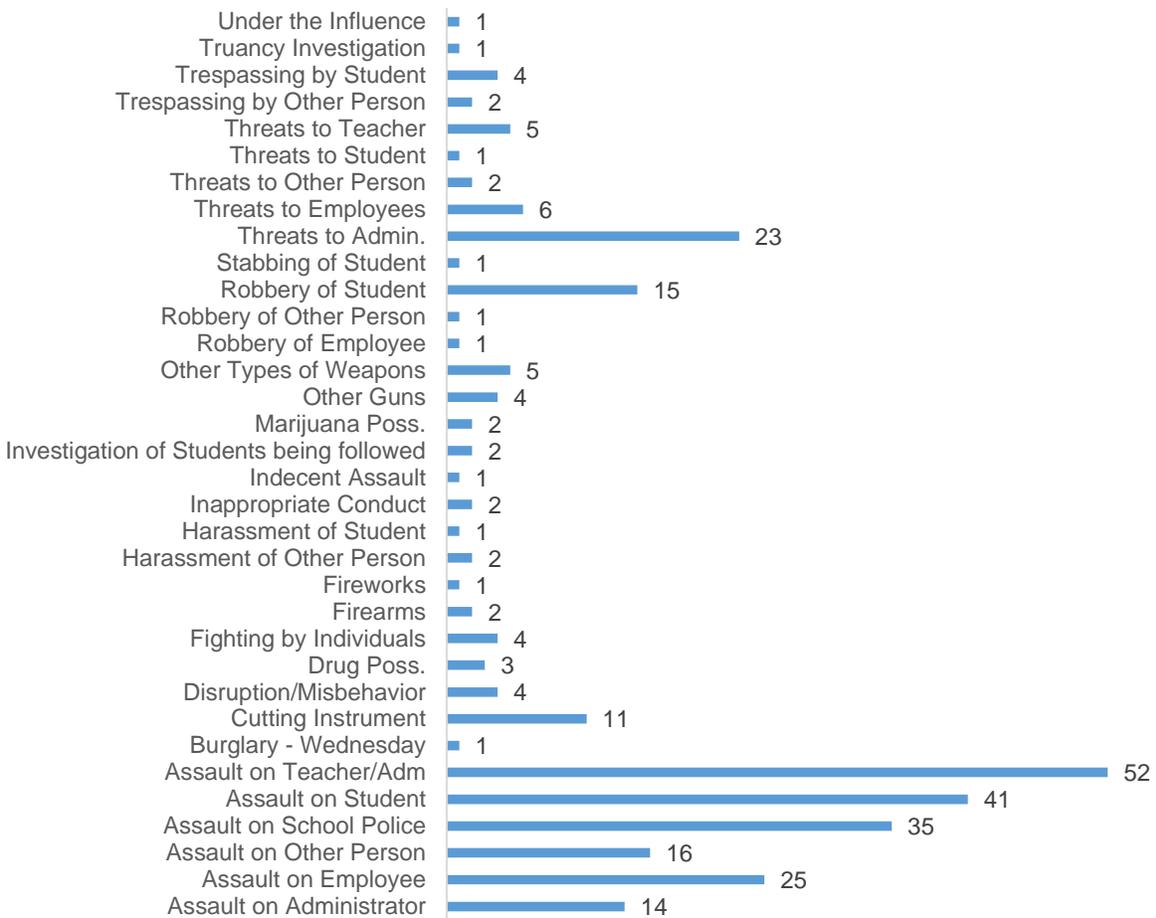
Total expulsion referrals for 2017-2018 = 17		
13 cases voted by SRC	3 cases were withdrawn due to special education, due process, equity concerns	1 continued case due to service issues.

Table 3: Expulsion Hearing Results

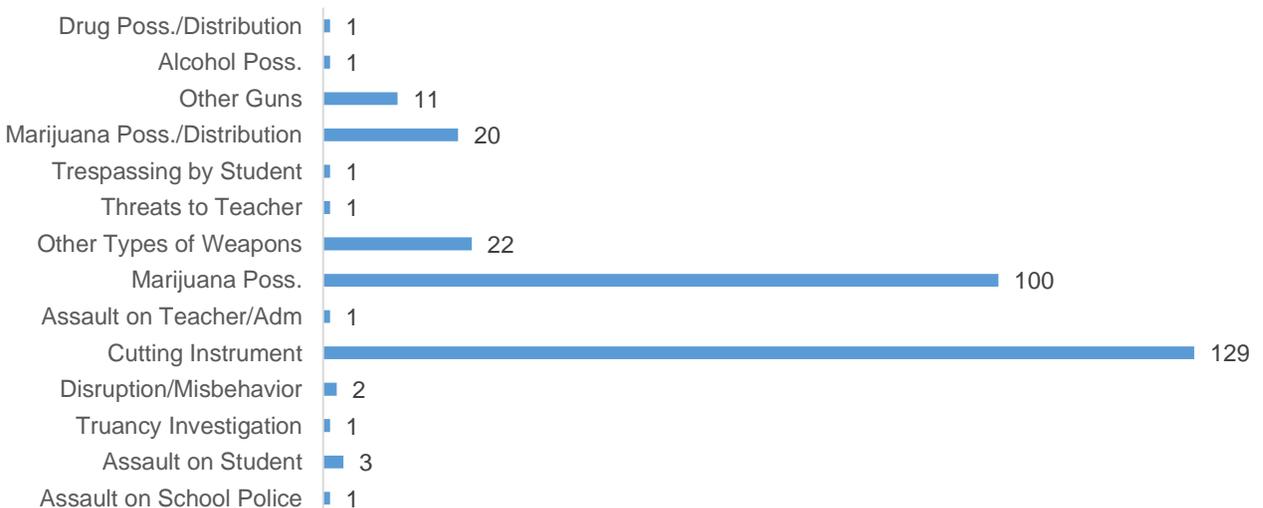
Do not expel	Temporary	Permanent	Total
Assault - 1	Assault – 8	Assault – 2	11
Weapon – 0	Weapon -0	Weapon – 0	0
Drug – 0	Drug – 0	Drug – 0	0
Other – 1	Other – 1	Other – 0	2
Total – 2	Total – 9	Total – 2	13

Appendix D: Arrests and Diversions

2017-18 Arrests by Type



2017-18 Diversions



Appendix E: Violent Incidents, Weapons, and Controlled Substances

2017-18 Violent Incidents, Weapons, and Controlled Substances

