



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

HOUSE DEMOCRATIC POLICY COMMITTEE HEARING

Topic: House Bill 2210

Overbrook Park Library – Philadelphia, PA

April 25, 2018

AGENDA

- 2:00 p.m. Welcome and Opening Remarks
- 2:10 p.m. Panel One – The Effects of Suspension:
- Jeff Hellrung
School Board President, Unionsville-Chadds Ford School District
 - James Plunkett
Executive Director of Admissions, La Salle University
- 2:40 p.m. Panel Two – Ending the School to Prison Pipeline:
- Reynelle Brown Staley
Policy Attorney, Education Law Center
 - Tara Murtha
Associate Director of Strategic Communications, Women’s Law Project
 - Amy Warner
Deputy Director-Juvenile Probation, First Judicial District
- 3:20 p.m. Panel Three – Community-Based Initiatives:
- Gregg Volz
Director of Youth Court Support Center, EducationWorks
 - Elzat Erken
Youth Commissioner, Philadelphia Youth Commission
- 3:50 p.m. Closing Remarks

Testimony on HB 2210 from State Representative Morgan Cephas on 4/25/2018

My name is Jeff Hellrung. I am the President of the Unionville-Chadds Ford School Board and this testimony on HB 2210 is in response to a list of questions I received from Azarri Badawi, Policy Director for State Representative Morgan Cephas.

1. On September 8, 2017 at a home football game at Unionville High School, multiple students consumed alcohol or juuled. Our Administrative team investigated and confirmed that at least 15 students had consumed alcohol immediately prior to or at the game and at least 5 students had juuled at the game in violation of our Student Disciplinary Code. Following that Code and past practice, our Principal assigned 10 day out of school suspensions for the alcohol violations and 3 days for the juuling violations. Representative Cephas' Memorandum of March 20, 2018 which accompanied HB 2210, stated that those suspensions were based entirely on hearsay without any evidence of student wrongdoing. On the contrary, there was ample evidence of wrongdoing for each suspension including confessions from each of the students who were suspended. Hearsay was never considered in our investigations and factored into none of the suspensions. Several students who were investigated denied consuming alcohol at the game and those students were not sanctioned for lack of sufficient evidence.
2. This event was a shock to our community and especially to the suspended students and their parents. Suspending 20 students was likened to a hundred year flood event. Some parents accepted the suspensions without complaint and used the experience as a life lesson for their child. Other parents denied that their children used alcohol at the game or complained that the investigation was unfair.
3. Parents whose children were suspended were particularly concerned that the suspensions would be reported on the common application for college and they feared that it would impact the admission decision unfavorably. We adopted our Student Disciplinary Code prior to the common application. We realized that suspensions were now following our students into the college application process and beyond. That troubled some of us. So we began to consider mechanisms whereby students could earn a second chance and suspensions could be expunged.
4. Our community was divided on this issue. Many were opposed to rescission holding that students should be held accountable for their actions and that offenders should not end up with the same disciplinary record as students who stayed out of trouble. Others supported giving a second chance. After much consideration, we opted to try to extend a second chance to deserving students. We focused on two solutions to our problem. One was rescission and the other was not reporting suspensions on the common application. Several board members were concerned that not reporting would put parents and students in an untenable ethical position because students would still be required to report if they had ever been suspended. A majority of the board favored rescission to give our students a second chance.

5. Our rescission policy passed by a 7-2 vote on April 16, 2018. It provides an opportunity for students who have been suspended to apply to the Superintendent for the suspension to be rescinded. It covers any infraction that resulted in a suspension. To be eligible, the suspension must be a first time offense and there must have been no Level B or higher offense before or since the suspension. The student must state the reasons why he or she believes the suspension should be rescinded. The Superintendent will not hold a formal hearing but may request to meet with the student. The Superintendent's decision is final. If the suspension is rescinded, it will be expunged from the student's record and the situation will be as if the suspension had never happened. Both the district and the student could then report on the common application that the student had never been suspended.
6. We believe we are the first, but hopefully not the last, school district in PA to adopt a rescission policy. We believe this policy gives our deserving students an opportunity to learn from their mistake and an opportunity to present a clean disciplinary record to colleges.
7. We don't know how many students will take advantage of this opportunity but I expect that all who are eligible will do so. The feedback I have received from parents regarding rescission has been positive.
8. Most of our board and our Administration would support dropping the suspension questions from the common application because it disadvantages too many students without providing any comparable safety benefit to the colleges.
9. In my view, we also need to upgrade our overall disciplinary practices. Our Administration has committed to review our disciplinary practices in a way that would better serve our students. I expect to see recommendations to the school board that would include providing for increased discretion for Administrators to consider extenuating or aggravating factors in assigning disciplinary consequences, alternatives to out of school suspensions such as in school suspensions or Saturday detentions, shorter out of school suspensions, and more use of restorative practices, community service, or educational assignments to give our students a better opportunity to learn from their mistakes.
10. I am sympathetic to the goals of HB 2210 but I cannot support it because this bill, however well intentioned, is a serious violation of local control. Matters such as expungement of disciplinary suspensions are much better addressed by locally elected school boards, who are knowledgeable of and sensitive to local conditions and needs and who are accountable to their communities. Putting this matter in the hands of local school boards is far superior to a Harrisburg mandate of a one size fits all approach for all school districts in PA. Another concern is that this act appears to exempt only offenses which are crimes of violence. Suspensions for non violent but serious matters such as arson, drug dealing in schools, or serious incidents of theft or vandalism should also be ineligible for expungement.



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Testimony of the Education Law Center Philadelphia Public Hearing on Discipline Expungement

April 25, 2018

On behalf of the parents, students, and community members with whom we work, thank you for the opportunity to speak this afternoon. My name is Reynelle Brown Staley, and I serve as Policy Attorney for the Education Law Center-PA, a nonprofit legal advocacy organization dedicated to ensuring that all of Pennsylvania's children have access to quality public education. By ensuring that ALL children have access, we necessarily focus on the students who historically have not – students in poverty, students of color, LGBT students, students involved in the juvenile justice and foster care systems, English learners, students with disabilities, pregnant and parenting teens, students experiencing homelessness, and others who have been underserved by public education. I offer this testimony today based on our attorneys' extensive experience as advocates and based on the lived experience of the children and families in these marginalized communities.

During the 2016-17 school year, Pennsylvania public schools recorded a total of nearly 150,000 out-of-school suspensions. Seventeen percent of those suspensions occurred in Philadelphia alone, a district that accounts for only 8% of public school students in state. The Commonwealth of Pennsylvania suspends more public-school students than the state of New York, despite having nearly a million fewer students. These figures illustrate a disturbing pattern of discipline across the state, particularly in historically underserved communities.

The ACLU of Pennsylvania noted in their February 2015 report, "Beyond Zero Tolerance," that "out-of-school suspensions provide perhaps the most revealing measure of how a district or school disciplines its students." What out-of-school suspension reveal in Philadelphia and across the state is a need for substantial and immediate changes to school discipline policies. Four key conclusions emerge from the research and data:

1. Discipline disproportionately harms students already poorly served by the educational system, particularly students of color and students with disabilities.
2. Exclusionary discipline is being used excessively and inappropriately for minor offenses.
3. Students' absence from the classroom, even for a short-term suspension, has long-term academic, economic, and social consequences.
4. Unlike suspensions, alternatives to discipline like those presented in HB 2210 have shown success in promoting positive school climates.

Ensuring that all of Pennsylvania's children have equal access to a quality public education.

Alternative Strategies for Improving School Climate

All of these facts present a compelling case against out-of-school suspensions. Yet on top of them, exclusionary discipline is not even the best – or even a good way – way of responding to child misbehavior and promoting a positive school climate. Evidence-based strategies for building positive school climates that prevent misbehavior and restorative approaches that address the underlying problems that lead to misbehavior have long been touted as alternatives to discipline. These strategies more effectively address student misbehavior, achieve the educational mission of schools, and protect students from discriminatory outcomes.

For years, ELC has joined community partners in promoting an end to exclusionary discipline practices, and we are pleased to see the School District of Philadelphia and Pittsburgh Public Schools announcing suspension bans for young elementary students. Yet tens of thousands of students continue to be removed from school each year across the state, and there is much more that we can do at the state and local levels to keep our students in school and learning. I applaud Rep. Cephas for introducing legislation to limit the prevalence and impact of out-of-school suspensions and look forward to working with the legislature on continued efforts to reform school discipline.

YOUTH COURTS AND VIOLENCE PREVENTION

A strategy to combat youth violence should target the negative and toxic culture that many youth experience on a daily basis. As studies for decades have shown, youth who grow up in neighborhoods with high levels of poverty, drug use, and crime are more likely to fall victim to an oppositional culture which rejects middle-class values. These youth often become lonely, disconnected, alienated, angry, and violent.

A Center for Civil Rights Remedies report summarized research by 16 scholars. It found that school suspensions, especially for students of color, is a delinquency predictor, but these youth don't show delinquency signs until they are suspended! Another Texas study found 2-3 times greater risk of juvenile justice contact for youth suspended from school.

Any anti-violence strategy should begin in school and focus resources on creating a more positive youth culture as well as correcting individual bad behavior. Concentrating attention solely on the perpetrators of violence, rather than also addressing the culture they grow up in, is ineffective. Society needs to devote resources to violence prevention and youth courts can help transform a negative youth culture into a positive one.

I have learned that many youth in distressed communities with resource-poor schools do not share the same values I learned as a child. Many come from one-parent or no parent homes. Some lack a permanent home, or a strong family member to connect to. They experience daily poverty, and the threat of gun violence. The best friend some have is another alienated youth. Their negativity and hopelessness results in many rejecting societal values and the rule of law, because they either do not understand it, or view it as just another negative force in their lives. The rule of law seems alien, punitive, and nonresponsive to their day to day reality.

Youth courts shape positive student values by creating a structured environment in which youth experience democracy first hand, (judgment by your peers) and the values it promotes. It gives youth an opportunity to reflect on why society has rules, what harm occurs when rules are violated, and how to repair that harm and help the offender avoid repeating that bad behavior. It gives youth confidence that they can contribute to their school or neighborhood - a powerful human emotion that reinforces good actions. Youth courts teach youth that retaliation is often not the best way to respond to injury from others, and to reflect on more positive alternatives. They teach youth to work in teams and develop collaboration skills. Youth courts build character, truth telling and integrity.

Youth courts can transform youth into human resources. They become engaged solving real disciplinary problems. They become empowered developing listening, thinking, and speaking skills they will use the rest of their lives. It gives them some control over their lives. They learn to respect rules and take responsibility for their actions. Youth courts, in schools and in the justice system, are a paradigm shift. Youth are the greatest untapped resource a school district has. Instead of being the problem, youth become the solution.

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House Co-Sponsorship Memoranda

House of Representatives Session of 2017 - 2018 Regular Session

MEMORANDUM

Posted: March 20, 2018 09:46 AM
From: [Representative Morgan Cephas](#)
To: All House members
Subject: Expungement of Student Disciplinary Records for Nonviolent Offenses

In the near future, I plan on introducing legislation that would amend the Public School Code to allow school districts the ability to expunge student suspension records for nonviolent offenses upon the completion of community service or a resource-based alternative and if the student exhibits good behavior over a period of time, as to be determined by the school district.

Currently, the Unionville-Chadds Ford School District is analyzing their suspension policies after the suspension of approximately 20 students in September of 2017. These suspensions were the result of an incident that occurred at a home football game and were based entirely on hearsay without any evidence of the students' wrongdoing. Due to the backlash from the community, the Unionville-Chadds Ford school board has since held a series of hearings to decide a new suspension policy for their district, and I believe Pennsylvania should follow their lead.

My proposal would allow students to apply to the post-secondary institution of their choice without the fear of rejection based on a minor infraction committed in their youth. I believe this legislation will level the playing field for all students and give them each an equal opportunity to graduate with a clean slate and a second chance.

Please join me in co-sponsoring this important legislation.



Introduced as [HB2210](#)

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2210 Session of
2018

INTRODUCED BY CEPHAS, DEAN, A. DAVIS, RABB, YOUNGBLOOD, DAVIS,
SCHLOSSBERG, KINSEY, McCLINTON, HAGGERTY, KIRKLAND,
J. McNEILL, SOLOMON, SCHWEYER AND DALEY, APRIL 2, 2018

REFERRED TO COMMITTEE ON EDUCATION, APRIL 2, 2018

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in pupils and attendance, providing
6 for expungement of disciplinary records for nonviolent
7 offenses.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 1318.1. Expungement of Disciplinary Records for
14 Nonviolent Offenses.--(a) Notwithstanding any other provision
15 of law to the contrary, a school district shall expunge a
16 suspension for a nonviolent offense which is not a crime of
17 violence as defined in 42 Pa.C.S. § 9714(g) (relating to
18 sentences for second and subsequent offenses) from a pupil's
19 disciplinary record if the pupil meets the following
20 requirements:

1 (1) The pupil completes community service or a resource-
2 based alternative to community service, including, but not
3 limited to, tutoring, mentoring, in-school suspension or job
4 training.

5 (2) The pupil submits proof of completing the community
6 service or a resource-based alternative required under paragraph
7 (1) to the principal of the school as specified under subsection
8 (b).

9 (3) The pupil exhibits a period of good behavior without
10 further disciplinary action.

11 (b) The following shall constitute sufficient proof of
12 completing the community service or a resource-based alternative
13 required under subsection (a)(1):

14 (1) If the community service or resource-based alternative
15 is completed at a school within the school district that the
16 pupil attends, a note from a school employe indicating that the
17 pupil completed the community service or a resource-based
18 alternative required under subsection (a)(1).

19 (2) If the community service or resource-based alternative
20 is completed through a program that is not operated by the
21 school district, a letter from an employe or volunteer of the
22 program indicating that the pupil completed the community
23 service or a resource-based alternative required under
24 subsection (a)(1).

25 (c) A school district shall establish policies regarding the
26 minimum hours of community service or a resource-based
27 alternative and the length of time necessary for a student to
28 show good behavior in order to meet the requirements for
29 expungement under this section.

30 (d) A school district shall expunge a suspension for a

1 nonviolent offense which is not a crime of violence as defined
2 in 42 Pa.C.S. § 9714(g) from a pupil's disciplinary record at
3 the end of the school year in which the pupil satisfies the
4 requirements under this section.

5 (e) Nothing in this section shall be construed to eliminate
6 or change a school district's obligation to notify parents,
7 report offenses resulting in suspension to the department or
8 otherwise maintain suspension or expulsion data of a pupil who
9 does not satisfy the requirements under this section.

10 Section 2. This act shall take effect in 60 days.