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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
COMMITTEE ON EDUCATION and PUBLIC SAFETY

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, October 21, 1999
2:00 p.m.

- - -

Resolution No. 990650 - A resolution authorizing
City Council's Education and Public Safety
Committees to hold a joint emergency public hearing
demanding that Philadelphia School District
Superintendent David Hornbeck personally appear
before this joint committee with a definitive plan
guaranteeing the safety of all 205,000 Philadelphia
School District students, teachers, and employees.

PRESENT:

COUNCILMAN ANGEL ORTIZ, Chairman
COUNCILWOMAN DONNA REID MILLER, Chairperson
COUNCILWOMAN BLACKWELL
COUNCILMAN DAVID COHEN
COUNCILMAN JAMES KENNEY
COUNCILMAN RICHARD MARIANO
COUNCILMAN FRANK RIZZO

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2 COUNCILMAN ORTIZ: We'll be beginning in
3 a few minutes. As soon as Superintendent Hornbeck
4 gets in, we will begin this hearing.

5 (Pause.)

6 COUNCILMAN ORTIZ: Good afternoon and
7 welcome to City Council hearing of the Committee on
8 Public Safety and the Committee on Education of the
9 City Council of Philadelphia. The Chairperson of
10 the Education Committee Donna Miller is present. I
11 am Chairperson of the Public Safety Committee. And
12 we will have a hearing on Resolution 990650.
13 Present in the room is Councilman Mariano,
14 Councilman Cohen, Councilman Kenney. And I will
15 read the resolution:

16 A resolution authorizing City Council's
17 Education and Public Safety Committee to hold a
18 joint emergency public hearing demanding
19 Philadelphia School District Superintendent David
20 Hornbeck personally appear before this joint
21 committee with a definite plan guaranteeing the
22 safety of all 205,000 students, teachers and
23 employees.

24 That is the title of the resolution.
25 That gives you the parameters.

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2 Obviously, Mr. Superintendent, this
3 Council is gravely concerned when any incident of
4 violence occurs within the classrooms of our
5 schools. And given the nature of today's society
6 and given the experience -- we have been joined by
7 Councilwoman Blackwell. And given the experience
8 that we have had across the country with guns and
9 gun violence, and obviously we haven't had any of
10 the incidents that can compare with any of the
11 incidents of Columbine and other places across the
12 country, but nevertheless, we have to be able to see
13 what type of environment our children and our
14 teachers and principals go into every day and make
15 sure that that environment is one that is safe and
16 one that provides the parents of those children
17 peace of mind that when they send their kids to
18 school, they expect them to be back at 3:30.

19 So given that, Councilwoman Miller, do
20 you have anything?

21 COUNCILWOMAN MILLER: Good afternoon. I
22 would first like to take this opportunity to thank
23 everyone for coming. The issues of school safety
24 have been debated for a long time. And it is a
25 shame what happened, a near-fatal tragedy has again

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occurred to turn our attention back to a major problem. Our children cannot be educated, and we as members of the Philadelphia community at large cannot expect to feel at ease without some measures of appropriate security safeguards for our children and those who endeavor to teach and oversee their development.

Every day my own 15-year-old leaves the house. I wonder about her safety. And try as I may not to convey to her that during the course of her growing up that she will be faced with real substantiating issues.

Rather than placing any level of blame, I am hoping that today we will begin meaningful dialog and accountability. I would also like the committee members who have graciously taken time from their schedule in order to join us in this necessary exchange. Thanks also to the Superintendent and private citizens -- I don't think we're going to have any private citizens -- for coming to testify before this committee. It is desperately important that we make sure that all measures are taken that will help secure the safety of, not just our students, but our faculty and other

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2 staff and other people working in our schools.

3 My daughter goes to a small school, a
4 very small school, public school, and I don't think
5 that they're at as much risk as some of the larger
6 high schools. But I just want to thank people for
7 coming today, and I'll have further comments later.
8 Thank you.

9 COUNCILMAN ORTIZ: We have also been
10 joined by Councilman Frank Rizzo.

11 Superintendent Hornbeck, you have the
12 microphone. Please identify yourself for the
13 record.

14 MR. HORNBECK: Thank you, Mr. Chairman,
15 Madam Chairwoman, Members of the Council. My name
16 is David Hornbeck, I'm the Superintendent for the
17 Schools for the Philadelphia School District. I
18 appreciate the opportunity to testify today on this
19 very important subject of school safety. The safety
20 of our students and our teachers, our other staff,
21 is Rule 1, Page 1 at the School District. Our kids
22 simply can't learn in an environment which they are
23 not safe or do not feel safe, and our staff cannot
24 teach and be effective if their classrooms and their
25 schools are not safe.

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2 I turn to the events of Bartram on
3 October the 4th. The incident began when Dr.
4 William Burke, an assistant principal, received a
5 report that a conversation between two students led
6 a teacher to believe that one of the students had a
7 gun. Dr. Burke proceeded to investigate. He and
8 the teacher, Mr. Vincent Hawkins, called the
9 students into the hallway, and in an ensuing
10 struggle Dr. Burke suffered a gunshot wound to his
11 thigh. Thankfully, his wound was not life
12 threatening.

13 The incident, however, underscores how
14 important it is that we be vigilant about school
15 safety. It also reminds us of the commitment and
16 dedication of thousands of administrators, teachers,
17 and other employees to Philadelphia's students. All
18 of us salute Dr. Burke and Mr. Hawkins for being the
19 kind of persons they are. Dr. Burke particularly
20 should be thanked, not only for his response to the
21 crisis on October 4th, but for his remarks to me at
22 the hospital and to the news media afterwards. He
23 was very anxious for the people of Philadelphia to
24 know that the incident was, in fact, an isolated
25 one, and that the vast majority of students at

25 We have walk-through metal detectors,

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2 swipe card systems, and X-ray machines operational
3 today in 14 high schools. This program has been
4 funded to date by a grant from the federal
5 government.

6 We use hand-held metal detectors
7 extensively, having conducted nearly 700 of them in
8 our schools over these past five years.

9 Safety corridor teams, providing safe
10 passage to and from school, were equipped and in
11 place during the last school year. We have the
12 capacity to provide this support for any school that
13 wants one and develops the necessary community
14 partnership.

15 We have established a partnership
16 between our own police, the Philadelphia Police
17 Department, the Housing, SEPTA and Temple University
18 police forces to escort truant students back to
19 their schools. At the same time, working with the
20 city's family court system we've created truancy in
21 and schools and in community locations, to make them
22 more accessible to parents.

23 We have a 24-hour telephone hotline so
24 that any information related to school safety can be
25 received at any time.

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2 All school principals receive training
3 in content and procedures for development and
4 implementing school safety plans. A survey in May
5 determined that all schools had viable safety plans.
6 The School District's Family Resource Network is
7 charged with the responsibility to ensure that plans
8 are reviewed and updated annually.

9 We opened 40 new after-school programs
10 last year and will open 40 more this year.

11 We operate 120 after-school recreation
12 programs in our gyms throughout the city in
13 partnership with the Recreation Department. These
14 programs run five evenings a week and on Saturdays.
15 In six of these schools, we are expanding our
16 after-school partnership with the Recreation
17 Department and the Department of Human Services to
18 provide children and adult activities safely until 9
19 p.m. during the week.

20 Also in partnership with the Department
21 of Recreation, we participate in the I Can End
22 Violence program, also known as ICE Violence. This
23 program is conducted in six schools.

24 Last year, in 50 schools, we conducted
25 conflict resolutions programs. And in 60 schools

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had peer mediation programs.

The school District has strong partnerships with anti-violence organizations all across the city. In these partnerships, we provide school and neighborhood-based violence prevention early-intervention activities. Examples include PAAN, the Philadelphia Anti-drug and Anti-violence Network, and Safe and Sound in Philadelphia. In the case of Safe and Sound, two violence prevention specialists have been in place in each of three high schools -- Bartram, South Philadelphia, and Olney -- since the opening of school in September. Also, Neighborhood Coordinating Teams have been established on a pilot basis in North Philadelphia to work on safety and violence prevention. If these teams are successful, they will be expanded to other parts of the city.

Our partnership with the Philadelphia Department of Health's Community Behavioral Health is implementing a program of behavioral supports and intervention in eight different clusters for the 1999-2000 school year.

Our outstanding success generally in winning grant money has also paid off in the award

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2 of a Safe School Healthy Students Initiative and
3 Safe and Drug-Free School grant. Funds from these
4 grants will provide after-school programs and expand
5 truancy courts. They will increase our work with
6 PAAN, and they will provide support to student
7 assistance teams in all high schools and in many
8 middle schools.

9 The point is that we make student and
10 staff safety a priority area of attention day in and
11 day out every day of the year. The urgency of the
12 matter did not arise from the tragic events in
13 Colorado. It did not arise out of the incident at
14 Bartram High School. We know that safety measures
15 are necessary to improving our students' ability to
16 read and do math and know science. We placed safety
17 in a priority position five years ago, and our
18 record demonstrates that we have been working harder
19 to make the schools safe. That investment is
20 bringing results.

21 In the past years, the number of all
22 incidents involving weapons has dropped from 1105 in
23 1996-97 to 905 last year, an 18 percent drop.
24 During that same period, the number of incidents
25 which children have brought guns to school has

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dropped from 30 to 22 to 19.

I understand that all of these numbers are of little comfort to a parent if his or her child has been in harm's way in school or on the way to and from school. Please understand that I take no comfort myself from two harsh realities:

First, for most of our youngsters, school is the safest place they will be in the course of their day; and,

Secondly, to a large degree our schools are a reflection of the harsh realities of the communities in which we live and work.

Neither of these realities changes the fact that we accept and take seriously our responsibility for safety and welfare of our students, teachers, and staff. The statistics show that our efforts have produced results. As I cited earlier, the District has seen a reduction in the number of weapons cases. Further, in the vast majority of the cases in which our principals recommend expulsion of the student, expulsion does occur. In Act 26 cases in which a student with a weapon is not expelled, it is because the principal, who is intimately familiar with the circumstances of

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the child and the incident, expressly recommends against it. Or, it is because expulsion is inconsistent with the standards that the District has adopted to ensure that its discretion is applied fairly and consistently.

There are, for example, circumstances when expulsion would be indefensible, as in the case of very young children. We believe that we employ a fair and judicious approach to handling these cases. We honor the professional judgment of principals where individual cases warrant such judgment.

Our record also underlies the fact that we believe that in the area of safety, as with achievement itself, we must improve continuously. We always welcome constructive suggestions. To that end, we have taken three actions in the past three weeks.

First, we accelerated the installation of additional walk-through metal detectors, swipe card systems, and X-ray machines. Whether or not this will materially alter the safety in the 11 additional schools, it will raise the comfort level of students and staff, which is in itself important.

At the same time, the District, at the

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2 Board of Education meeting on October 12, 1999,
3 committed itself to the immediate purchase and
4 installation upon delivery of metal scanners, ID
5 card readers, and X-ray machines for all of our high
6 schools. The Board's intent is that all students,
7 staff, and visitors will be required to pass through
8 these machines as they enter all of our high
9 schools.

10 Second, I have directed our General
11 Counsel to consult with the City Solicitor regarding
12 the School District's possible participation in a
13 lawsuit against gun manufacturers. I have also
14 directed our Director of Government Relations to
15 prepare a report for me on the status of gun control
16 legislation in the state legislature. The sheer
17 availability of guns to our students and guns to be
18 used to harm our students, particularly in the
19 streets, is outrageous. If the involvement of the
20 School District of Philadelphia and other school
21 districts across the Commonwealth with whom I am in
22 touch can help reduce the presence of guns, I want
23 the District to lend its support.

24 Third, on Tuesday and Wednesday of this
25 week I met individually with Commissioner of Police

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John Timoney, Recreation Commissioner Michael DiBerardinis, and Safe and Sound Director Naomi Post. In each case, I asked that they assist the School District in reexamining the safety measures we have already taken to determine if expansion of them and/or additional initiatives are in order. Each immediately agreed to do so.

I asked Commissioner Timoney to examine all that we presently do, and to advise us on what additional steps he recommends are warranted to secure the safety of our students and our staff. This includes the deployment of our personnel and our technology. The Commissioner and his senior staff have agreed to do so.

Yesterday I met with the Recreation Commissioner to discuss how we can work together to expand opportunities for our students after school so that the dangerous hours of 3 p.m. to 8 p.m. are better covered. In addition, the Commissioner heads the Anti-Violence Task Force of the Mayor's Cabinet on Children and Youth. We will examine whether there are further possible strategies that we've not already embarked upon that we can employ through interagency collaboration.

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2 I've asked Commissioner Timoney, Mr.
3 DiBerardinis, and Ms. Post and intend to ask Judge
4 Panepinto from the Family Court to meet with me
5 together so that we can continue to coordinate and
6 expand our many efforts. This will be part of our
7 ongoing effort to intensify our work and our
8 partnerships also involving the faith communities,
9 parents, agencies, and other community groups.

10 No one cares more about the safety of
11 our students and staff than we do at the School
12 District. Our record confirms that.

13 I hope that the Council and the
14 community at large will support our continuing
15 efforts to improve the safety of our schools as we
16 pledge to redouble our intent to help children
17 achieve in the safest environment possible.

18 I'd be pleased to respond to any
19 questions that you may have. Thank you very much.

20 COUNCILMAN ORTIZ: Thank you,
21 Superintendent. In the press it was reported
22 that -- that's how we get most of our information
23 here in City Council. It was reported that many of
24 the metal detectors had been received months, if not
25 a long time before any incident before they were

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2 installed and that they had been put away and no
3 process had been established to deploy them in
4 different schools. Could you explain to us when did
5 you acquire and purchase the metal detectors, what
6 was the process used, and why were they not timely
7 deployed throughout the system if you saw the need,
8 because you went out and bought metal detectors, and
9 then not deploy them across the system.

10 MR. HORNBECK: As is frequently the
11 case, I'm sure you all had this experience from time
12 to time, what you read in the paper is not always
13 quite accurate. So I am pleased that you asked me
14 the question.

15 COUNCILMAN MARIANO: That never happens
16 to us.

17 (Laughter.)

18 MR. HORNBECK: In January of '98 we
19 started the pilot program with walk-through metal
20 detectors at Shallcross and Ben Franklin. We later
21 moved part of the machinery from Shallcross to E.S.
22 Miller, and it was in May or June of '99 that two of
23 the walk-through metal detectors were moved to
24 Bartram High School, which is the reference to
25 machines being in a high school, quote, months in

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2 advance. The other high schools, the other 11, did
3 not begin to arrive until the end of August and on
4 up into September. And indeed, there were still
5 four of them that only arrived last week. So the
6 reference to several months did in fact include
7 Bartram. They were physically in Bartram in June --
8 no, at the end of May.

9 COUNCILMAN ORTIZ: Why were they not
10 installed?

11 MR. HORNBECK: At that time we decided
12 we wouldn't start that at the end of the school
13 year. And during the summer we didn't install them
14 because we put our people to work on other things
15 when kids weren't in school. When September
16 arrived, the electrical work was scheduled on
17 September the 16th, which was about two and a half
18 weeks after school started. And so that's the chain
19 of events that led those two particular ones not to
20 be installed.

21 COUNCILMAN ORTIZ: But you had equipment
22 in May in Bartram.

23 MR. HORNBECK: Right.

24 COUNCILMAN ORTIZ: The shooting occurs
25 October 4th.

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2 MR. HORNBECK: Right.

3 COUNCILMAN ORTIZ: It's inconceivable,
4 to me anyway, that having that there, it takes from
5 May until October for a shooting to take place for
6 then to say "Oops, we should have had those metal
7 detectors and maybe this would not have happened."

8 MR. HORNBECK: I agree with you.

9 COUNCILMAN ORTIZ: Who dropped the ball?
10 Who is responsible? You're ultimately responsible,
11 obviously, because you're here. Why was this not
12 done if the equipment -- if education and safety go
13 together, you cannot teach in an unsafe environment.

14 MR. HORNBECK: Right.

15 COUNCILMAN ORTIZ: If the purchasing of
16 this equipment, which is very expensive, is not a
17 thing that you go down out to the corner hardware
18 store and get it. It is something that is a capital
19 improvement and you go in there and you do it. Why
20 do you have it and then it takes a shooting six
21 months, five months after you have acquired and
22 delivered the equipment to the school for a decision
23 then to begin to take place about installing these
24 instruments?

25 MR. HORNBECK: Well, if the question in

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2 part is do I wish that we had done it in May, the
3 answer is yes.

4 COUNCILMAN ORTIZ: Well, obviously you
5 wish. I'm not asking whether you wish.

6 MR. HORNBECK: But for the reason that
7 in fact it took place is for the reasons that I
8 suggested a little while ago. The fact is that we
9 made the judgment. In retrospect it turns out to be
10 a wrong judgment.

11 COUNCILMAN MARIANO: Point of
12 information. Who purchased this? You have a
13 purchasing department, right?

14 MR. HORNBECK: That's correct.

15 COUNCILMAN MARIANO: Now, the person
16 that installs them should be the factory
17 representative, or do the School District employees
18 install them?

19 MR. HORNBECK: We do it.

20 COUNCILMAN MARIANO: Why would we do
21 something that we don't do all the time? The people
22 we buy them from have technicians that do that all
23 the time. I mean, I worked with my hands for 20
24 years, and there are certain things I couldn't do.
25 Once you learn how to do something, it's easier and

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2 it's faster. When your employees are going to do
3 something, they're going to take their time because
4 they really don't know how to do it. But when in
5 fact your rep comes out, that should be part of the
6 process --

7 MR. HORNBECK: Let me make absolutely
8 certain that I'm saying it correctly when I say that
9 we do it. Is that correct, John? We do it?

10 COUNCILMAN MARIANO: Superintendent,
11 isn't that part of the purchase contract,
12 installation?

13 MR. HORNBECK: The fact is that just as
14 we moved ones from Shallcross to E.S. Miller to
15 Bartram, we have the ability to set these up and we
16 assumed that responsibility and we could have done,
17 as Councilman Ortiz suggest, as I say I wish we had
18 done in retrospect, that we had deployed our people
19 to do that rather than deploying our people to do
20 other things during the summer. The events that led
21 to that was the fact that there is a whole array of
22 stuff that our staff does with kids not there and
23 with the fact we have not yet --

24 COUNCILMAN ORTIZ: But --

25 MR. HORNBECK: Could I just finish my

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answer to your question? I'll answer all your questions. But the fact that we chose to put our staff to work on other things, and in part because the scanners weren't there and it is better it all goes in at once, was a judgment call.

COUNCILMAN ORTIZ: Excuse me, Superintendent. And I don't believe you're being -- we're not asking -- I do not believe that you use math teachers or science teachers or principals or vice principals or guidance counselors, the teaching faculty, to install metal detectors.

MR. HORNBECK: No, never said we did.

COUNCILMAN ORTIZ: So when you say that you had your staff doing other things, you have electricians available?

MR. HORNBECK: That's right. Those are the kinds of people who install metal detectors.

COUNCILMAN ORTIZ: So why were they not installing metal detectors.

MR. HORNBECK: Because they were doing other things. That's what I just told you.

COUNCILMAN ORTIZ: What other things?

COUNCILMAN MARIANO: What's more important than safety?

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2 COUNCILMAN ORTIZ: Excuse me, please.

3 What other things?

4 MR. HORNBECK: Fixing windows, fixing
5 toilets.

6 COUNCILMAN ORTIZ: How long does it take
7 to install a metal detector in school? You have it
8 delivered, it is there; how long does it take?

9 MR. HORNBECK: It takes a matter of
10 hours.

11 COUNCILMAN ORTIZ: No one could go to
12 the electricians and say, "This is the duties" --
13 you must have more than one.

14 MR. HORNBECK: Of course, we could have
15 installed them back in May. I've never suggested
16 otherwise. I don't understand what it was that led
17 people to think we couldn't have.

18 COUNCILMAN ORTIZ: Chairman Miller has a
19 question.

20 COUNCILWOMAN MILLER: I have a question
21 that's really a point of information. Who gives the
22 directive to install? Is that left up -- it comes
23 out of your office or is it left up to individual
24 schools? Who gives the directive?

25 MR. HORNBECK: The decision is made

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1 centrally. The primary decision on which schools is
2 made by Mr. McClease who is head of school security.
3 But the primary thing that has to get done to get
4 the metal detectors installed is the electrical
5 work. The electrical work is done within our
6 facilities unit and that gets assigned on a request
7 from Mr. McClease's office to Mr. Shapiro's office
8 and work orders are filled and they go out. And in
9 this instance, all I'm saying is that the work
10 orders during the summer when the kids weren't there
11 did not include that. Was there plenty of time,
12 were there plenty of electricians to do that rather
13 than someplace else? Absolutely. I'm not trying to
14 suggest otherwise; never have. But the decision was
15 made, in retrospect wrongly, that we would do some
16 of the other things that get schools ready for
17 September rather than that.

19 COUNCILMAN ORTIZ: Who made that
20 decision, first of all, that that was not a
21 priority? And if you're getting schools ready,
22 wouldn't safety be part of the equation?

23 MR. HORNBECK: The decision was made
24 between the office of school security and the
25 assignment in facilities. But in saying that, I

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2 don't want in any way to shift the responsibility to
3 either Mr. McCleave or to Mr. Shapiro. In
4 retrospect, it was a wrong decision. But they
5 weren't negligent in their work, in my judgment. It
6 was not an unreasonable decision against the
7 backdrop of the record.

8

For example, as I said in my testimony,
9 we have dropped from 30 guns to 22 to 19 and another
10 subpart of that, which you may or may not know, is
11 that out of the 30, only 7 of those were even in
12 high schools. There were 8 of them in middle
13 schools and 4 of them in elementary schools. So
14 there were, in fact, 35 high schools in the previous
15 year where there were no guns, and the record didn't
16 suggest that there was going to be them. So as I
17 say, it can be. I wish it had have been. It was in
18 a sense a wrong decision now that -- but it's like
19 saying that it was a wrong decision to not have put
20 a metal detector at Masterman or Central or
21 someplace else. Now, nothing happened there so
22 we're not having a hearing about that, but it's the
23 same kind of priority setting about where you put
24 these things.

25

COUNCILMAN ORTIZ: Councilman Rizzo.

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2 COUNCILMAN RIZZO: Superintendent, you
3 as superintendent of the public school system, if
4 you say that if you have a priority, do they follow
5 your directives? If you would have said that this
6 is a priority important to me, would that have
7 gotten done the beginning the school?

8 MR. HORNBECK: Yes.

9 COUNCILMAN RIZZO: Why wasn't that a
10 priority to you?

11 MR. HORNBECK: It was a priority. So
12 were also a lot of other things that we were doing.
13 I don't know how to say more clearly that in
14 retrospect -- and let's just make it my decision. I
15 don't mind that. That's why I said I didn't want to
16 put it on Mr. McCleave or Mr. Shapiro. In
17 retrospect, the decision not to do it, my decision,
18 was wrong. I don't know how to say it more clearly.

19 COUNCILMAN RIZZO: I understand, but
20 when you purchased these, I think in hand with the
21 purchase should have, in my opinion, been the
22 directive that I want these installed the minute
23 they hit the building because it's a high priority
24 to me, the superintendent of schools, that our
25 teachers and students be safe in these buildings.

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2 So obviously, with no disrespect, it wasn't a
3 priority to you.

4 COUNCILMAN ORTIZ: Thank you.

5 COUNCILMAN RIZZO: No, I'm not finished.
6 Superintendent, the systems that were put in in the
7 schools, could they also incorporate and to get a
8 bigger bang for our buck, couldn't they also
9 incorporate our entry system process they scan and
10 also log our students in and out of the buildings?
11 Can't they do more than one thing?

12 MR. HORNBECK: They can and they do.
13 And ironically, it's one of the reasons, again in
14 retrospect the wrong one, that that equipment was
15 not all here and it is better when you train the
16 kids to go through this stuff if the X-ray machine
17 and the walk-through and the attendance swipe card
18 thing are all in place. Our decision, again,
19 building on experience arising out of this is that
20 if we end up now with walk-through metal detectors
21 on site and we don't have the other, we go ahead and
22 installed the metal detectors even if we don't have
23 the other systems, but in all of these instances and
24 the Board decision that was taken on whatever day it
25 was, October 12th, was not just that we would

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2 purchase sufficient walk-throughs for all the high
3 schools, but that we would also have the swipe cards
4 and the X-ray machines at the same time.

5 COUNCILMAN RIZZO: You mentioned about a
6 better sense of security that the parents have now
7 about the buildings where this equipment is
8 installed. I'd like to talk about a false sense of
9 security. Could you elaborate on the training and
10 also the calibration, the quality assurance of this
11 equipment? Because I myself have boarded an
12 aircraft, I had a pager that I forgot to take off
13 and the equipment didn't work. And I realize that I
14 got through the detector without the equipment
15 working, and I learned that the machine was out of
16 calibration and everyone that passed through that
17 day was not scanned properly. What I'd like to
18 know, the staff that operates this equipment, have
19 they, A, all been trained, and what do we do weekly,
20 monthly basis to make sure this equipment is
21 calibrated and performing to give us a sense of
22 security?

23 MR. HORNBECK: Let me ask Mr. McCleave
24 to respond to that because he's got a lot more of
25 the details about the training and maintenance of

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2 the machines than I do.

3 Mr. McCleave, if you would identify
4 yourself and respond to Councilman Rizzo's question.

5 MR. MC CLEASE: John McCleave, Executive
6 Director of School Safety for the School District of
7 Philadelphia.

8 Councilman Rizzo, the vendors deliver
9 the machines for us. The vendors set them and we
10 have received training from the vendors on what the
11 settings should be on the different machines in the
12 different schools, because each school sets
13 different numbers into the machine for them to be
14 set up properly. The vendor sets that in place. We
15 have that all recorded. And every day when our
16 people go out, they make sure those settings are
17 where they should be.

18 COUNCILMAN RIZZO: But does someone come
19 back to do -- you know, we check the exhaust
20 vehicles to make sure they're not putting out
21 emissions. What are we doing to bring that vendor
22 back to test the machine to make sure that that
23 setting 3 does what 3 supposed to do?

24 MR. MC CLEASE: Well, what we can do is
25 we can make arrangements with the vendor to come

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2 back every three months to check these machines if
3 the vendor thinks that's a necessity. We'll have
4 discussions with him to find out how often it has to
5 be double checked, and we'll look into that.

6 COUNCILMAN RIZZO: Yes, I think that
7 would be -- the manufacturer certainly must have a
8 recommendation on what type of calibration process
9 that equipment should undertake.

10 MR. MC CLEASE: Sure. We'll check that
11 out and we'll follow whatever procedures the vendor
12 sets up.

13 COUNCILMAN ORTIZ: Jannie, and then
14 Councilman Kenney.

15 COUNCILWOMAN BLACKWELL: Thank you very
16 much. Good afternoon. I would first like to say
17 that I know the work of Jimmy Lewis back there. I
18 know what he does, what he does for schools and for
19 children who live there. They work with me in my
20 district and help me help kids. I know that Eric
21 Shapiro has done a great job. I've talked with them
22 over the years to try to find out what's best to do,
23 what's going on, and what we can do. And the same
24 for Mr. McCleave.

25 Having said that, let me ask you, Mr.

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2 Hornbeck, where are the -- when the incident
3 happened at Bartram High School, I went there the
4 next day. Where now are the detectors? You had one
5 where, in Ben Franklin? You put an additional one
6 at this point at Bartram, which makes it three. You
7 have two in West Philly. And where are they?

8 MR. HORNBECK: Th detectors?

9 COUNCILWOMAN BLACKWELL: The detectors.

10 MR. HORNBECK: They are in Olney,
11 Strawberry Mansion, West Philadelphia, Overbrook,
12 Edison, Bartram, E.S. Miller, Ben Franklin,
13 Germantown, William Penn, Frankford, Gratz, and
14 King.

15 COUNCILWOMAN BLACKWELL: How did you
16 determine who gets what? Does every high school --
17 what's the determination, the criteria for schools
18 getting detectors?

19 MR. HORNBECK: When the decision was
20 made about these 14, it was based on Mr. McCleave
21 analysis of incidents rates among and between the
22 high schools. But on the October 12th board
23 meeting, the Board made the decision to purchase
24 sufficient sets of these scanners and so on so that
25 every high school would in fact have them.

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2 COUNCILWOMAN BLACKWELL: Now, why isn't
3 it -- when a detector is installed, why is there a
4 fight for personnel to run it? Should not we have a
5 program when we put it in place we have everything
6 that works in sync so that Bartram now have people
7 running the third detector?

8 MR. HORNBECK: Someplace in your office,
9 in fact, is a memorandum response to that question
10 because you're absolutely right. To have the
11 equipment without the personnel doesn't make any
12 sense. And from the beginning, we had both the
13 equipment and the personnel. What we did not have
14 and what we added at Bartram is an additional set of
15 equipment because in the first two or three days we
16 decided that -- I think it was two that we had in
17 there initially.

18 COUNCILWOMAN BLACKWELL: Exactly.

19 MR. HORNBECK: And so we decided it was
20 too slow so we moved another one in there. But when
21 we moved them in, we also moved the personnel in
22 that were necessary to do the job.

23 COUNCILWOMAN BLACKWELL: Absolutely.
24 Because they asked for four.

25 Now, my question now is it was taking

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2 two full periods at Bartram. It's a little less
3 than that. The same thing was happening at West, it
4 was taking about a period and a half. How do you
5 reconcile if the doors open at 7:30 and kids go in
6 and they have a class at 8 o'clock and they're not
7 finished going in -- and I've been there. The kids
8 are fine, they behave. The girls generally have
9 more books than the guys. No disrespect. And they
10 have book bags. If they don't have book bags it
11 moves quicker. For guys they just use the wands.
12 But when they have the book bags, they go through
13 the detectors, the students are great, they're fine,
14 they're in line, they're glad to do it, all of that
15 is fine. But given the volume of students, how do
16 you reconcile, for example, a Bartram who may have
17 2100 kids with two or three detectors and schools
18 with maybe 1400 or 800 students with two detectors
19 and the time, how do you reconcile a student losing
20 maybe two classes in the morning to have this
21 process done? What's the plan?

22 MR. HORNBECK: Well, fortunately, to our
23 knowledge, there is no school at this point losing
24 two. I think that there are some instances still
25 where they're losing part of the first class, which

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2 is unacceptable. What we discovered when we did
3 this piloting at Ben Franklin -- Shallcross, and
4 E.S. Miller are a little different because they're
5 so small. But Ben Franklin is a good sized high
6 school. And what we discovered was that when the
7 necessary training of the personnel and, in fact,
8 the training of the students takes place before you
9 commence the process itself that the movement
10 through is such that as far as I know at Ben
11 Franklin right from the beginning there was no
12 appreciable problem there. The challenge at both
13 Bartram and in some of the other places is that, in
14 fact, the training didn't take place for the kids
15 particularly. The staff were trained, but not the
16 kids, so they didn't how to go through. And that
17 did in the first week, particularly -- in fact,
18 particularly the first three days at Bartram backed
19 kids up significantly. But as soon as the training
20 of the kids and the flow takes place in a proper
21 fashion, as we learned to do it at Franklin, that
22 ought not to be a problem.

23 In addition, at Bartram, for example, we
24 have changed the roster a little bit so that
25 advisory takes place in the first period so that as

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2 kids come in, if they should be late because of some
3 kind of a delay associated with that, then they're
4 not missing part of the math class. And so we're
5 trying to adjust the schedule to also be part of the
6 accommodation.

7 COUNCILWOMAN BLACKWELL: I heard that
8 that will happen. But let me ask a follow-up
9 question. If you change advisory to third period
10 maybe, so what happens at first period? They're
11 still missing something.

12 MR. HORNBECK: No, the advisory is being
13 changed to first period so that it's not a class
14 that they're missing, not third period.

15 COUNCILWOMAN BLACKWELL: All right,
16 thank you. And I'll verify that because I know it
17 was taking two periods at first, then it was down to
18 a period and a half. And it was still a little more
19 than that at West, and so I'm glad to hear that. I
20 knew they were talking about changing that system.

21 As you know, we had hearings back -- oh,
22 gosh, City Council adopted in November 1993 a report
23 on school violence that we had, and we've been
24 dealing a lot in this area. As we know, we also had
25 hearings on dealing with crime on see-through book

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2 bags that were made in Colorado. In fact, we had
3 said maybe if Columbine had followed their own rule,
4 maybe they would not have had this outbreak of
5 violence. We've been really, really fighting this
6 issue of violence a lot over the years. I have here
7 I picked up -- in fact, I went out to get four pages
8 line by line of some 60 bills and resolutions that
9 we've been introduced in this Council to deal with
10 this and have had many reports adopted. And chief
11 among them was a resolution that was adopted passed
12 by this Council that dealt with an emergency system
13 and school violence that we would have a uniform
14 system for every school. You will remember, the
15 Board finally -- we had hearings on it. The Board
16 finally adopted -- I haven't put my fingers on that.
17 I'll have my staff bring it down. We passed out a
18 big blue form that was to be posted in each school
19 like next to fire drill, here is what you do when
20 there is a health emergency. A health emergency can
21 be meningitis that has happened or a health
22 emergency can be a shooting.

23 We were told that they would be in June,
24 that those posters would be in each school. I see
25 no mention of that. I passed that around. The

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2 Councilmembers will remember that we passed that big
3 poster around that was to be posted in schools. I
4 would like to ask you to respond to that issue.

5 MR. HORNBECK: Well, I'll be glad to
6 confirm.

7 Even as we speak it's being printed and
8 the training of use of it so that people really know
9 what it says, it's not just stuck up on a bulletin
10 board, have already been scheduled.

11 COUNCILWOMAN BLACKWELL: This is my last
12 follow-up question for other members of the
13 committee. Mr. Hornbeck, you told me in June that
14 they would be installed then. They're not even made
15 mention of in your testimony. Obviously, as so many
16 other things are, it was an afterthought, another
17 attempt on our end to make a difference, and then
18 it's just ignored. We asked for inspections of
19 kitchens and bathrooms so that kids don't get sick.
20 A lot of things that this Council has passed, and
21 especially with issues dealing crime, we don't do
22 these things because we want to waste everyone's
23 time and energy. We do these things because we
24 believe that we have to cover every end we can to
25 make sure our children are save. It's very

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2 disappointing. And the transcript will indicate
3 that you said they would be in school at the end of
4 June. We passed it around, we showed it, I took it
5 to -- in fact, during the primary I took it to
6 meetings throughout my district, used it as a
7 campaign issue. This is one of the areas where we
8 tried to made a difference in public education. And
9 certainly now to hear that now we have to train
10 people is absolutely unconscionable and
11 unacceptable. You say that after fighting this for
12 two years to have a one system to health emergencies
13 which includes school violence, and now to hear,
14 "well, we said we were going to do it but we didn't
15 because we have to train people," my goodness. It's
16 just unconscionable that the School District would
17 make a commitment to all Members of Council, tell us
18 that there is a system that will be installed next
19 to your fire drill, you have a poster for school
20 emergencies what each person does, and now to say we
21 have to train people; please. That insults our
22 intelligence, and it's certainly an affront to every
23 Member on this Council and the children who attend
24 the School District and everyone who works there.
25 We're asking the chairmen of both this

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2 joint Committee on Education and Public Safety would
3 certainly if you would to submit something to me, to
4 the chairmen of these committees, as to when they
5 will be posted in the schools with a specific date
6 and that you would honor your commitment.

7 MR. HORNBECK: I'll be glad to do that.

8 COUNCILWOMAN BLACKWELL: I have no idea
9 how this can be an oversight fighting two years just
10 to get you to consider it. How can you decide that
11 it's not important enough to meet your commitment
12 and having a sign posted to have a uniform system
13 school wide for what happens when you have a
14 shooting, what happens when a child has a health
15 injury. I have no idea how you can decide that it
16 doesn't matter what Council says, that we can do
17 what we choose and we'll just ignore them. We can
18 just pass things and it doesn't matter, we just
19 won't do it. It wasn't even a money issue. It
20 takes you printing paper. It wasn't even a money
21 issue. Obviously, it was just an issue that what
22 Council determines is important, even when it's
23 passed, even when you agree to it, does not mean
24 enough for you to do it. That's unconscionable, Mr.
25 Superintendent, absolutely unconscionable. And we

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2 certainly want to see that done and we want to see
3 that done right away and we would like to know from
4 you know the date as to when we can expect that.

5 MR. HORNBECK: We will give you a date
6 certain before quitting time tomorrow.

7 COUNCILWOMAN BLACKWELL: Thank you.

8 Thank you, Mr. Chairman.

9 COUNCILMAN ORTIZ: Thank you,
10 Councilwoman.

11 Councilman Mariano.

12 COUNCILMAN MARIANO: Thank you, Mr.
13 Chairman.

14 Thank you, Councilwoman Blackwell. It
15 was really good.

16 Superintendent, I just need this broken
17 down into a time sequence. First of all, I
18 appreciate you having the intestinal fortitude to
19 admit you're the head of School District and that
20 you're the place to blame, but we're not really here
21 to place the blame on someone. You know, you smile,
22 but sometimes by your mannerisms and the way you
23 speak with us, I think it's a bother that you're
24 down here. And that's just my observation of this
25 whole process.

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2 The Councilwoman just laid out a plan.
3 We tell you we need these things. Now this isn't
4 something we invent in our minds that we have to
5 have. It's definitely something that should be in a
6 modern district the size of the School District of
7 City of Philadelphia. You decide two years ago to
8 order one or two or three or five -- maybe Mr.
9 McCleave can help you -- metal detectors.

10 MR. HORNBECK: It began in January of
11 '98 which is about 17 months.

12 COUNCILMAN MARIANO: Seventeen months
13 ago we decide and then somebody from your purchasing
14 department goes and looks at them decide which is a
15 better model and we get a contract and somebody buys
16 it. Someone from the company comes out and explains
17 how it works and instructs people how to install
18 them. Is there a monitoring process? You Mr.
19 McCleave spoke about they come by and calibrate them
20 as Councilman Rizzo. But I will tell you that it's
21 been my experience, any time you buy -- from the
22 construction industry, any time you buy something,
23 they usually don't like other hands touching their
24 stuff because there's some kind of warranty here. I
25 mean, you probably have great electricians and

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2 before somebody said you were probably having people
3 fix toilets and all, but electricians are doing
4 different things. They probably don't want to do
5 this work. I can't understand why the factory
6 representatives would come out at least on the first
7 two. Or did I miss something here?

8 MR. HORNBECK: The main work that needs
9 to take place, as I said a moment ago, is the
10 electrical work. It's not the thing.

11 COUNCILMAN MARIANO: It's just getting
12 the voltage to a spot so it's powered by 110 volts.

13 MR. HORNBECK: Then you plug it in.

14 COUNCILMAN MARIANO: And the
15 calibrations a big deal.

16 MR. MC CLEASE: The vendors deliver it,
17 the vendors set it up, the vendors --

18 COUNCILMAN MARIANO: And they stay there
19 they watch?

20 MR. MC CLEASE: They stay there, they
21 calibrate it to make sure it's set up right for that
22 location.

23 COUNCILMAN MARIANO: How long does it
24 take to run the electricity, two hours, three hours?

25 MR. MC CLEASE: I think Mr. Shapiro can

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2 answer that better.

3 COUNCILMAN MARIANO: Mr. Shapiro.

4 MR. SHAPIRO: My name is Eric Shapiro,
5 I'm the Executive Director of Facilities. We simply
6 provide the wiring that the vendor recommends
7 through specifications.

8 COUNCILMAN MARIANO: 110 volts at a
9 certain spot?

10 MR. SHAPIRO: There's two different
11 issues. One is wiring for the machine's cable and
12 the other is to plug the machines in for
13 electricity. Two hours at maximum to pull electric
14 depending on whether panels needed or there's enough
15 sufficient electric in the building. We do not, Mr.
16 Mariano, mess around with the equipment at all.

17 COUNCILMAN MARIANO: You don't
18 physically stand it up, do the mechanics?

19 MR. SHAPIRO: No. All we do is
20 configure -- when they configure where the equipment
21 goes, we put the outlets in and pull wire for cable
22 that needs to be done.

23 COUNCILMAN MARIANO: So we have two
24 hours for electrician. What's the man hours on the
25 physical mechanics of setting up this X-ray

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2 detection, five hours.

3 MR. MC CLEAVE: Oh, setting up, when
4 they come and they deliver it, it's just the vendor,
5 the technician, that comes with the equipment.
6 However long it takes them. They can maybe set it
7 up in a half hour making thier calibrations or it
8 might take them an hour.

9 COUNCILMAN MARIANO: Well, we'll two
10 hours. So that's four hours to do this.

11 MR. MC CLEAVE: Because it's setting it
12 up, it's checking it, running it, checking it, you
13 know, they go through a process like that.

14 COUNCILMAN MARIANO: The problem in my
15 mind and I think the problem in many of my
16 colleagues' minds and the problem in our
17 constituents' minds are is why when we know we need
18 this, why doesn't it become more of our priority?
19 And Superintendent already said he's to blame. Like
20 any good leader, he should take the blame. But we
21 have to answer to constituents. Why isn't this four
22 hours or two hours planned out a lot faster? Like
23 we know we're getting them in May so we should have
24 them installed by June. So if we're putting 14 in
25 that's 4 man hours. It would take two guys three

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2 weeks to put them in, and that's time off for
3 holidays.

4 MR. HORNBECK: Let me make sure we get
5 back to the facts so we can keep them straight.
6 They were not -- 14 of them were not here.

7 COUNCILMAN MARIANO: Two.

8 MR. HORNBECK: Let's get it back on the
9 record again what was here. We are talking about
10 two metal detectors that were at Bartram in May.
11 And in retrospect, the four hours that it would have
12 taken to install those should have been done in at
13 least no later than June. They were not done
14 because the decisions that were made that ultimately
15 come back to me were made to put our electricians to
16 doing other things rather than that.

17 The other ones, the other 11 that we
18 ordered didn't come in until beginning and the end
19 of August. They finally all arrived on Wednesday,
20 October the 13th. And in those instances, the four
21 hours that it took, or whatever it is, took place
22 the next day.

23 COUNCILMAN MARIANO: Now, let's go back,
24 since you brought it up the two at Bartram.
25 Superintendent, the two at Bartram, and you already

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2 admitted wrong you were wrong, and this isn't about
3 you being wrong, it's about the answers I give my
4 constituents, okay?

5 MR. HORNBECK: Right.

6 COUNCILMAN MARIANO: Now, the four hours
7 at Bartram to put these two machines in, what was
8 more important for your people to do, in your mind?
9 You made a decision, you said it was wrong. And to
10 err is human, to forgive is devine. I forgive you.
11 I mean, I understand. But what was more important
12 for electricians to do except this life safety
13 devices that City Council -- and that's why we get
14 mad because it seems like when we say something,
15 it's not that important.

16 MR. HORNBECK: Well, I don't know what
17 all the work orders were that the electricians
18 worked on during the summer. Mr. Shapiro could give
19 you a whole list. I'm sure they including
20 bathrooms. I'm sure asbestos removal. I'm sure
21 they included any number of other things. And the
22 decision in retrospect was wrong to put the time
23 into those rather than into the four hours it would
24 have taken do it at Bartram because it is the case
25 that the record to Ben Franklin was that if that

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2 metal detector had been in place on October the 4th
3 at Bartram Mr. Coxen would not have gotten that gun
4 in the school and Dr. Burke would not have been
5 shot.

6 COUNCILMAN MARIANO: This is my last
7 question, Superintendent. Now, this goes to your
8 years of experience as a Superintendent in
9 education, why would a 15-year-old boy, in your
10 mind, feel the need to bring a handgun into a high
11 school, let alone any school? That's the big
12 question here, and nobody's answered that. So
13 there's some perception out there that in this man's
14 mind or this young boy's mind that he's not safe
15 going to school. Is somebody after him? Is he a
16 thug? I mean, what's going on?

17 MR. HORNBECK: Well, I don't know what
18 was in his mind on October 4th. I was told by the
19 police that he said that he had bought the gun in
20 the summer because he was afraid in the streets in
21 the summer. What it was on October 4th that led him
22 to have the gun in his pocket, I just don't know.

23 COUNCILMAN MARIANO: Thanks.

24 COUNCILMAN RIZZO: Can I follow up?

25 COUNCILMAN ORTIZ: Councilman Kenney,

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please.

COUNCILMAN KENNEY: Thank you. There may be some confusion that I'm not on the committee and I'm just sitting here. I am on the Public Safety Committee, and I'm just sitting here because it's a little crowded up there.

Before I shift the attention away from metal detector for a moment, I just have two immediate comments. I think the response of the Superintendent to Councilman Rizzo's question, to Mariano's questions, to Ortiz' and to Blackwell's questions indicate very clearly to me that the first sentence of the second paragraph, "The safety of our students, teachers and other staff is rule number one." Apparently, it may be one of the top 10 rules and there are other things that have gotten in the way of this rule number one as it relates to the timely installation of metal detection systems.

The second thing I would suggest is that maybe there's some OSHA prohibition, but Home Depot does sell heavy duty extension cords. Maybe that could have been employed until the time we had the electricians do this work of installing this electrical system.

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2 Having said that, I want to move to
3 another area, and I have a few questions regarding
4 who has the responsibility to accurately report
5 incidents of violence and weapons to the
6 Pennsylvania Department of Education Office of Safe
7 Schools? Under Act 26, it requires that reporting
8 annually.

9 MR. HORNBECK: Comes from Mr. McCleave's
10 office.

11 COUNCILMAN KENNEY: So he has the
12 responsibility of reporting it.

13 MR. HORNBECK: Well, the original report
14 has to come from the personnel at the school.

15 COUNCILMAN KENNEY: And then he has the
16 responsibility of gathering it?

17 MR. HORNBECK: We don't have a
18 go-between here. Would you respond to Councilman
19 Kenney's question?

20 MR. MC CLEASE: John McCleave, Executive
21 Director for School Safety for the School District
22 of Philadelphia.

23 The Superintendent reports that
24 annually, reports that information annual to the
25 State.

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2 COUNCILMAN KENNEY: Who is the gatherer
3 of that information.

4 MR. MC CLEAVE: I am the gatherer, my
5 office.

6 COUNCILMAN KENNEY: And the principals
7 are responsible for the initial reports?

8 MR. MC CLEAVE: Yes, sir, they make the
9 initial reports to our office.

10 COUNCILMAN KENNEY: Is there a policy
11 that each school principal or school administrator
12 must follow? Is it something in writing that they
13 can read, a handbook of some kind that requires them
14 or gives them information on what is required in the
15 reporting process and what needs to be reported?

16 MR. MC CLEAVE: Yes, there's district
17 policy that spells that out.

18 COUNCILMAN KENNEY: I would appreciate
19 if at sometime I could get a copy that forwarded to
20 the two Chair People of the Committee and to the
21 members of the Committee.

22 In the 1997-1998 report to the Secretary
23 of Education Office of Safe Schools, and I'm
24 comparing Philadelphia to Pittsburgh because I think
25 it's obviously a smaller district but it's in

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2 Pennsylvania and it's probably the closest one in
3 size to Philadelphia. Pittsburgh, and correct me if
4 I'm wrong has a student population of about 45- to
5 50,000, and Philadelphia has a population of about
6 212,000, give or take. Pittsburgh recorded a total
7 number of incidents of 5,543 reported to the
8 Secretary of Education for 50,000. And Philadelphia
9 reported 2,782 incidents. I find that number
10 totally unbelievable considering the size of the
11 Philadelphia school system and the size of the
12 Pittsburgh school system, that we would be reporting
13 3,000 less incidents of violence in our schools in
14 the course of 1997-98.

15 MR. MC CLEASE: It's a very complicated
16 way of reporting. I don't mean to sidestep it. In
17 reporting those incidents, the State requires that
18 we report every time -- we identify every child who
19 is involved in an act of violence, an act of drugs
20 or weapons possession. So that report every time a
21 child is reported to us and that's recorded, we
22 create an annual report and send that information to
23 Harrisburg.

24 COUNCILMAN KENNEY: Let me go to a
25 specific area of reporting. This is the number of

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2 assaults on student, student on student for 1997-98.
3 Pittsburgh school system with 50,000 students
4 reported a number of 4,694 assaults student on
5 student in that calendar year. And Philadelphia
6 reported 692. Again, based simply on the size of
7 the school systems and a much larger number of
8 students in the Philadelphia school system, I find
9 it unbelievable that only 692 were reported in
10 Philadelphia when 4694 were reported in Pittsburgh.

11 Either one, because I think ultimately
12 it's the Superintendent who, I guess, signs the
13 report or signs the letter that sends the report to
14 the Secretary of Education.

15 And what concerns me about these numbers
16 is that, are we getting a true reflection of what
17 the violence levels are in our schools when
18 Pittsburgh, I mean, if they're telling the truth,
19 has many more numbers, greater instances than
20 Philadelphia. How is that humanly possible?

21 MR. HORNBECK: I can't answer the
22 questions about Pittsburgh. One of the things that
23 happened early on when I came here is that incidents
24 actually went up because we tried -- there had been
25 a reputation that our principals didn't want to

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report incidents because they thought they'd get in trouble for it. We tried to make clear that we want incidents reported. In our case, we do not treat fights as assaults. Is that the right way to put it?

MR. MC CLEASE: If there's a fight, if there's a push and shove and it's other because two kids just had words with each other, that's resolved in the school and we make sure the kids resolve it, shake hands, and it's all over.

COUNCILMAN KENNEY: How about a situation where it's not chest to chest pushing incident, but does not come to fists to cuffs but an actual drawn out, drag out fight, are they assaults?

MR. MC CLEASE: Absolutely, they're assaults.

COUNCILMAN KENNEY: Who makes and what policy is set to make a decision on determining whether or not it was simply a school boy pushing match as opposed to two almost men banging away at each other?

MR. HORNBECK: It's a judgment that gets made at the school.

COUNCILMAN KENNEY: By the principal?

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2 MR. HORNBECK: In some instances -- I
3 mean, it is basically the principal, but based more
4 often than not on a description of the incident by
5 other staff in the school, people who actually saw
6 it, that is. And I don't know whether Pittsburgh
7 counts fights in the same way or not.

8 COUNCILMAN KENNEY: I think I would like
9 to know as a Councilmember and as a parent or as a
10 taxpayer all what goes on in a violent way. I mean,
11 violence is violence, whether it is a gun, which is
12 much more serious than two people in fist fight, but
13 I think that two people in a fist fight may indicate
14 some predisposition of a violent approach to their
15 problems. And I commend you on your peer mediation
16 and other areas that you're trying to take to get
17 kids to calm down. But when two almost adult males
18 square off at each other in a school room or in a
19 hallway, to me, that's an assault. It may be a
20 mutual assault, but it certainly is an assault and
21 not to be characterized in any way as some kind of
22 prep school boxing match in a gymnasium. I mean,
23 this is a fight in a hallway that could potentially
24 create a serious incident of other kids getting
25 involved in fights or other weapons being pulled.

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2 It's more serious than simply a pushing match. And
3 if Pittsburgh reports it, maybe we should be looking
4 at the potentiality of reporting it ourselves.
5 Because I think if we want to get a true -- the same
6 thing we went through with the police department.
7 When Commissioner Timoney came here and recognized
8 that we were under-reporting our crime, the city had
9 the reputation of being one of the safest largest
10 city the country when in fact it isn't. And rather
11 than simply have the reputation and not have the
12 reality, I'd rather know the reality to improve the
13 reality and not worry about the reputation.

14 COUNCILMAN ORTIZ: Same thing with the
15 rape issue.

16 COUNCILMAN KENNEY: And we're going
17 through it now. What is the School District's
18 policy of a student that's caught with a weapon?
19 And I mean a weapon in a general term.

20 MR. HORNBECK: Under Act 26 there's an
21 automatic recommendation for -- not a
22 recommendation, requirement for expulsion and that
23 ends up being mitigated for one of two reasons in
24 some instances. In some instances, the principal
25 makes a recommendation to me, which is turned over

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2 to our disciplinary office, that a variety of
3 circumstances in a given case suggests that the
4 child ought not to be expelled. And in many
5 instances, when the principal makes that
6 recommendation because he or she knows the
7 circumstances, we don't expel.

8 There are other instances, and I think
9 I'm right when I say most of those are instances
10 involving young children that a 9-year-old who has
11 brought a box cutter to class, for example, ends up
12 not being expelled although under those
13 circumstances technically the youngster is in
14 violation of Act 26.

15 COUNCILMAN KENNEY: Well, if that child
16 is not expelled what action is taken, what other
17 alternative action?

18 MR. HORNBECK: Depends on the
19 circumstances. In many instances, the child is
20 suspended. In other instances, the child is sent to
21 another school. It depends on the record of the
22 child, other incidents in his record. Frequently,
23 it's the case that the child has never had any kind
24 of infraction before and so they'll be a counseling
25 session with a parent. We try to tailor the

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2 response to whatever the circumstances are.

3 COUNCILMAN KENNEY: Is there a specific
4 written policy that gives administrators guidelines
5 as it relates to these types of gray areas, young
6 children, no prior incidents? And if there is, can
7 we get a copy of that policy?

8 MR. HORNBECK: We can. We have
9 procedures that lay out how to implement Act 26 in
10 the School District, and we'll be glad to get that
11 to you.

12 COUNCILMAN KENNEY: Thank you. Now, let
13 me go back again to the Secretary of Education, the
14 report to the Secretary on the Office of Safe
15 Schools, and I'm not asking you to comment on the
16 Pittsburgh situation, but I'm going to compare
17 Philadelphia to Pittsburgh again. In 1997-1998 in
18 Pittsburgh with 50,000 students, they expelled 350
19 children, 350 students in that period of time. In
20 Philadelphia, according to the report now -- the
21 report may not be accurate, but this is the report
22 that's provided by the District to State and this is
23 what's been published -- 212,000 students in
24 Philadelphia in 197-,98 there were none that were
25 expelled.

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2 MR. HORNBECK: When was that? I'm
3 sorry.

4 COUNCILMAN KENNEY: 1997-98.

5 MR. HORNBECK: I think that's
6 inaccurate.

7 COUNCILMAN KENNEY: It may be
8 inaccurate, but this is what's been reported to the
9 Secretary of Education, Office of Safe Schools.

10 MR. HORNBECK: At least that's what they
11 printed.

12 COUNCILMAN KENNEY: It may be a
13 typographical error, but how many students, do you
14 know, that expelled in 1997-98 as it relates to Act
15 26?

16 I'm sorry, Chair People, if I get to a
17 point where I'm going over and we go around, I'll
18 come back and have some other questions.

19 MS. HARRIS: Pat Harris, I'm the
20 Executive Assistant to the Chief of Staff.

21 Would you repeat the year, please?

22 COUNCILMAN KENNEY: This is according
23 the Secretary of Education's Office of Safe Schools
24 Report 1997-1998 350 expulsions in Pittsburgh; 0 in
25 Philadelphia. The Superintendent believes that that

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2 may be inaccurately reported or a typographical
3 error. I'm curious as to how many were expelled in
4 that year?

5 MS. HARRIS: According to my records,
6 there were 152 expulsions for that year.

7 COUNCILMAN KENNEY: Now, we can try to
8 figure out how that got reported inaccurately, but I
9 guess my next question is how could we have 152
10 expulsions in a system with 212,000 students when
11 Pittsburgh expelled 350 with 50,000 students.

12 MR. HORNBECK: It's hard to comment on
13 that without commenting on Pittsburgh. I know how
14 the 152 got expelled. I can't comment on
15 Pittsburgh.

16 COUNCILMAN KENNEY: Do you find that the
17 discrepancy is questionable?

18 MR. HORNBECK: Well, one of the other
19 factors is that I think I'm right in saying that
20 Pittsburgh has no remedial disciplinary schools.
21 And we have several hundred kids -- 600 in our three
22 RD schools.

23 COUNCILMAN KENNEY: Is that alternative
24 education?

25 MR. HORNBECK: Alternative education, so

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2 it may well be that we have 800 where they have 300.

3 COUNCILMAN KENNEY: How many are in
4 alternative education in the year?

5 MR. HORNBECK: Over 600.

6 COUNCILMAN KENNEY: Let me just keep the
7 year straight. 97-98 how many were not expelled
8 were assigned to some type of alternative education
9 setting?

10 MR. HORNBECK: Well, tell you how many
11 were assigned to some alternative. And if you are
12 assigned to alternative educational setting at one
13 of the three RD schools, your considered to be and
14 student and not expelled.

15 COUNCILMAN KENNEY: I'm comparing it --
16 only the numbers I have are for '97-98. Obviously,
17 '99 or this year's has not been reported. This is
18 just last year.

19 MS. HARRIS: Of the EH21s referred 334
20 were assigned to remedial discipline schools.

21 COUNCILMAN KENNEY: Well, we have a
22 problem again with the numbers because according to
23 what was reported to the Secretary of Education
24 Pittsburgh assigned 267 out 50,000 students.
25 Philadelphia reported to have assigned 2. If the

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2 number is accurate 334, Pittsburgh still seems to be
3 at least proportionately doing a little bit more
4 both in expulsion and remedial alternative
5 educational settings than we are.

6 If you care to comment, that's fine. If
7 not, maybe we can figure out why the numbers are
8 wrong and why they were reported.

9 Obviously, these numbers came from
10 someplace. Or maybe not obviously. They came from
11 someplace from the Philadelphia school system. So,
12 again, trying to get a clear picture on what exactly
13 is going on in our schools is difficult if what's
14 being sent to the Commonwealth under Act 26 is not,
15 in your opinion, accurate. And what you're telling
16 me is accurate is still much less proportionate to
17 the number of actions taken by the Pittsburgh school
18 system.

19 MR. HORNBECK: Harry Tishler can add
20 some light.

21 MR. TISHLER: Harry Tishler, Assistant
22 General Counselor of the School District. Again, I
23 can't speak for Pittsburgh, but I do know one of the
24 potentials for the reporting problem. When the
25 reports are made to Mr. McCleese's department, which

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2 are called incident reports that you were referring
3 to earlier, those reports are usually filed within
4 24 to 48 hours after an incident in which in the
5 case of an arrest means suspension and an arrest
6 initially. The due process that's required to give
7 a student a transfer to a disciplinary school, which
8 also referred to in the act as an alternate
9 education setting. Or an expulsion literally takes
10 months because of the testing that has to be done
11 and the due process. So the reports that they get
12 from Mr. McCleave's office will only go on recording
13 the discipline up to the initial suspension.
14 Obviously, the State has worked out with Pittsburgh
15 some follow-up reporting system which they haven't
16 asked the School District of Philadelphia to show
17 several months later what ultimately happened to the
18 case in a disciplinary sense. The Dr. Harris
19 referred to you the numbers of student who actually
20 were sent to alternate education settings and
21 expelled.

22 COUNCILMAN KENNEY: Well, I would
23 suggest that maybe, a la the Philadelphia Police
24 Department and now the issue relative to the sexual
25 assaults and rapes that we go out of our way to try

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to get an accurate picture of what is exactly is
going on in these schools because apparently what's
being reported is not what your understanding is. I
think that's very important to have at least a
baseline understanding of how violent our schools
are or are not.

MR. HORNBECK: Well, I certainly agree
that it's worth re-looking at that. I don't draw
the conclusion in doing that it's been inaccurately
reported. There are a lot things that come out of
Harrisburg that have problems, as far as I'm
concerned. But I'd be glad to look into it.

COUNCILMAN KENNEY: I'll make a
suggestion that you don't go there. We've got
enough trouble with Harrisburg. Maybe it was
inaccurately typed.

I just have one question relative to
this area, and I'd like to come back again once you
go around. This has to do with the issue of
expulsions over a four-year period, '95-'96,
'96-'97, '97-'98 and now this year. There is
information that's come out of the central office of
the School District that has three categories of
expulsion potential. One is an approved expulsion,

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2 the other students that are not expelled, and then
3 there is this category called pending. In the
4 three years prior to this year, there were no
5 students in the category pending list; there was
6 zero. So, for example, in 1997 there were 104 total
7 expulsions processed, according to the School
8 District; 63 were approved for expulsion; 41 were
9 not expelled; and zero pending. In 1998-99 there
10 were 73 total expulsions processed, 31 approved for
11 expulsion, 10 students not expelled, and 32 pending.
12 Of those 32 pending, 18 of those pending students
13 were in the expulsion process for a gun, a handgun.
14 14 were in the expulsion process for the possession
15 of some type of weapon other than a handgun. My
16 question is what does "pending" mean and are those
17 pending students in the normal student body of our
18 public high schools or middle schools.

19 MR. TISHLER: The reason for the pending
20 category and why they would have greatly increase
21 since 1997 would be simply the federal amendment to
22 the IDEA or the Special Education Law. Prior to
23 1997, a regular ed student doing the type of conduct
24 that would lead to expulsion would simply go in
25 front of the Board for an expulsion hearing. Now,

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2 under the rewording of the IDEA, any student,
3 regular ed with absolutely no indication of any
4 special ed exceptionality can either invoke the
5 protections of the IDEA which would require the
6 student to be evaluated and if the parent disagrees
7 with the conclusion of non-exceptionality, they can
8 go through the entire state hearing process with an
9 ultimate appeal to the District Court or the
10 Commonwealth Court. Even if the parent doesn't
11 invoke it on their own, the wording of the IDEA
12 requires the School District to go through the
13 evaluation process if there was any disciplinary
14 history that might have suggested to anyone at any
15 time that the student had a discipline problem,
16 which again prior to '97 wouldn't have even come
17 under the IDEA. So, again, before the case can even
18 be presented to the Board, there is at least a
19 two-month delay to have the student -- one, to get
20 the parent's permission to have the student
21 evaluated. Two, have the student evaluated and then
22 see if the parent agrees or takes us through the
23 whole special ed due process before it's presented
24 to the Board.

25 COUNCILMAN KENNEY: While I can

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2 sympathize with you on federal mandate. They
3 mandate a lot of things that drive us crazy. Of
4 those children that are pending, 18 of those
5 children, according to this information had used
6 either a knife or a gun or had possession of a knife
7 or gun to put them into that status in the first in
8 the first place to be potentially expelled, and the
9 other 14 had exhibited non-weapon but some violent
10 action that has put them in that category. Of those
11 32 students currently in this school calendar year,
12 where are those kids at every day? Are they in a
13 classroom? Are they in a regular school setting?
14 And who knows about their potential or their
15 situation or their potential for violence?

16 MR. TISHLER: There's two or three
17 answers to that. One, that classification of case
18 you just responded to almost always, unless the
19 student was under 10 years of age, resulted in an
20 arrest in addition to whatever we're proceeding on
21 it. So in many cases they are being held at either
22 the study center, a detention alternative program,
23 house arrest, et cetera. We do have the ability for
24 45 days to move them under the IDEA to a alternate
25 placement like Shallcross, Boone, or Miller while we

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2 proceed on this. But, again, the federal law is
3 such that, again, if the parent chooses to string us
4 out and if the juvenile court does not deem it to be
5 sufficient seriousness to require the student's
6 placement through that proceed, we very well be
7 forced to put the student back.

8 COUNCILMAN KENNEY: Can you find out for
9 me, without giving the names, obviously, because
10 confidentiality is an issue, of the 32 students
11 we're talking about how many today go into a regular
12 classroom, not alternative school, not in the youth
13 study center, not in a detention for any other
14 purpose, but they are going into a regular school
15 building every day?

16 MR. TISHLER: You're talking about what
17 time period?

18 COUNCILMAN KENNEY: As we speak now,
19 this year, this school year -- I'm sorry. Or even
20 now, because a lot of this reporting is a year back.
21 Of those 32 kids that were pending, 18 for weapons,
22 14 for violence, how many of those because of this
23 federal mandate and restrictions are in a classroom,
24 a normal high school, middle school classroom
25 without the knowledge of all the other parents of

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2 all those other students?

3 MR. TISHLER: Thirteen of the pending
4 cases the Board has already expelled this year, that
5 due process was completed prior to their last --

6 COUNCILMAN KENNEY: How many are pending
7 now?

8 MR. TISHLER: Beg your pardon?

9 COUNCILMAN KENNEY: How many are pending
10 as we speak?

11 MR. TISHLER: Fourteen.

12 COUNCILMAN KENNEY: Of those 14, do we
13 have any idea where they are?

14 MR. TISHLER: We can find out.

15 COUNCILMAN ORTIZ: Could you just make
16 it available to us?

17 COUNCILMAN KENNEY: And those who were
18 expelled, are they out of the system now or is there
19 a process after expulsion?

20 MR. TISHLER: Again, that's a rather
21 complicated situation. Under Pennsylvania law, when
22 a student is expelled and assuming they're still of
23 compulsory school age, initially the responsibility
24 for their education falls back on the parent.
25 However, if the parent either demonstrates that they

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2 don't have the wherewithal -- although these days
3 with charter schools and home schooling that
4 shouldn't be the case very often. If they don't
5 have the wherewithal or simply do not act, the
6 School District has one of two options which we take
7 both. One, immediately upon Board action, we notify
8 the juvenile court of the students who are under
9 their supervision who have just been expelled by the
10 Board and we request them to provide an alternate
11 education program, either of a residential or day
12 treatment nature or in the meantime we would have to
13 provide a minimal program which is described by the
14 Commonwealth Court has similar to a homebound
15 program where lessons are sent home and the student
16 receives a tutorial of two to three hours per week.
17 The problem with that, again, and the reason we try
18 to work with the juvenile court is that puts the
19 student on the street either in the neighborhood or
20 in and around the school during the entire school
21 week and not very much under control or supervision.

22 COUNCILMAN KENNEY: Finally, if you
23 could just get me -- what I want to know is of those
24 individuals in the pending category, how many of
25 those are in a regular comprehensive high school

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2 classroom. I'd like to come back. Thank you.

3 COUNCILMAN ORTIZ: We'll be back.

4 Councilwoman Miller.

5 COUNCILWOMAN MILLER: I just want to ask
6 a question regarding, do you send the charter
7 schools information about the child behavior if
8 there's a discipline problem? Because many charter
9 schools are having lots of problems out of children
10 that evidently have a record of misbehavior and
11 violence.

12 MR. TISHLER: Under Act 26, Act 26 has
13 two distinct portions. One is what do you with kids
14 with weapons. The other deals with disciplinary
15 records and retention. Under Act 26, any public
16 school, including charter schools, receiving a
17 student from another public school should and, from
18 what I know for the School District of Philadelphia,
19 does get their disciplinary records as soon as they
20 notify the School District or the school that the
21 student last attended that the student has now
22 enrolled in their program. One of the problems has
23 always been that sometimes receiving schools,
24 whether they be public schools in other districts or
25 newly formed charter schools, never notify the old

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2 school that the student has now enrolled with them
3 so it's a question of not only not getting
4 disciplinary records, they don't get the shot
5 records and they don't get the academic records.

6 COUNCILWOMAN MILLER: I have a student
7 last year at a middle school in my district, an A-B
8 student who was, I guess, in the pending the
9 category. I don't think they wanted to expel her,
10 I'm not really sure, but she brought a knife to
11 school for protection. Girls had threatened her
12 after school the previous day. The principal
13 thought she was a great wonderful student, never had
14 any trouble out of her. However, until they
15 determined what they would do with her, she was to
16 go to Carmen. The mother was very upset, called me.
17 I called the principal. We talked about it. So
18 what we did, to make a long story short, send her to
19 a charter school for eight grade. I'm not sure
20 what's happened to her for ninth grade, but my
21 recommendation was then at that point to keep her in
22 the charter school system.

23 A kid like that, that has never been in
24 trouble before, honor roll student, what types of
25 recourse would the mother have other than to allow

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2 her child to go to Carmen?

3 I know Act 26 has -- I know there's some
4 legalities here, but all kids that are in trouble
5 aren't troublemakers.

6 MR. HORNBECK: That's the kind of
7 exception that principals sometime request, and when
8 they do, we frequently respond affirmatively to have
9 a child that has a good record, this is an
10 aberrational situation and well make some other kind
11 of disposition. It will frequently be the case if a
12 weapon is actually involved that it won't,
13 especially like a real life knife in a high
14 school --

15 COUNCILWOMAN MILLER: This was middle.

16 MR. HORNBECK: Or middle school. It
17 would probably be unusual to keep that student in
18 that school. It would not be unusual to send that
19 student on a lateral transfer to another school.
20 Perhaps in an instance like you described where the
21 young lady apparently said that she was carrying the
22 knife because she was afraid, a transfer to another
23 school could well take her away from the people whom
24 she was afraid of and so that may under certain
25 circumstances be the resolution. But I don't know

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2 the particulars of that. But there are a variety of
3 things that can be done.

4 COUNCILWOMAN MILLER: I have some
5 questions just about the plan or the proposed plan.
6 In the plan you talk about the partnership with
7 community behavioral health and they will be
8 providing programs supports and interventions. What
9 exactly are the program supports and interventions
10 and in what charters?

11 MR. HORNBECK: Most of what that refers
12 to are mental health supports, various kinds of
13 counseling, for example. And in a sustained sort of
14 way we piloted that with the Department of Health,
15 CBH last year in the Olney and Audenried clusters,
16 and this year that will expand, I think I'm right,
17 to six additional clusters. I can get those six to
18 you, but I can't tell you what they are today.

19 COUNCILWOMAN MILLER: I think most
20 people in City Council worried and are just shocked
21 over what happened at Bartram. Particularly, I know
22 I've been on the committee for three years and the
23 subject of a safety plan or emergency plan has come
24 up. I need to ask you, you do have the statement
25 that safety is number one. Is school safety the

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2 number one priority?

3 MR. HORNBECK: It has to be, and it does
4 continue to be. And because if a kid or a parent of
5 a kid or a teacher doesn't have a sense of security,
6 then it diminishes the prospect of good teaching and
7 learning going on. That being said, I wouldn't
8 suggest to you for a moment that the 12,000 teachers
9 and 212,000 kids do in fact have yet entirely that
10 sense of safety. I will say that in the wake of all
11 of this, it's been made clear to me by lots of
12 people, including Dr. Burke, as I suggested in my
13 testimony, that this is hardly a situation in which
14 kids are running rampant throughout the school;
15 they're just not. It's a bad wrap on the schools
16 and what goes inside of them.

17 COUNCILMAN ORTIZ: Superintendent, the
18 tragedy of this hearing here is that we're talking
19 about in essence making schools more like prisons
20 rather than intellectual centers, and that is a
21 troublesome idea to me, that's a troublesome
22 problem. I've always said that I have not seen
23 schools where learning is taking place have
24 discipline problems. And you mentioned Bartram,
25 South Philadelphia, and Olney, and Olney seems to be

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2 having problems in which an environment of safety is
3 needed for the learning in that very troubled school
4 to begin taking place. And I'd like to ask you
5 about -- because I've been getting reports from
6 students and other individuals involved with Olney
7 that students are almost ready to, again, as they
8 did two years ago, do a walk-out because they don't
9 feel safe inside the school and things are
10 happening. And since you mentioned it in the
11 report, I'd like to hear what you're doing about
12 Olney in creating an environment of learning in that
13 school that would prevent students from walking out,
14 that would prevent 1500 kids from being absent daily
15 at Olney that they were currently, and I believe
16 they still are. I don't know if the attendance has
17 gotten any better.

18 MR. HORNBECK: There are three big
19 things that are going in Olney that I think hold for
20 a better future. One is finally toward the end of
21 last year and particularly in June there was a
22 broad-based sort of I'd characterize it as seizing
23 of responsibility, not just accepting responsibility
24 by a broad-based group of people in the community,
25 from the faith community and from others, with both

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2 representatives of PIA and others leading that. And
3 as I said to them on the evening in June, I had not
4 been so encouraged in the last three or four years
5 as I was that night that parents and community
6 people were coming forward. It also included, which
7 I also found really terrific, a group of students
8 from Youth United for Change. That's one piece of
9 it, and they followed through during the summer and,
10 as I think you know, participated very deeply in the
11 process that has identified a new principal.

12 Which is the second thing I would say is
13 that we still have the final checks to do, and we
14 went true some bumps on that as was reported in the
15 press, but the selection of Mr. Johnny Van for the
16 principal-ship there. In fact, even after those
17 bumps was reconfirmed by the community, was
18 reconfirmed by the Home School Association and the
19 site selection committee. And subject to those
20 final routine sorts of checks, Mr. Van who has had a
21 successful record in turning around other high
22 schools will be the principal.

23 The third thing that has gone on there
24 is the selection this summer of a very strong new
25 cluster leader there whose background is running a

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2 successful high school. And Carlos Lopez is
3 bringing a kind of leadership to that effort that I
4 think holds great promise for the future of Olney.

5 So those three things coming together, I
6 think, I hope, will paint a different future than
7 the one that has characterize Olney for the last 10
8 or 15 years.

9 COUNCILMAN ORTIZ: Thank you.

10 COUNCILWOMAN BLACKWELL: Mr. Hornbeck,
11 would you ask or direct someone to fax us another
12 copy so we have it on the record of the information
13 listed on the poster for health emergencies so that
14 we may that by the end of the day?

15 And No. 2, I wanted to ask a follow-up
16 question on these able academies. We've been
17 talking about discipline schools in terms of -- now,
18 the one in my area, 49th and Wyalusing, works and I
19 hear a lot of positive feedback from the community.

20 Councilwoman Verna and I visited one,
21 and it's been one of her main issues since they were
22 formed two years ago at the Christian Street Y that
23 was not working. So we would like to know what the
24 follow-through on that. I know that able academy
25 students were to be removed from class for generally

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2 one report period and then go back. Obviously, at
3 least at that location, those students would not
4 have been prepared to go back after one semester.
5 There was not the content of course work. It was
6 basically trying to stop students from killing one
7 another and the quietest one, trying to put her
8 charge of the others. There was no way that they
9 could leave a program, go back with any level of
10 continuity and be able to continue on their school
11 year. Have you had follow-through examinations of
12 the able academies and what are they?

13 MS. HARRIS: Pat Harris, Executive
14 Assistant to the Chief of Staff.

15 Last year we did an intensive review of
16 all the able academies and from that we made
17 recommendations to the Superintendent and also to
18 cluster leaders. Part of the problem has been in
19 the last four years the inability to get folks who
20 are, number one, qualified to do with this kind of
21 youngster; and number two, those willing to take on
22 this kind of responsibility. We are seeing a large
23 range, a wide range of a different kind of a problem
24 now that appears to be more mental health related
25 than perhaps is identified as a learning problem.

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2 And what has resulted is that we probably have not
3 provided the kind of support and professional
4 development that the staff in those facilities
5 needed to stay abreast of the best practices in the
6 area of instructional strategies that they need to
7 best intervene and then prepare the youngsters to
8 return to the setting school.

9

Another major piece that has been
10 missing probably we put able academies in place is
11 the ability to provide the psychiatric and
12 psychological support along with some real human
13 service type needs.

14

So a part what we've recommended is the
15 creation of what looks more like a mental health
16 educational model in those sites. And as a result,
17 what we're doing this year is forming partnerships
18 with outside organizations to bring in those, not
19 only psychological, psychiatric wrap-around medical
20 social service type resources before the youngster
21 is then assessed and returned to the sending school
22 or similar kind of school.

23

Another area that we were probably
24 deficient in was actually doing a qualitative and
25 comprehensive intake process for these youngsters.

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2 So that what was happening was we were removing the
3 youngster because they were problematic an in a
4 school and actually just holding youngsters for
5 three months or in some cases four months or longer
6 and without really looking at reading levels, math
7 levels, trying to get really a true psychological
8 assessment of where a youngster was at that
9 particular time and developing an individual
10 behavior plan and educational plan for those
11 youngsters so that both plans were implemented
12 simultaneously over a three- or six-month period
13 with some kind of assessment at the end of that
14 intervention before returning the youngster to the
15 school.

16 So we are very aware that what you
17 describe exists at a couple of the able academies,
18 and it is our intention this year to develop a
19 comprehensive professional development plan, which
20 was started actually in last May, in addition to
21 bringing in the kinds of services that we need in
22 these sites.

23 COUNCILWOMAN BLACKWELL: Thank you. I
24 would say, Mr. Hornbeck, that we've had many
25 discussions in here about working with the mental

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2 health consortium. We've had discussions here about
3 the -- when we listed, I believe it was 10
4 alternative health agencies or other agencies who
5 came in to supplement and compliment the nursing
6 staff of the school and we found that was very
7 successful because students were telling them about
8 bad home situation, about abuse, about violence, et
9 cetera, et cetera. And you made the commitment that
10 you would extend those programs. That conversation
11 has never come up again. We've had the discussion
12 many times, I've said over the period in my opinion
13 we have four groups of students in one class. We
14 have those who are mentally or he emotionally ill;
15 that's one grouping. We have another grouping who
16 are angry or they had bad day or they're worried
17 about getting school and they're afraid, all of that
18 who are having bad time that day. We have a third
19 group which the School District has never adequately
20 dealt with, and that is those who are on ritalin,
21 prozac, and other behavior altering drugs which the
22 Board denies in real numbers as to what that issue
23 is, Councilman Kenney. And then the fourth group is
24 just the, quote unquote, normal kid that we were
25 when we went to school and that's in a classroom.

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2 And until we adequately and realistically address
3 this grouping, we are going to have a problem
4 getting special teachers because they don't know
5 what they're going to be able to work with when they
6 come to class. They want to teach, but they don't
7 know who they can teach, how they can teach, and
8 what level the kids on. If you have children junior
9 high school who are reading on third or fourth or
10 fifth grade level and you're teaching eight grade
11 class, how do you deal with all those groupings?
12 There are a lot of basic questions here that we're
13 not addressing and we all know these are real
14 issues.

15 Finally, let me just say that we are
16 very cognizant of the world we live in and the
17 social issues that face us. We only ask that the
18 School District, and we have a right to expect, that
19 you have a plan for children. We know you can't
20 implement everything, but there's no real plan and
21 that's the disappointment of it all. You're
22 supposed to plan, you're supposed to try to make our
23 children safe, you're supposed to try to educate
24 them, you're supposed to try to give them a good
25 life. And we are here asking all of these questions

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2 because you haven't shown us that you have a plan to
3 take care of the all the children in the school
4 district, and that is the sad part, that is the
5 sorrow of it all. Thank you.

6 COUNCILMAN ORTIZ: Councilman Kenney.

7 MR. HORNBECK: May I make a comment,
8 please? I respectfully disagree, Ms. Blackwell. In
9 fact, not only do we have a plan, it is the most
10 comprehensive plan in any school district in
11 America. And not only that, but we've got the
12 evidence that in fact it is working in the principal
13 areas that school districts are supposed to work,
14 and that is that kids can read and do math and do
15 science increasingly better and better for the most
16 part than any other school district of any size or
17 diversity in this country. I can't leave dangling
18 out there that sort of observation about either the
19 central office or the clusters or our teachers or
20 principals. The work of the teachers and principals
21 of this system over the last four years have in fact
22 produced goods on the bottom line. And it is in
23 fact recognized nationally. Moreover, it was
24 recognized within the last 24 hours even within the
25 state. I'm sorry that that's not the subject of

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2 resolution or a hearing here that 57 percent of
3 Philadelphia schools will be receiving cash awards
4 from the State because of the improvements in
5 academic performance and attendance, and that
6 represents 27 percent of all the awards in the
7 entire state. So we can leave it at the fact that
8 we disagree about it, but the notion that we don't
9 have a plan for all of the kids and in fact that
10 plan is not working is not borne out by the facts.

11 COUNCILWOMAN BLACKWELL: Certainly, we
12 do disagree on that point. We have wonderful
13 schools. I have grandkids who go to many them from
14 Cappa on down to elementary schools. But we do not
15 have plan to reach those kinds at the very, very
16 bottom of the level in some of our poorest urban
17 schools where you can't go in a bathroom and find a
18 clean place to use the facilities, you can't wash
19 your hands because all the faucets are broken, you
20 can't do these things. And to bring it to another
21 level, I'm now Finance Chair, not Education Chair,
22 and I will say that we meet in my area, part of my
23 area is University City. The University of
24 Pennsylvania, as you know, we've had meetings with
25 you about building a new school. They have to build

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2 that school because in one neighborhood, Spruce
3 Hill, our home ownership was down to like 3 percent
4 because of the fact that our schools were so poor.
5 Now, whether or not we have good schools affects our
6 base, it affects folks moving in our city, it makes
7 people leave our city, and it's not the moral thing,
8 the right thing to do and the issue for which you
9 have a responsibility, but it also affects the very
10 survival of our city. We've got to have a plan and
11 one that pulls those schools at the bottom up as
12 well as maintains those great schools like the
13 Cappas and Centrals and Girls High, and the
14 Mastermans and Lambertons that are already doing
15 fine. And with that, I say thank you and I'm
16 finished.

17 COUNCILMAN ORTIZ: Councilman Kenney.

18 COUNCILMAN KENNEY: Thank you very much.

19 I want to go back again to some of the issues of
20 reporting and incidents of violence. According to
21 the Daily News, in your statement given October 12,
22 1999, it was reported 905 incidents of students
23 possessing a weapon were reported to the
24 Philadelphia Police Department. Of those instances,
25 how many students were in fact expelled?

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2 MS. HARRIS: You said 1995?

3 COUNCILMAN KENNEY: No, this is October
4 12, 1999. The Daily News reported that, and the
5 statement issued by Dr. Hornbeck was reported that
6 905 incidents of students possessing a weapon were
7 reported to the Philadelphia Police Department. I
8 would imagine the last year. Of those incidents,
9 how many students were expelled? I think this is a
10 statement you gave at Bartram.

11 MR. HORNBECK: I made it just an hour
12 ago.

13 COUNCILMAN KENNEY: I'm sorry, today's
14 date.

15 MR. HORNBECK: I'm just looking for --
16 905 last year, so that must have been '98-'99.

17 MR. HORNBECK: It's the same 905,
18 whoever it was reported to.

19 COUNCILMAN KENNEY: And how many of
20 those were expelled?

21 MR. HORNBECK: Last year, I guess that's
22 '98-'99. Something in the neighborhood of -- let us
23 send you that, Councilman Kenney.

24 COUNCILMAN KENNEY: Okay. On January
25 1999, it was reported that a student pulled a .22

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2 caliber automatic pistol out in class and pointed it
3 at another student at Bartram High School. The
4 teacher quoted in the report was Beverly Beck. Is
5 there any way to found out how the situation was
6 dealt with, where the student is now? And
7 considering the fact that on January 13, 1999, we
8 had a student pull out a .22 semiautomatic in class,
9 would that not have indicated the need for metal
10 detectors immediately as opposed to -- maybe we
11 should have moved the one we moved out of Shallcross
12 to Bartram if in fact kids were actually pointing a
13 gun out in school prior to this incident with the on
14 vice principal.

15 MR. HORNBECK: We can find out. What
16 day was the incident?

17 COUNCILMAN KENNEY: January 13, 1999.

18 MR. HORNBECK: At Bartram?

19 COUNCILMAN KENNEY: At Bartram.

20 Potentially, we had an incident that indicated that
21 there was a weapons problem, or at lease one weapon
22 problem in that particular school months before the
23 incident that almost ended the life of a vice
24 principal.

25 MR. HORNBECK: That was one of the seven

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2 high schools that year. It was no doubt one of the
3 factors that was taken into account when we decided
4 to have Bartram be one of the places that we put
5 metal detectors.

6 COUNCILMAN KENNEY: From January '99 --
7 we went through this about the delay, but January
8 '99 through September '99 is quite some time.

9 Could you tell me what a special ed
10 student is and what qualifies a student as a special
11 ed student?

12 MR. HORNBECK: Well, under federal law,
13 a special education student is a student who has a
14 disability and that disability gets in the way of
15 his learning.

16 COUNCILMAN KENNEY: Any disability? My
17 non-professional understanding of a special ed
18 student is a student who is confined to a
19 wheelchair, a student who has a visual impairment, a
20 hearing impairment, a mental impairment towards
21 learning. What other types of special ed students
22 are there? Could you look at a student be able to
23 tell whether or not that student is a special ed
24 student.

25 MR. HORNBECK: Just by observing?

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2 COUNCILMAN KENNEY: By observing a
3 student in classroom.

4 MR. HORNBECK: No.

5 COUNCILMAN KENNEY: What qualifies or
6 classifies a special ed student?

7 MR. HORNBECK: I'm not sure you included
8 emotional disturbance in your categories. If you
9 did, then --

10 COUNCILMAN KENNEY: No, I didn't.

11 MR. HORNBECK: Well, then that's one
12 thing. There is a very large number of students
13 that sort of are normally referred to as kids with
14 learning disabilities. Dyslexia is probably the
15 best known one of these and that has to do with the
16 way the brain processes information and you can't
17 tell -- who was it, Roosevelt who was Dyslexic? You
18 couldn't tell that he was disabled. But there was a
19 second part to the definition which is real
20 important and that is that the disability actually
21 gets in the way of learning. Sometimes it doesn't
22 get in the way of learning and so they're not a
23 special ed student.

24 COUNCILMAN KENNEY: A student who
25 displays outrageous behavior in the classroom or who

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2 acts out, screams out, gets up and walks around,
3 disrupts the classroom, is that generally
4 categorized as a special ed student?

5 MR. HORNBECK: Not because of that.

6 COUNCILMAN KENNEY: Is that not an
7 emotional type of problem that would classify or
8 potentially classify that student as a special ed
9 student.

10 MR. HORNBECK: The student might be a
11 kid with a disability, but it may be that he's just
12 a bad kid, too.

13 COUNCILMAN KENNEY: What happens when a
14 special ed student brings a weapon to school?

15 MR. HORNBECK: That falls under those
16 categories that Mr. Tishler was referring to. The
17 law provides, and you guys correct me if I'm wrong,
18 that if the behavior of a student, whatever the
19 infraction is, is determined to be the consequence
20 of the student's disability in contrast to being
21 just a bad kid, then that student is accorded
22 certain protections and he can't be expelled and he
23 has to be provided for in some programmatic manner.

24 COUNCILMAN KENNEY: Who makes that
25 decision?

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2 MR. HORNBECK: In the first instance,
3 school personnel do. If the parents agree with the
4 decision of school personnel, then that's the
5 decision. If the parents don't agree, then there is
6 a due process procedure that can in fact ultimately
7 end up in court. And I think I'm right that there
8 have been instances in which the Court of Appeals
9 and maybe even the Supreme Court has made those
10 decisions.

11 COUNCILMAN KENNEY: But are school
12 personnel qualified to make a decision on whether or
13 not that child should be classified as a special ed
14 student?

15 MR. HORNBECK: Absolutely. That is who
16 is qualified to do it.

17 COUNCILMAN KENNEY: Who makes that
18 decision? Is there a school psychiatrist or
19 psychologist?

20 MR. HORNBECK: Psychologist.

21 COUNCILMAN KENNEY: In every school?

22 MR. HORNBECK: Not in every school, but
23 it is a psychologist that most often is the moving
24 party in doing certain psychological evaluations.
25 There are other school personnel that are involved

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in determining program placement, but the
psychologist is a key person.

COUNCILMAN KENNEY: But predominately or
primarily based on the opinion of that particular
psychologist of this individual that is creating a
disturbance or in fact brings a weapon or in fact
creates a violent incident, that particular
psychologist could determine whether or not that
child is going remain in that classroom setting and
whether or that disruption and violence and
potential is going to continue in that building?

MR. TRENT: Bernard Trent, I'm the
Safety Advisor for the School District, I'm also a
psychologist.

The answer to your question is it's a
team decision, and that team is supposed to collect
data and undertake what's called a nexus inquiry
manifestation determination. The law also provides
for removal of that student if he or she presents as
an immanent threat to health, welfare, safety of
self and others to an alternate placement for 45
days, during which time the School District supposed
to initiate due process to make that placement
permanent. So there is a mechanism and place for

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2 removal of those types of students.

3 COUNCILMAN KENNEY: Theoretically, that
4 team approach is applied to a student who has
5 brought a gun to a school or who has created a
6 violent incident or assault on another student, and
7 that team decides that child is a special education
8 student or should be classified as one. The
9 potential exists that that student would remain in
10 that school in that class in the vicinity of the
11 child he or she assaulted with the student body and
12 the teachers that he or she may have pulled a gun on
13 and nothing can be done in that?

14 MR. TRENT: No, theoretically, no, that
15 should not happen. As I indicated, the way the law
16 is written now, if in deed that student presents as
17 a threat although he or she is special ed, they can
18 be removed for 45 days. During that 45-day period,
19 the school is supposed to undertake or initiate due
20 process to either make the placement permanent or,
21 as I indicated, to definitely make a determination
22 as to whether the program was appropriate. But the
23 student can be removed from the school.

24 COUNCILMAN KENNEY: But the student can
25 be returned to the school?

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2 MR. TISHLER: Ultimately yes, and the
3 1997 amendment to the federal law significantly
4 increased that as a possibility.

5 COUNCILMAN KENNEY: Could we get some
6 information on the last year how many of those
7 individuals who went through this process were
8 evaluated, were put into 45-day alternative setting,
9 were returned back to either the school where they
10 created the incident or to another comprehensive
11 high school or middle school without the knowledge
12 of the staff and other parents and student body
13 about what it is that kid was being transferred
14 there for?

15 MR. HORNBECK: Yes. The answer is yes.

16 COUNCILMAN KENNEY: Let me tell you my
17 concern. My concern is is that the federal
18 government has created this special education
19 classification that has gone far beyond what any of
20 us would normally would understand to be special
21 education or students with disabilities, far beyond
22 that. There are behavioral issues, other types of
23 issues that create disturbances and potentially
24 cause violence in the school. What I'm concerned
25 about is if that individual has exhibited that

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2 violence, simply because of the over-parameter
3 protections of this special ed classification, this
4 individual could potentially be put back into a
5 classroom with someone's children, with our
6 children, without having any of the necessary
7 precautions that could create potentially another
8 violent incident with a gun, with a knife, with a
9 weapon or with some physical assault.

10 And one of the things that Councilperson
11 Blackwell is talking about is that people having
12 confidence in sending thier kids to the public
13 school system or staying in Philadelphia because of
14 their public school or educational choices, that
15 kind of situation is intolerable. Now, you may say,
16 and I understand if you do, that the federal
17 government is in some way put this our backs. But I
18 got to believe there must be some way within this
19 system that we can identify these young people and
20 remove them from our midst within those
21 comprehensive schools and middle schools so that we
22 can create a safe environment.

23 I haven't agreed with a lot of what Dr.
24 Hornbeck has said today or otherwise, but I will say
25 one thing, this is small group of people that are

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2 causing this problem. The overall number of
3 children in or schools are good, decent,
4 hard-working kids of various levels of ability and
5 achievement. But they will not ever achieve and
6 cannot ever achieve if a small group of disruptive,
7 violent psychotic people are permitted to stay in
8 those buildings threatening staff, intimidating
9 students and creating havoc.

10 Now, federal guidelines, federal
11 policies, federal laws aside, there's got to be a
12 way we can work our way through this, know who these
13 people are and remove them in a permanent way. And
14 whether they have to go to -- when I was a kid,
15 Daniel Boone, whether they have to be transferred
16 out to Glen Mills, whether they have to go to some
17 form of a prison, I don't really care. All I know
18 is unless we can remove these children from this
19 system, we're never going to engender any confidence
20 in it with anybody.

21 COUNCILMAN ORTIZ: Thank you,
22 Councilman. Just a few more. I think Councilwoman
23 Miller has a request for information.

24 COUNCILWOMAN MILLER: Yes, I do. In the
25 information packets that were forwarded to this

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2 committee, both committees and its members, I am
3 requested a description of terms like wrap-around
4 and are children that receive wrap-around services
5 in regular classrooms or are they separated in
6 another classroom?

7 But I think we just can't assume that
8 acronyms that are used in your everyday language
9 people here understanding. And the type of child
10 that would be -- I'm just using wrap-around as an
11 example -- that would be assigned a wrap-around
12 person.

13 Also, I'd like to know more about the
14 Houston project. I read it in the paper. I'd
15 really like to get some information on that. And I
16 actually went into the internet -- I'm teaching
17 myself how to use the computer -- to try and
18 find information on the Houston project, and I guess
19 I couldn't find it. But isn't that the disciplinary
20 project that you want to use here in Philadelphia?

21 MR. HORNBECK: Yes.

22 COUNCILWOMAN MILLER: That's all I want.

23 COUNCILMAN ORTIZ: And according to the
24 resolution and YOUR testimony is more or less a
25 detailing of programs that are currently within the

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2 district. The resolution calls for a plan, a plan
3 that you can submit to the committee that details
4 what steps are taking place and so on down the line
5 to ensure, as it says, to guarantee the safety of
6 all school children. And if you can have a
7 narrative of that plan put together and sent to us
8 within two weeks, we would really appreciate that.

9 MR. HORNBECK: I will try to do that.
10 It will be partial at that point because the work
11 with Mr. DiBerardinis and Mr. Timoney will not have
12 been completed by then, but we can certainly give
13 you a paragraph on each of the things that we're
14 doing and how we're doing it and together that in
15 fact is our plan for safety in the schools.

16 COUNCILMAN ORTIZ: Well, once we get
17 that detailed plan -- if you need time, can you tell
18 me how much more time you need? We would like to
19 have a hearing in order to discuss the plan as it's
20 detailed by you, Commissioner Timoney and Mike
21 DiBerardinis and so on and go over that. I don't
22 want to get a plan that is not complete.

23 MR. HORNBECK: Well, my guess is that it
24 will be probably the second week or so in November
25 before Mr. Timoney and Mr. DiBerardinis, Ms. Post,

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2 Judge Pinto and I get together. I don't know what
3 they're going to suggest. I can tell you by the end
4 of the November what the process will be. One of
5 the things, for example, that I hope that the
6 Commissioner may well want to do is a kind of
7 security audit of schools across the city. And if
8 he thinks that makes sense, then I would be able to
9 tell you that that's what we're going to do, but I
10 would not probably until much later than that to be
11 able to --

12 COUNCILMAN ORTIZ: We do not expect
13 that, but if you can do that, I think the committee,
14 Ms. Miller and I will appreciate it. We would make
15 it accessible to the record.

16 Councilman Kenney, you have one last
17 point?

18 COUNCILMAN KENNEY: I'd also like to
19 recommend that until we receive this report in its
20 comprehensive form, there has been plans, I believe,
21 to do some type of transfer ordinance through the
22 Appropriations Committee as we have done annually
23 for \$15 million to the District. I would like go
24 perhaps discuss the opportunity of putting some
25 strings upon those dollars to be used directly for

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2 the results of what this audit and what the
3 recommendations of the audit would be to ensure that
4 a portion of those dollars at least would be used to
5 provide all the necessary equipment, training,
6 staffing that is necessary to ensure that we have
7 safety within those schools. Now, I recognize our
8 charter issues, but if you want the 15 million,
9 perhaps we can get some side agreement that this
10 money will be used to totally and comprehensively
11 staff and supply our schools, all of the, were the
12 necessary equipment and training necessary to keep
13 them safe.

14 I mean, I think I voted in favor of the
15 additional appropriations all but at one time and I
16 would I would feel better at least personally if I
17 knew a portion of that money were going specifically
18 to be used to keep our kids safe.

19 COUNCILMAN ORTIZ: I think, Councilman
20 Kenney, that presents all sorts of charter issues.

21 COUNCILMAN KENNEY: I'm looking for an
22 agreement, that's all.

23 COUNCILMAN ORTIZ: We will ask the
24 Commissioner, the Superintendent, and the City
25 Solicitor.

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2 COUNCILMAN KENNEY: I want to be on
3 record.

4 COUNCILMAN ORTIZ: Superintendent, I
5 would expect that that plan towards the end of
6 November we would have that, and soon right after
7 that we will schedule a hearing of this joint
8 committee, all right?

9 MR. HORNBECK: Yes, sir. Thank you very
10 much.

11 COUNCILMAN ORTIZ: The Committee on
12 Education and Public Safety on Resolution 990650
13 stands at recess to the call of the chair.

14 (Council adjourned at 4:15 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of October 21, 1999, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON EDUCATION and PUBLIC SAFETY

Lisa C. Bradley, RPR
and Notary Public