

## Advocates call for review of District expulsion process

by Dale Mezzacappa

About a quarter of students initially referred for expulsion by their schools since August 2009 were not ultimately expelled by the School Reform Commission, according to an analysis of 13 months of data by the [Education Law Center](#) (ELC).

And the rate of rejection is going up. Since April, more than one-third of the cases brought to the SRC did not result in expulsion.

During the 13-month period, 76 of 324 students referred for expulsion were not expelled. Because of confidentiality restrictions, it is unclear in how many cases the decision not to expel was made by the School District's hearing officer and ratified by the SRC and in how many the SRC overturned the hearing officer's recommendation.

Still, the reversals point to the possibility that schools are recommending students for expulsion without learning enough about the circumstances of the incident, or that the District's zero tolerance discipline policy leaves too little discretion to school administrators and hearing officers in the earliest stages of the process.

"I think that what's happening is everybody is becoming much more conscious of the process and its direct impact ... for children," said SRC member [Johnny Irizarry](#). "It's happening both at staff level and most definitely at the SRC level."

A coalition of advocacy groups called Community Responses to Zero Tolerance, which includes ELC, has been asking the SRC to review its [expulsion process](#), if not the entire [zero tolerance approach](#).

Irizarry said in considering expulsions, the commission is trying to walk a "fine line" between keeping schools safe for all students and teachers and not ruining too many educational futures.

"You could have a tumultuous teenage life and become president," Irizarry said. "We're looking

at how legally can we do things so young people's lives are not totally destroyed by this. ... We're trying to take steps to humanize the process."

The zero tolerance policy requires schools to refer a student for expulsion for any "level two" violation of the code of student conduct, which includes acts of violence and possessing drugs or a weapon in school, even if the weapon is not used. The definition of weapon is very broad and can include art supplies such as scissors.

Reacting to high-profile incidents and concern about inconsistent discipline, Superintendent Arlene Ackerman in 2008 revived the District's expulsion policy at the urging of the state's former safe schools advocate and with the full support of Mayor Michael Nutter.

But the recent task force on Latino and Black males that was led by Irizarry and SRC chairman Robert Archie raised questions about whether zero tolerance has been effective in curbing violence and whether it is fair to students. It recommended more use of proactive discipline policies that set clear behavioral norms and create a climate of respect in the school, including Positive Behavior Supports and restorative practices.

Irizarry said that the task force was not asking for the zero tolerance to be abandoned. "Bringing a gun or a knife into school, and assaulting another child to the point of sending them to the hospital, we can't say it is just a little mistake of youth," Irizarry said. "But we have to provide interventions. And many of our schools are not set up for intervention."

Each student who is referred for expulsion goes through an informal transfer hearing, required to take place within 10 days, and then a more formal hearing on whether or not to uphold the expulsion, for which there is no set timeline. At one time, the time lag was as long as six months.

"The time from when a student is charged with an alleged expellable infraction to a formal hearing and eventual SRC vote still commonly takes over two months," the Community Responses to Zero Tolerance coalition wrote to the SRC in September. "Too many of these 76 students languished in disciplinary schools for months waiting for this decision" overturning their expulsion.

The coalition's letter also said that the District has been slow to seriously adopt some alternative approaches, like Positive Behavior Supports. PBS trains teachers and administrators to look for trouble spots in the school and intervene with students before their behavior gets out of hand. Restorative practices involve having students reflect on their misbehavior and make amends for the damage their actions cause.

Irizarry said tinkering with the policy is a "delicate issue."

Zero tolerance is politically popular, regarded as a needed method to remove bad actors from schools for the sake of everyone else. However, both in Philadelphia and nationally, evidence is scant that the policy reduces the number of violent incidents and makes schools safer.

"Reading these cases for the past year and a half has shown to me how complicated this stuff is also how we can find much better humane alternatives if we listen to the research," Irizarry said. "We need to engage students, create school based programs that empower them, and train adults how to become more trusted by students."

Both Irizarry and Commissioner Joseph Dworetzky said that studying expulsion cases consumes a hefty percentage of the time they spend on School District work.

“We spend more time than any of us would like to spend on this issue,” said Dworetzky, an attorney. “I think we have to continually look at the whole process of expulsions.”

In considering the cases, Dworetzky said, “We owe a duty to students for school to be a safe place for them, and if somebody committed a weapons or a violence violation that puts others in an unsafe position, it’s important to address that. At the same time, we all have a really strong sense of trying to do the right thing for the individual. We’re dealing with kids, particularly as they are younger, what they do in a given situation can easily be the kind of mistake they can get past, and we might be reluctant to do things that can have long-term consequences.”

To mitigate these consequences, the SRC has adopted a policy that spells out a process for expelled students to be readmitted to school and for their record to be expunged.

Dworetzky also said he was encouraged that the alternative schools set up to take in some expelled students, Philadelphia Learning Academy North and South, have good programs. About 20 percent of students whose expulsions are temporary rather than permanent want to stay there when they are eligible to return to regular District schools, he said.

Advocates pushing for change in the policy say that they are not asking for schools to downplay bad behavior.

“We want schools certainly to take misbehavior seriously,” said ELC attorney David Lapp, “but to have more focus on preventative measures, like creating schools that kids want to be at.”

Last March ELC released a report on the vast alternative education network for disruptive youth that has grown up in Pennsylvania over the past 15 years. It noted that there has been little data collected about whether students who cycled through these alternative schools ever graduated or wound up in the criminal justice system.

## About the Author

Dale Mezzacappa is the *Notebook*’s contributing editor.

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