



**Testimony Presented to the
Senate Veterans Affairs and Emergency Preparedness Committee
and the Senate Education Committee**
Presented by
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Good morning, my name is Joseph Zupancic. I serve on the Board of Directors of the Pennsylvania School Boards Association (PSBA) and on the Canon-McMillan Board of Education in Washington County where I am also the Assistant District Attorney. On behalf of the PSBA and the Canon-McMillan Board of Education, I appreciate this opportunity to speak before the committees today regarding school safety and the diverse types of safety issues school districts must address.

Findings of the Safe School Initiative Study of Targeted School Violence.

The shock and fear generated by the recent succession of school shootings and other violent acts in schools have led to intense public concern about the danger of school emergencies – and rightly so. PSBA believes it is critically important for school boards and its school leaders to respond to all threats swiftly, responsibly, fairly and sensitively, and with an understanding that all threats are not equal. Preventing injury of our students is not only an ethical responsibility; it is also a legal obligation.

Without question, children need to feel safe in order to be attentive in school and to achieve academically. It is our responsibility as school board members to effectively govern our school districts so that our schools remain safe and that children may learn without fear of danger. There is no-one-size-fits-all solution to providing safe school environments, and I intend to outline for you my experiences locally in the Canon-McMillan School District, the plans PSBA has been actively pursuing, as well as initiatives that legislators could support in order to benefit all public schools in the Commonwealth.

Schools must address both internal and external threats.

Protecting our students means that we need to consider external factors, such as people and natural, structural, technological, and other disasters that come from outside of our school community bringing harm to our students, teachers, and administrators. Conversely, it is also necessary for districts to counteract internal threat factors such as school climate, bullying, student violence, child abuse, and adult perpetrators of abuse crimes within our schools. Combating these threats involves an array of tactics including conflict resolution, emergency planning and preparedness, school building access control, and safety training for both students and personnel, among many others.

As school district leaders, it is our responsibility to consider all threats that may endanger the people in our schools and have a well-crafted, vetted and practiced plan to mitigate, avert, or delay such threats. Because the scope of threats that districts face are so diverse, PSBA supports a proactive “All Hazards” approach to emergency planning and advises school districts on risk management using

a Deter, Detect and Delay strategy to school threat assessments and crisis events. Deter, Detect and Delay is an effort to strike a balance between preparing for the unthinkable horrors that could possibly unfold in schools without giving way to unreasoned fear. The three-pronged approach includes:

- 1. Deter:** Detering threats involves providing counter-measures such as policies, procedures, technical devices, and controls to defend against attacks, intruders, and unauthorized individuals. Districts can deter incidences through building access control, including closed-circuit television, video monitoring, intercom systems, access-controlled door systems, a designated single entrance including removing external hardware from all other entrance locations, double door locks, classrooms with internal locking doors, clear display of photo identification on the person of all school district personnel, visitor sign-in and photo identification, creating “natural” furniture barriers, established escaped areas, and updated memoranda of understanding with local law enforcement. Deterring violent or natural crises also involves holding intruder and other emergency drills beginning with the start of the school year and at regular intervals throughout the year so that students and personnel become very familiar with the plan and procedures in place. There are several entities that offer resources to districts, including the Pennsylvania State Police which provides free Risk and Vulnerability Assessments and the Center for Safe Schools.
- 2. Detect:** The second component of detection includes monitoring potential failures or breakdowns in protective mechanisms that could result in security breaches. Virtually every school attacker, student or terrorist, conducts extensive reconnaissance of his or her target. S/he will analyze the availability of ingress and egress points. Questions will be asked about the site's security preparations. S/he may photograph and/or sketch the vicinity. To this end, PSBA has identified areas of importance in detecting these potential failures, including identification of all individuals requesting access to school district buildings, panic and alert systems in several locations, utilization of the Certified Worker Safety Committee for enhanced hazard inspections, review of administrative policies and procedures with Risk Management personnel (a service provided by PSBA to over 300 school districts that are clients of insurance services), development and implementation of an effective warning program, providing safe haven communication channels for students and community members to report potential dangers without fear of repercussions, and protected communication for use among school officials. Although this component can appear on the surface to mostly address a human intruder situation, it can also be applied through the perspective of other situations such as escalating conflict or disasters where weaknesses in building or school property infrastructure would decrease the safety of those on school property during such an incident.
- 3. Delay:** The third prong of the approach, delay, is necessary in the event of a breach of security, to slow down intruders or postpone other danger and damages long enough to allow a security team to respond. Hardening the target with lock-down procedures, finding areas of refuge, and, in many instances, avoiding the urge to evacuate, thus creating an easier mass target or exposure to unsafe environments are ways to delay danger until emergency responders arrive. School districts should be sure to consider internally locked doors, barricades, safety and intruder drills, and designating multiple employees to contact emergency personnel.

In addition to this proactive planning for school districts, last year the Pennsylvania State Board of Education developed and adopted Chapter 10 Safe Schools regulations to incorporate safety measures associated with emergency preparedness and effective relations with local law enforcement officials. PSBA's Policy Services will soon issue to its members new and revised policies and administrative regulations encompassing the following:

1. Weapons and terroristic threats relating to notification of the local police department;
2. Annual requirements for assembling information required to assist local police and fire departments and immediate deployment of such information to the Incident Command Post in the event of an emergency;
3. Provision of the school entity's Emergency Preparedness Plan to each local police and fire department;
4. The Memorandum of Understanding with each local police department, which is required to be reviewed and updated on a biennial basis;
5. Emergency and nonemergency response and preparedness; and
6. Provision of the school's procedures on behavior support services for students with disabilities to each local police department.

PSBA firmly believes that school districts are vastly different throughout Pennsylvania in their security needs and, therefore, the best approaches to school safety must often be determined at the local school district level. All school districts in the Commonwealth are encouraged to adapt PSBA model policies to their specific district needs. Implementing proactive security steps that school districts, in coordination with trained risk assessment and law enforcement professionals, is critical for school districts to do, not merely from a risk management perspective, but because of genuine care about maintaining schools as the safest environment for children to learn and grow.

Often, the school districts that are best prepared for a crisis event are the ones who have formed strong partnerships with community police, fire departments, EMS and other responders. These first responders train in school buildings after hours, require new employees to walk the school buildings as part of training, are involved in constant dialogue with school districts regarding safety planning, participate in annual live-action training drills in schools, and have access to important security information about school buildings and those inside. To exemplify this, some school districts partner with local police to ensure that police laptops are wirelessly connected to school security cameras. These strong partnerships require constant, proactive communication, but come at little or no added cost and have proven to be particularly effective in preparing for the events we hope never occur.

Legislative Solutions:

Amid the understandable sorrow in the aftermath of the recent school violence events, educational leaders, parents, and lawmakers must work together on solutions, some of which require action by the General Assembly. PSBA wants to emphasize that it has not taken a position on gun control and that its solutions focus strictly on school-based safety. With that in mind, we would suggest the following for your legislative consideration:

- 1. Ensure that school districts can enhance, upgrade or install appropriate safety and security measures.** Many schools across the Commonwealth are in need of physical updates and repairs to secure their schools. Many of these school districts are simply unable to afford school construction projects. Reports from Saucon Valley School District show that installing

a double door entryway for their elementary and middle schools would cost \$200,000, and that cost would double if they opted for bullet-proof glass. The cost of security projects is complicated by a low Act 1 base index this year of 1.7% and by the fact that a PlanCon construction moratorium has been implemented.

- 2. Upgrade the Professional Educator Discipline Act.** School districts want to ensure that the people they hire exhibit professional conduct that shows no history of those activities to which none of us would want our children subjected. In another effort to provide further protection within our school buildings, PSBA is working with both House and Senate members of the General Assembly and the Professional Standards and Practices Commission (PSPC) to strengthen the Professional Educator Discipline Act. This legislation will address misconduct by certain school staff, including expanding mandatory reporting to PDE to include all educators who resign following an allegation of misconduct, shortening the time period for mandatory reporting to PDE, and other good policy provisions. This legislation will provide increased safeguards for students by widening the circle of responsibility for removing abuse offenders from classrooms and PSBA supports its intention. We ask that you move this important legislation.
- 3. Require all school employees to report all arrests.** In order to maintain student safety with current school personnel, it is important to address the Public School Code as it applies to current employees and their responsibilities to report misconduct or crimes outside of school. Currently, Section 111 of the Public School Code only requires school employees to report arrests or convictions for certain enumerated offenses in subsection 111(e)(1). PSBA would suggest that the General Assembly expand the reporting requirement to all arrests and convictions rather than for just those offenses specified in Section 111. Requiring school employees to report all arrests allows the school district to take prompt action to launch its own investigation into the matter and to take employment action if appropriate, eliminating the false sense that only certain reasons for arrest are egregious enough to warrant notification of school officials.
- 4. Enact the Pass the Trash legislation.** PSBA has been working collaboratively with Senator Williams and other groups to make changes to the Public School Code with regard to Employment History Review for prospective employees. Senate Bill 46 will end “passing the trash,” as it is commonly referred, by providing for more thorough background checks of applicants for school positions involving direct contact with children, requiring an applicant to disclose instances of investigation for several offenses, discipline, or loss of licensure due to allegations of misconduct, and providing for more accurate and complete reference checks with past employers of prospective employees. PSBA encourages the General Assembly to enact this kind of legislation to strengthen school districts’ ability to ensure that previous offenders of child and sexual abuse are not finding their way into more classrooms thereby putting more children at risk for future and preventable criminal activity.
- 5. Clarify that our school boards can discuss security and safety measures in executive session.** The Pennsylvania Sunshine Act requires school boards (and others) to hold advertised meetings open to the public and provide opportunity for public comment. There are limited exceptions to school board discussions that can be held in executive session. While we believe

that broad community involvement is important to the education and safety of our children, making school security and safety plans available to the general public puts schools at risk to savvy intruders seeking opportunities to cause harm to our children. We ask that the General Assembly clarify the Sunshine law so that school boards can have discussions of school safety and security measures in executive session.

- 6. Direct PDE, PEMA, and other involved agencies to review and enhance technical assistance and resources they offer to schools for the violent threats schools face.** Charged with the education for our community's children, school districts need to be more prepared than ever before in responding to the unthinkable; however, school districts need enhanced tools and resources to prevent danger from surfacing in the first place. Because natural and human-initiated security breaches continue to evolve and become increasingly complex, school districts need to have access to the most advanced, timely, and tested school security plans and emergency response models that are customized for the specific needs of schools. School districts need proper training on the implementation of such plans. We ask the General Assembly to direct PDE, PEMA, and other state entities that provide security plans, models, conflict diffusion training, and other technical assistance to evaluate and update their plans so school districts may continue to benefit from these resources.
- 7. Increase the availability of threat reporting avenues for students.** Responding to student concerns and identifying individuals who exhibit behaviors that may indicate mental instability or affinity toward violence are important aspects of a school district's safety plan. Having more of information of potential threats will aid school districts in responding to those threats. Districts need increased access to in-school support services, including mental health professionals, guidance counselors, trusted support staff to listen and respond to student concerns, and education for all students on mental health, identification of threats, and to whom they should report. Although these services are provided in schools to some extent, difficult economic times are making it difficult for schools to maintain the breadth of staff and services available. As well, students who fear repercussion often lack an anonymous avenue for reporting suspicious activity or threatening comments, such as hotlines or anonymous electronic reporting. PSBA asks that more technical and financial resources be made available to schools to maintain and expand student support staff teams and confidential communication channels.
- 8. Allow school districts more authority to investigate and take disciplinary action for student misconduct.** Student misconduct can range from bullying and violence to vandalism, theft, and drug-related offenses. Regardless of the offense, school districts need to have the authority to properly investigate and impose consequences on students for instances of misconduct. Court decisions have unnecessarily tied the hands of school districts in setting rules managing student behavior on school district property and handling transfers of students involved in misconduct. For example, the negative impact of the Commonwealth Court decision *D.O.F. v. Lewisburg Area School District*, 868 A.2d 28 (Pa. Cmwlth. 2004) substantially undermined the authority of public school officials to address serious disciplinary infractions committed by students:

In *D.O.F.*, the Commonwealth Court held that based on current law, students using drugs on school property outside of school hours could not be subjected to discipline by the school board. The Commonwealth Court reached its conclusion because the student was not “under the supervision of the board of directors” when caught smoking marijuana. Therein, the student smoked the marijuana with some classmates at a school playground an hour-and-a-half after leaving a high school concert. *D.O.F.*, 868 A.2d at 30. The student’s pot smoking incident took place at 10:30 p.m. *Id.* at 34. The lower court in *D.O.F.* explained that the student smoking marijuana on school property – when no school activities were taking place – was not enough to trigger to Section 510 of the Public School Code.

PSBA asks for changes to Section 510 of the Public School code to ensure that school districts can take disciplinary action against a student for misconduct that occurs on school district property and at any other location if it would cause substantial disruption to a school district’s operations.

9. Allow school districts to give full faith and credit to other districts’ disciplinary decisions.

In another Commonwealth Court decision, *Hoke v. Elizabethtown School District*, 833 A.2d 304 (Pa. Cmwlth. 2003), the Commonwealth Court held that a receiving school district lacked authority under the Public School Code to deny admission to or place conditions on the enrollment of a transferring student due to misconduct at his previous school – selling drugs and carrying a knife – which would have resulted in his expulsion had he not withdrawn. The Commonwealth Court reasoned a public school district could not expel a student for offenses which happened at another school outside of the district. The decision nullified the school district’s policy to give “full faith and credit” to decisions of another school to suspend or expel a student for disciplinary reasons and to conduct its own hearing to determine if student seeks to enroll after withdrawing from another school to avoid disciplinary proceedings.

We propose that Section 1318 of the Public School Code be amended to ensure that the concept of full faith and credit be applied to those instances when students seek to avoid the consequences of their misconduct, such as transferring to another school district to avoid an expulsion. PSBA suggests language that authorizes a public school entity to:

- a. Suspend, expel, or deny admission to a student suspended or expelled from another public school entity until the suspension or expulsion period has expired and without the added burden of an additional hearing if the suspension or expulsion is based upon adjudication by a board;
- b. Suspend, expel, or deny admission to a transferring student for misconduct occurring in the sending school district when the student withdraws prior to the conclusion of the disciplinary proceeding;
- c. Place a student in an alternative placement pending receipt of a student’s disciplinary record;
- d. Allow a receiving school to impose other forms of discipline based on the transferring student’s misconduct at the prior school; and
- e. Impose other conditions in connection with an expulsion, suspension, or disciplinary reassignment of a student.

We believe these changes to the Public School Code will help school districts to address the perpetuation of student misconduct from district to district without regard for consequences. What message do we convey to students in allowing them to escape the consequences of their actions by transferring to another school district? Holding students accountable for their misconduct on school property is not only a valuable component of education for the student and their peers, but also preserves the safety of other students in our schools by removing offending students from classrooms when they are a disruption or danger to others.

10. Child protection statutes need to be altered giving specific attention to school board involvement in mitigating damage. PSBA is engaged in policy discussions regarding the recommendations of the December 2012 report of the Task Force on Child Protection, advocating that appropriate changes be made to help school districts prevent future incidences of misconduct, and eliminating the possibility that past offenders can continue to prey on our children. To provide comprehensive strategies for improving school safety from a public policy perspective, we ask that the Legislature:

- a. Ensure that child abuse reporting requirements include immediate reporting “up the chain of command” so that school districts can promptly remove individuals who pose a danger to our children from the classroom;
- b. Ensure that teachers and others with direct responsibility for students are protected from child abuse allegations when diffusing situations where one student may pose a threat to himself or others; and
- c. Ensure that school districts have the authority to adopt policies and require background checks for individuals participating in school activities to an extent that the students with whom they have direct contact are protected, but that will not deter parent and volunteer involvement in our students’ education, such as through a tiered system.

Additionally, there are several proposals that are being discussed which we want to share our thoughts. First, on the issue of law enforcement officers or school resource officers being in schools, local school boards should retain the authority to review and decide what safety protocols are necessary. We ask that this issue not be mandated by the state legislature. The presence of a law enforcement officer does not guarantee safety in a school building and can be cost-prohibitive. In my home district of Canon-McMillan, our Superintendent Michael Daniels has analyzed a proposal to place an armed guard in every school in the district (eleven) at \$500,000.00. However, officers can help to prevent tragedy and react immediately if a crisis occurs. According to some studies, a visible police presence may be helpful in reducing many forms of violence and increasing students’ perceptions of safety within the school. Ultimately, it is a discussion that should be held at the local level.

Second, there have been suggestions about arming school staff, such as teachers and principals, which we think raises grave concerns for a number of reasons. PSBA believes that IF firearms are present in schools to guard against threats, they should be carried only by properly trained and certified law enforcement or security professionals. It is unrealistic to imagine that educators can or should be expected to undergo the kind of regular and intense training and practice that is required of such professionals.

On my board at Canon-McMillan, opinions on this matter span the entire spectrum. Some of our members want no more guns brought into our schools, some of our members want armed guards in all of our schools, some members want armed guards in certain schools (primarily our high school) and some members want to arm all of the teachers and administrators. This issue obviously has diverse opinions and strident advocates for each position. I believe, and it is PSBA's position, that we should not mandate this decision at the state level. Different school districts have different security concerns, and even within a school district, individual schools have different security concerns. Please allow school board members, officials elected at the local level, to make the decisions that make the most sense for our communities.

In closing, I am grateful for the opportunity to speak before the Senate Veterans Affairs & Emergency Preparedness and Education Committees about the pressing issue of school safety. We appreciate the time and energy you are dedicating to the process of strengthening school security, and we look forward to working with you throughout the process. Please feel free to contact PSBA staff: Ashley Lenker White or Beth L. Winters with further questions or comments.