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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

May 6, 1996

COPY

Joseph L. Spear, Director
Child Protective Services Unit
Office of Children, Youth and Families
Department of Public Welfare
Annex, Health and Welfare Building
Harrisburg, PA 17105

Dear Joe,

Thank you for providing me with a proposed draft of department regulations that apply to child abuse clearance checks for school employees pursuant to Sections 6354 through 6358 of 23 Pa.C.S.A. that take effect July 1, 1996.

On a technical point, I notice that the terms "student abuse records" and "indicated or founded report of student abuse" are used in the draft regulations, but the terms are not defined. I assume that "student abuse" refers to serious bodily injury or sexual abuse or sexual exploitation of a student by a school employee. The terms should be defined in the final draft so that individuals affected by the law understand what constitutes "student abuse" in the context of Act 151 of 1994.

In respect to the department's interpretation of what constitutes a "transfer from one position to another position as a school employee," **as the prime-sponsor of the legislation, I differ with the department's reading of the law.** The draft regulations interpret Section 6355 (a)(2) of 23 Pa.C.S.A. as requiring a school employee to obtain a clearance check for a child abuse report and a report for school employee *only* if the school employee's job classification changes in a transfer. In situations where the school employee physically transfers from one school building to another school building, the employee would **not** be required to obtain a clearance check from DPW.

The draft regulations permit a school employee who abused a student in one school to be re-assigned to another school in the same school district without the second school having any warning that the school employee is a perpetrator in a child abuse report or a report for a school employee. This was exactly the situation the Legislature was trying to avoid.

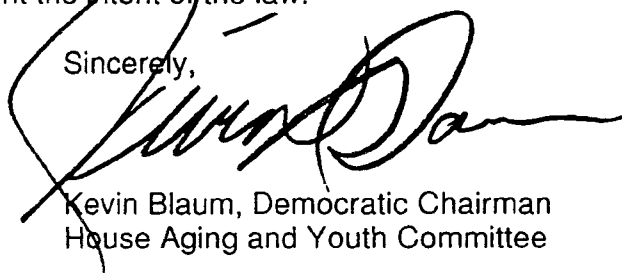
Unfortunately, the department's interpretation of Act 151 leads to a result not intended by the Legislature. Additional requirements were added to the CPSL to expressly put a stop to the shameful cover-up of sordid child abuse perpetrated by teachers, bus drivers, and other school employees who have regular access to children. Many school districts negotiated settlements with teachers and other school employees where criminal charges or administrative sanctions were dropped against perpetrators. Sometimes the school employees were re-assigned to other schools **within** a district where no one was familiar with the employee's history. Other times, school employees were asked to leave the district, and in exchange the schools agreed not to report the incidents to law enforcement or the Department of Education. Frequently, no record of the abuse was retained in the personnel files. These actions protected adult abusers and did nothing either to protect more children from being victimized or punishing the abusers for their crimes against children.

I recommend that the department interpret any transfer to include (1) a change in position that involves the school employee moving from one facility or school to another facility or school within the organization or school district; and (2) any change in the school employee's job classification.

A recent case involving the Philadelphia School District points to the validity of this interpretation. According to the enclosed news clips, a substitute teacher in 1995 sexually abused a sixteen-year old student at a vocational school within the district but was allowed to continue teaching. In April 1996 the same individual, while substitute-teaching at an elementary school within the district, sexually abused 3 girls in the third-grade. In this case, if the department's draft regulations were applied, the individual would only need a clearance check if he changed his job classification, i.e. became a full-time driver education teacher instead of remaining a substitute teacher. This arrangement would not provide the protection from abuse that the Legislature intended to give students. Requiring a clearance check when the school employee changes the location of where he works offers the best protection for children.

I realize that drafting and coordinating regulations to implement all aspects of the 1994 amendments to the CPSL has been a challenge and appreciate your considerable efforts. Your assistance in re-drafting certain provisions in the proposed regulations will ensure that the regulations implement the intent of the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Blaum", written over a large, stylized circular flourish.

Kevin Blaum, Democratic Chairman
House Aging and Youth Committee

Enclosure

4/24/96

THE PHILADELPHIA INQUIRER

Police issue warrant for substitute teacher

He's accused of fondling female students at schools in Kensington and South Philadelphia.

By Jeff Gammage
INQUIRER STAFF WRITER

Police have charged a substitute teacher with kissing and fondling young girls at public schools in South Philadelphia and Kensington.

Investigators went to two homes yesterday, carrying an arrest warrant for Mohammed Abdou, 52, of the 3000 block of Ruth Street in Kensington. The warrant charges him with indecent assault, corrupting the morals of a minor, and simple assault.

The charges stem from two incidents, the most recent at the Horatio B. Hackett Elementary School in Kensington earlier this month.

Three third-grade girls told the school principal that Abdou had kissed and touched them. School District officials confirmed that the

teacher faced similar allegations last year from a 16-year-old girl at Bok Vocational-Technical School in South Philadelphia, and had been allowed to continue teaching anyway.

Abdou was not home when police went to his house yesterday. They made a second attempt, also unsuccessful, to locate him at a friend's home in the 1600 block of North 2d Street. Investigators continued their search for him last night.

Herbert Kaufman, director of employment operations for the School District, told more than 100 parents who gathered April 14 at the Hackett school that Abdou would not teach in Philadelphia while the investigation continued. Authorities withheld Abdou's name until yesterday, when he was charged.

The incident at Hackett came to light April 9, when a distraught student came into the office of Principal James Yoa and said she had been inappropriately touched by a teacher.

When Yoa interviewed other children records showed two complaints that he allowed students to watch TV rather than do work — and the allegation by the 16-year-old that he kissed her on the mouth last May.

Kaufman said school officials investigated that incident. They recommended that he be barred from Bok, but not from all substitute teaching in the district.

Police look for substitute teacher

TEACHER from B1

dren in the class, two more girls reported "inappropriate behavior" by the substitute, the principal said. Parents told reporters that Abdou kissed the girls on the mouth and touched one of them on the crotch.

Abdou began work for the School District in January 1995 and has substituted regularly since then.

School officials said his person-

nel records showed two complaints that he allowed students to watch TV rather than do work — and the allegation by the 16-year-old that he kissed her on the mouth last May.

Kaufman said school officials investigated that incident. They recommended that he be barred from Bok, but not from all substitute teaching in the district.

Parents irate over alleged fondling

4/15/96

Three pupils accused a substitute teacher last week. Officials say the school acted properly.

By Julia Cass
INQUIRER STAFF WRITER

During a heated meeting yesterday at the Horatio B. Hackett Elementary School in Kensington, school officials attempted to explain how they handled allegations by three third-grade girls that a substitute teacher had kissed and touched them last week, and why that substitute had been allowed to continue teaching after similar allegations by a 16-year-old girl at the Bok Vocational-Technical School last year.

"First of all, he is not going to be working while our investigation is going on," Herbert Kaufman, director of employment operations for the district, told more than 100 parents at the two-hour session in the school auditorium.

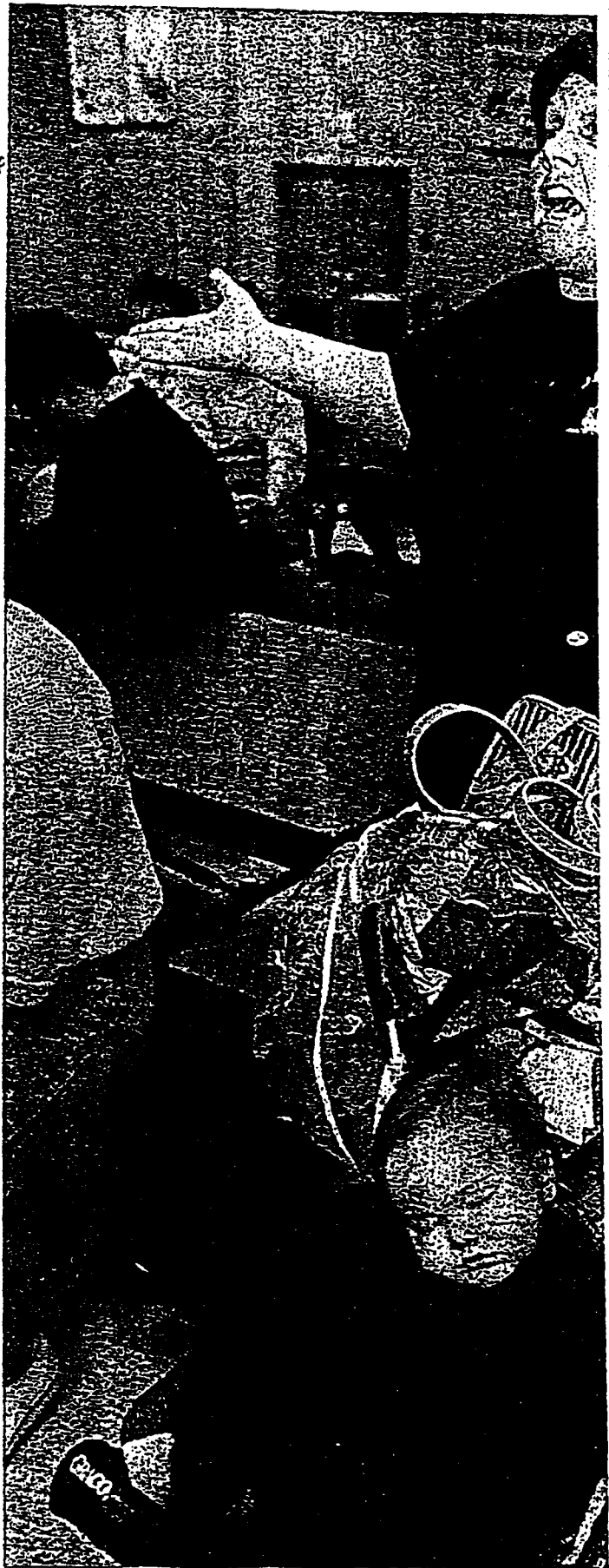
Asked whether the substitute would be allowed to teach in Philadelphia again, Kaufman said he could not say. "An investigation is still going on and, with due process, he is entitled to a hearing" before such a determination would be made, he said.

"What's he have to do? Kill a child first?" demanded resident Elaine Collado. At times, parents yelled at the school officials and at each other. At one point, so many people were shouting that a ninth grader stood up to tell the adults to stop it.

Principal James Yoa said that about 10:30 a.m. Tuesday, "a youngster appeared in my office very distraught, indicating to me very inappropriate behavior by a substitute teacher" who came to the school for the first time that day.

Yoa said that he interviewed other children in the class and that two other girls also reported "inappropriate behavior" by the 53-year-old substitute, whose name was withheld pending the outcome of police and school district action. Yoa would not detail what the girls said the teacher did, but parents

See TEACHER on B2



At the Horatio B. Hackett Elementary School in Kensington, Jud nephew Charles Wolfe sleeps through the noisy meeting. More



The Philadelphia Inquirer / AKIRA SUWA

Helena Parker (left) and Dot Daly make a point at the meeting. Parents were angry because they learned about the alleged incident from a TV news report. Officials said they were investigating.

Parents berate school officials over an alleged fondling incident

Yoa, a teacher from B1, told reporters that he allegedly kissed them on the mouth and touched one of them on the crotch. The substitute was removed from the classroom by 11:15 a.m., Yoa said. He then contacted the parents of the three girls, the police sex-crimes unit, and his superior, Ruben Flores, the superintendent for the central region, where Hackett is located.

Yoa said he intended to inform other parents on Wednesday. However, when a television report about the alleged incidents was aired Tuesday night, anger surged through the neighborhood, in part because of reports that the substitute had been accused of similar behavior at Bok last year and in part

because "we had to learn about it from television," as parent James Kenney put it.

Kaufman said the substitute "met every single requirement" for substitute teaching and came up clean in a criminal-records check. He began work in January 1995 and has been substituting regularly.

His personnel records show two complaints that he allowed students to watch TV rather than do work, and the allegation by the 16-year-old at Bok that he kissed her on the mouth in last May, Kaufman said.

"Why wasn't this taken care of after Bok? Why let him be with even younger children?" demanded Kenney, whose daughter is in the third-grade class the substitute briefly taught and who contacted Flores to

set up the meeting yesterday.

Kaufman said officials in the south region, where Bok is located, investigated that alleged incident and held a hearing in October. They recommended that the substitute be barred from teaching at Bok but did not recommend that he be dismissed from substitute-teaching altogether.

Kaufman and the other officials at the meeting said they did not know how that decision was reached.

"I can't speculate what happened or what should or shouldn't have happened," said Andrew Rosen of the district's law department.

District spokesman Charles Thompson said he did not have additional information yesterday, but "though more should be available



Ruben Flores, the superintendent for the central region, where the Hackett school is located, answers questions from parents

this week.

About the dismissal process in general, he said: "This is not something we can do by edict. There has to be documentation."

Kaufman said the Bok allegation — and the recommendations made at the hearing — had been placed in the teacher's personnel file. However, Yoa and Flores said they did not know about it. With thousands of substitute teachers working for the district, individual principals do not check the personnel records of substitutes called up by an automated system each day, the officials said.

"Mr. Yoa acted totally appropriately in this situation," Flores told the parents. "The substitute was removed within 45 minutes."

Both Yoa and Flores said they did not know a report would be on file before they notified parents. They said they intended to contact parents more quickly if any similar happened in the future. They said psychological counseling was available for students and parents.

According to Kaufman, of emergency operations, the state Department of Education would be notified if the school decided to permanently dismiss a substitute. That department would decide whether to bar the teacher from teaching elsewhere in the state, he said.

The police sex-crimes unit is investigating the alleged incident at the Hackett school. Investigation