

**A SPECIAL PERFORMANCE AUDIT
OF THE
DEPARTMENT OF EDUCATION**

SAFE SCHOOL INITIATIVES

DECEMBER 2008

Bureau of Departmental Audits

December 3, 2008

The Honorable Edward G. Rendell
Governor
Commonwealth of Pennsylvania
225 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Rendell:

This report contains the results of the Department of the Auditor General's special performance audit of safe school initiatives administered by the Pennsylvania Department of Education (DE) for the period July 1, 2001 through June 30, 2006. This audit was conducted pursuant to Sections 402 and 403 of the Fiscal Code and in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit found that DE failed to verify the accuracy, completeness, and consistency of the statistics in its *School Safety Annual Report*, which is a compilation of school violence statistics submitted by public schools. In addition, we noted that the monitoring and administration of school safety activities, as well as grant programs, was less than adequate. It is important that DE be aware of the status of the emergency plans for each of the Commonwealth's School Districts so that DE may target their limited resources to assist those in most need of developing a proper plan. We also found that DE neglected to establish the Office for Safe Schools as required by law in 1995, and was ineffective in its use of the Safe School Advocate, appointed by the Governor, for the Philadelphia School District. As a result, these shortcomings impede DE's efforts to achieve comprehensive school safety in Pennsylvania.

We offer 25 recommendations to strengthen DE's policies, controls, and oversight of safe school initiatives that will ensure compliance with current law and reduce further incidents of school violence. While we appreciate the cooperation exhibited by DE during the course of our audit, we are concerned that DE expressed disagreement with the majority of our recommendations.

We will follow up at the appropriate time to determine whether and to what extent all recommendations have been implemented.

Sincerely,

JACK WAGNER
Auditor General

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Findings Include:

- DE failed to verify the accuracy, completeness, and consistency of the statistics in its *School Safety Annual Report*
- DE failed to adequately monitor school safety activities in Pennsylvania
- DE failed to adequately administer and allocate the Safe School Initiative Grants
- DE failed to create the Office for Safe Schools, as required by law
- DE failed to effectively utilize its Safe School Advocate for the Philadelphia School District

Safe School Initiative. The Department of Education is responsible for the oversight of all public school entities located in the Commonwealth of Pennsylvania, including school districts, intermediate units, area vocational-technical schools, charter schools and cyber charter schools. In 1995, in an attempt to address the issue of safety in schools, the General Assembly passed Act 26, requiring the creation of the Office for Safe Schools within the Pennsylvania Department of Education. The Office is mandated to perform the duties as defined in the Act.

In order to effectively develop, coordinate, and implement anti-violence policies, Act 26 requires DE to collect violence statistics online from school entities and compile the information in a document entitled the *School Safety Annual Report*. The annual report, posted on the DE website, is used to determine if entities should be identified as a “Persistently Dangerous School” (PDS). If a school is identified as a PDS, it must submit a Corrective Action Plan (CAP) to DE, detailing proposed actions to prevent incidents of school violence.

School entities must also enter into a Memorandum of Understanding with local law enforcement, identifying procedures that are to be followed by schools and law enforcement officials in the event of an incident on school property involving acts of violence or possession of a weapon. Additionally, state law requires all school entities to establish a comprehensive disaster response and emergency preparedness plan in cooperation with the local Emergency Management Agency.

To assist school entities in their anti-violence efforts, Act 26 created a grant program which empowered DE to award targeted grants to specific school entities. The administration of the program, entitled the Safe Schools Initiatives Grant Program, was outsourced by DE to the Central Susquehanna Intermediate Unit’s Center for Safe Schools through an intergovernmental agreement.

The Secretary of Education was also required to establish, within the Office for Safe Schools, a Safe Schools Advocate for the Philadelphia School District. Appointed by the Governor, the Advocate reports to DE and must prepare an annual report which includes recommendations for proposed school safety improvements to the Philadelphia School District. The report is to be submitted to the school district superintendent, the Secretary of Education, and the chairpersons of the education committees of both the Senate and the House of Representatives by August 15 of each year.

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<p><i>Finding No. 1 – DE Failed to Verify the Accuracy, Completeness, and Consistency of the Statistics in its School Safety Annual Report, Which Took More Than 13 Months to Release</i></p>	<p>Management personnel within the Department of Education confirmed they do not audit school records or perform any independent verification of the statistics reported by each school. Additionally, DE does not verify that schools are maintaining required documentation regarding incidents. Instead, DE states that it reviews the statistics reported by each school and, if DE decides unusual data was submitted by a school, DE contacts the school, either verbally or via e-mail, to inquire about the submitted statistics. However, auditors could not verify this process because DE provided no documentation.</p> <p>If the superintendent of a district or the school confirms the accuracy of the statistical information submitted, DE does nothing else even if the statistics appear questionable.</p> <p>DE management stated it does not have the authority to perform audits or on-site reviews or require schools to submit documentation supporting the schools’ statistics. We disagree. Such authority is implicit in DE’s legal mandate to collect and report such data; regardless, nothing in state law prohibits DE from taking such actions.</p> <p>DE also asserts that the process of compiling the required statistics contributes to the untimely release of the report. We believe the untimely release of the report limits its use and effectiveness to users, including decision makers who assess school safety.</p>
HIGHLIGHTS OF RECOMMENDATIONS	
<p>We recommend that DE verify the accuracy, completeness, and consistency of its <i>School Safety Annual Report</i> by:</p> <ul style="list-style-type: none"> • developing a reasonable sampling approach and design efficient and effective procedures to complete its verification timely; • comparing the data reported by school entities with the data received by respective law enforcement entities as just one method to determine accuracy; and • working with the contractor, who developed the online reporting system, to determine a method to reduce the time it takes to compile the reported data and to release this information timely. 	

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<p><i>Finding No. 2 – DE Failed to Adequately Monitor School Safety Activities in Pennsylvania</i></p>	<p>Based on interviews with DE management and other procedures performed, we found the following inadequate monitoring and oversight of school safety activities by the department:</p> <ul style="list-style-type: none"> • DE failed to follow-up and verify if nine Persistently Dangerous Schools implemented the required Corrective Action Plan to address the incidents of school violence; • DE management acknowledged it does not obtain, review, or attempt to verify the existence of each school’s Memorandum of Understanding with local law enforcement. A survey of school entities conducted by the Department of the Auditor General found that 20 percent of respondents had not even developed an MOU; • DE failed to obtain and review each school district’s required Disaster Response and Emergency Preparedness Plan to ensure it existed, was completed, and was effective; and • DE failed to adequately monitor violence statistics on an ongoing basis. <p>Management states that the legislature has not provided DE statutory authority to monitor and enforce safe school requirements. We disagree. Such authority is implied and there is no legal prohibition from monitoring and enforcing safe school requirements. It is our belief that DE must be a proactive participant as both a monitor and oversight body to ensure all Pennsylvania schools develop, implement, and maintain the abovementioned safety measures.</p>
HIGHLIGHTS OF RECOMMENDATIONS	
<p>DE should:</p> <ul style="list-style-type: none"> • require schools to submit school violence statistics on a regular basis, such as monthly or quarterly, to allow DE to analyze school violence statistics on an ongoing basis; • ensure Persistently Dangerous Schools timely implement Corrective Action Plans to reduce incidents of violence at these schools; and • obtain and review all schools’ MOUs and emergency plans to ensure they exist and are up-to-date or seek confirmation that the Pennsylvania Emergency Management Agency (PEMA) has verified all schools’ emergency plans. 	

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<p><i>Finding No. 3 – DE’s Inadequate Administration of the Safe School Initiative Grants has Allowed Grantees to Inappropriately Spend Grant Monies</i></p>	<p>Based on interviews with DE representatives and school district personnel, as well as our review of grant expenditure documentation, we found DE to be negligent in its oversight of the Safe School Initiative Grant Program, which awards grants to assist school entities with addressing school violence. Upon review of the six school entities in our sample that received safe school grants totaling \$166,471, our audit found inappropriate use of grant monies totaling \$28,221, including:</p> <ul style="list-style-type: none"> • One school entity in Cumberland County misrepresented grant expenditures in its final expenditure report, which resulted in \$7,719 of inappropriate expenditures, including disallowed items and overcharges; • A school entity in Luzerne County purchased a 25-inch color television and a television/monitor cart with a locking cabinet totaling \$961. These are disallowed items according to the grant agreement; • One school entity in Armstrong County, which received \$23,311 in grant monies, could not provide documentation supporting expenditures totaling \$7,510; and • One school entity in Blair County, which received \$35,000 in grant funding, expended \$6,598 which should have been disallowed, while \$5,433 of expenditures were not in compliance with the approved budget. <p>DE management asserts it is not necessary for DE to audit grant expenditures. We disagree. The grant program resides with DE; therefore, it should be held accountable for the accuracy of the program results and activities.</p>
HIGHLIGHTS OF RECOMMENDATIONS	
<p>DE should:</p> <ul style="list-style-type: none"> • develop standard procedures to audit the grant expenditures for safe school grants awarded in past fiscal years and recoup grant monies that are not adequately supported and in compliance with grant agreements, including the \$28,221 that was found to be inappropriately spent during sampling for this audit; and • monitor the Center for Safe Schools, the entity entrusted with administering the grant program on behalf of DE, to ensure this program is appropriately managed. 	

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<p><i>Finding No. 4 – DE Failed to Award 96 Percent of Safe School Initiative Grants on a Targeted Basis as Required by Law</i></p>	<p>Based on interviews with DE and the Center for Safe Schools, as well as procedures performed, we found that DE awarded 46 of 48 Safe School Initiative Grant awards (96 percent) in 2006 on a competitive basis, rather than using a targeted basis as required by law. During our review of whether grant monies are awarded to school entities reporting the most violence, we found that DE’s competitive-basis methodology to award grants fails to “target” the school entities most in need of assistance.</p> <p>School entities with the highest incidents of violence and/or arrests are least likely to be recipients of Safe School Initiative Grant monies, despite these entities accounting for 64 percent of incidents of violence reported by all schools and 51 percent of arrests reported by all schools. Many of these school entities fail to even apply for available monies.</p> <p>Management stated that DE uses a competitive basis methodology for awarding grants to enable any school entity to apply for a grant, rather than limiting the grants to school entities with school violence issues. DE focuses on school entities it believes will most effectively use the grant. Furthermore, DE asserts that it is comfortable with how it has been administering the grant program. We disagree with how management is administering this program. Grant dollars are not being used effectively. Failure to award grants using a risk-approach methodology has resulted in DE awarding the majority of grants to school entities with extremely low rates of violence and arrests.</p>
HIGHLIGHTS OF RECOMMENDATIONS	
<p>DE should:</p> <ul style="list-style-type: none"> • change its method of awarding grants to a risk-approach methodology. This will allow DE to target the schools that are most dangerous and have the highest risk of violence, as well as ensuring it is in compliance with the law; and • ensure that all school districts, especially those with high incidents of violence and/or arrests, are aware of how to properly apply for a safe school grant. 	

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<p><i>Finding No. 5 – DE Failed to Create the Office for Safe Schools as Required by Law</i></p>	<p>DE has failed to create an Office for Safe Schools, a separate and distinct office formally recognized and provided with the organizational authority similar to a deputy-level official within DE.</p> <p>We found that, although DE purports through its Safe Schools Initiative Grant application and other literature that it has an “Office for Safe Schools,” management admitted to our audit staff that organizationally, it never actually created the Office. Instead, DE realigned existing staff into a Division of Student and Safe School Services under the Bureau of Community and Student Services. The failure of DE to establish an Office for Safe Schools further impedes the department’s efforts to achieve school safety in Pennsylvania, as evidenced in Findings 1 through 4.</p> <p>Management contends the intent of the law was not to create nor bestow authority to establish a new deputy-level Office for Safe Schools within DE. We disagree with DE’s interpretation. Failure to create the Office at the deputy level tarnishes the perception among schools, parents, and the community that school safety is of foremost importance to DE. This perception reduces the effectiveness of DE’s ability to lead and serve schools throughout Pennsylvania. In other words, schools will not contact DE for assistance with school safety if DE does not exhibit a willingness to go beyond the extremely limited assistance resulting from its interpretation of the law.</p>
HIGHLIGHTS OF RECOMMENDATIONS	
<p>DE should:</p> <ul style="list-style-type: none"> • create the Office for Safe Schools as required by Act 26 and elevate the Office to a deputy level. 	

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<p><i>Finding No. 6 – DE Failed to Effectively Utilize its Safe School Advocate for the Philadelphia School District</i></p>	<p>Through interviews with DE management and the review of documentation, we found that DE is not effectively utilizing its Safe School Advocate for the Philadelphia School District as noted below:</p> <ul style="list-style-type: none"> • DE failed to ensure that the Advocate submitted certain annual reports as required and failed to ensure that such reports were submitted in a timely manner; • DE failed to respond to the recommendations presented in the Advocate’s annual reports; and • DE failed to provide evidence showing it provided the Advocate direction, vision, and oversight. <p>Management indicated that, at times, an adversarial relationship existed between DE and the Advocate, resulting in a failure to verify the timely submission of annual reports as well as fostering a disregard for the recommendations contained in the report itself. It is our belief that the adversarial relationship between DE and the Advocate could have been avoided with more formal and frequent communications. As such, DE’s failure to ensure that the Advocate submits annual reports to the Philadelphia School District, General Assembly, and DE not only permitted non-compliance with the Act, but also may prevent Philadelphia students from having a safe learning environment.</p>
HIGHLIGHTS OF RECOMMENDATIONS	
<p>DE should:</p> <ul style="list-style-type: none"> • ensure the Advocate’s annual reports are submitted as required and such reports are submitted in a timely manner; • promptly review the recommendations in the Advocate’s annual report, document the review process, and conclude in writing as to DE’s agreement or disagreement with the recommendations and any corrective action needed; and • follow-up with the Philadelphia School District to monitor implementation of the Advocate’s recommendations. <p>Furthermore, if DE neglects its oversight of the Advocate, the legislature should:</p> <ul style="list-style-type: none"> • consider moving the position of Advocate out from under DE. 	



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BACKGROUND

Safety in Pennsylvania Schools

Duties of the Department of Education. Act 26 of 1995 added Article XIII-A to the Public School Code of 1949, as amended¹ (Public School Code). Its purpose is to address safety in Pennsylvania schools. Act 26 called for the creation of the Office for Safe Schools (Office) within the Pennsylvania Department of Education (DE) to perform the duties defined in the Act.² Within the Commonwealth of Pennsylvania, DE is responsible for the oversight of all public school entities, including school districts, intermediate units, area vocational-technical schools, and charter and cyber charter schools. The duties of DE under Act 26 include, but are not limited to, the following:

- to coordinate anti-violence efforts among school, professional, parental, government, law enforcement, and community organizations and associations;
- to collect, develop, and disseminate information, policies, strategies, and other information to assist in the development of programs to impact school violence;
- to provide direct training to school employees, parents, law enforcement officials, and communities about effective measures to combat school violence;
- to advise school entities and nonpublic schools on the development of policies regarding possession of weapons by any person, acts of violence, and protocols for coordination with and reporting to law enforcement officials and DE;
- to develop forms for reporting incidents involving acts of violence and possession of weapons on school property; and
- to award targeted grants to schools to fund programs that address school violence. The purpose of the Safe Schools Initiative Grant Program is to assist schools with school safety efforts.

Memorandum of Understanding. In addition to the above duties, Act 26 requires each school entity to develop and enter into a Memorandum of Understanding (MOU) with local law enforcement.³ The purpose of an MOU is to identify procedures that are to be followed by school and law enforcement officials in the event of an incident on school property involving acts of violence or possession of a weapon.

¹ See 24 P.S. § 13-1301-A et seq. This article was subsequently amended several times, but, for the sake of simplicity, this report will refer to the article as amended generally as “Act 26.”

² 24 P.S. § 13-1302-A.

³ 24 P.S. § 13-1303-A(c).

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In addition to MOUs, schools are required by state law to develop, implement, and maintain a comprehensive disaster response and emergency preparedness plan (emergency plan) in cooperation with the local Emergency Management Agency.⁴ The format and content of emergency plans must be consistent with Pennsylvania Emergency Management Agency (PEMA) guidelines and other pertinent state requirements. DE is supposed to work with PEMA to develop these plans and provide assistance when needed to schools. Furthermore, at their discretion, some schools have implemented a comprehensive safety plan called an “All Hazards Plan” which encompasses both plans. In addition to school violence, school safety planning entails a broad spectrum of issues, such as terrorism, tornados, earthquakes, floods, fires, and health risks.

Safe Schools Initiatives Grant Program. Act 26 also created a grant program which empowered DE to award targeted grants to schools to address school violence. The targeted grant program originally created by Act 26 was expanded by Act 36 of 1999 to create new opportunities for schools to develop strategies, and introduce and expand programs, services, and technology to further improve the safety of their school buildings.

DE outsourced the administration of the Safe Schools Initiatives Grant Program (program) to the Central Susquehanna Intermediate Unit’s Center for Safe Schools (Center) through an intergovernmental agreement. In addition to the School Safety Program, the Center also administers a number of additional school programs for DE.

With DE’s approval, the Center manages all facets of the grant program, including receipt and review of the grant applications, grant awards evaluation and determination, and management of the grant subsequent to award (monitoring and disbursements). The program awards grants based on a competitive award basis. The Center develops a Request for Application (RFA), which advertises the availability of grants for the program. School entities complete the applications and submit them to the Center, which uses independent review teams of education professional volunteers to score each application. According to management, education professional volunteers have experience in reviewing grants and experience in school safety programming. The scores are compiled by the Center and the results/proposed awards selections are forwarded to DE officials for approval. After approval, the Center sends award letters and Letters of Agreement (grant document) to the school entities receiving grant awards. Those schools applying and not receiving a grant should be sent a letter of regret informing them that they did not receive a grant. Subsequent to grant awards, the Center administers the grants throughout the grant period. Grant administration includes on-site visits; receipt, review and approval of grant expenditure reports; and submission of grant payments to the schools.

⁴ 35 Pa. C.S. § 7701(g).

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School Safety Annual Report. To improve awareness and ensure accountability of violence in schools, public schools are required to annually report to DE all incidents involving acts of violence, possession of a weapon, or the possession, use or sale of a controlled substance, alcohol, or tobacco by any person on school property, at school-sponsored events, and on school transportation to and from school.⁵ The data submitted online by the schools is compiled by DE in an annual report of violence statistics called the *School Safety Annual Report* and posted on the DE website. The superintendent of each school district is responsible to approve the school violence data reported to DE annually.

The *School Safety Annual Report* information is used by DE to determine if a school should be identified as a “Persistently Dangerous School” (PDS). The Unsafe School Choice Option provision of the federal No Child Left Behind (NCLB) Act of 2001, signed into law in 2002, requires each state to establish standards for identifying PDS. Each state applying for related federal funding was required to establish and implement a statewide policy requiring that a student who attends a PDS be allowed to attend a safe public school.⁶ DE, as required by the NCLB Act, created and adopted regulations to identify a PDS as meeting any of the following criteria in the most recent school year and in one additional year of the two years prior to the most recent school year:

- for a school whose enrollment is 250 or less, at least 5 dangerous incidents;
- for a school whose enrollment is between 251 to 1000, a number of dangerous incidents that represents at least 2% of the school’s enrollment; or
- for a school whose enrollment is over 1000, at least 20 dangerous incidents.⁷

DE’s regulations define a dangerous incident as either a weapons possession incident resulting in arrest (guns, knives, or other weapons) or a violent incident resulting in arrest (homicide, kidnapping, robbery, sexual offenses, and assaults).⁸

After the schools are identified as PDSs, the school entities must notify the parents/guardians within ten working days from the date they receive final notice of the designation from DE. The school entities must offer each student who attends a PDS the opportunity to transfer to a safe public school within the school district, including a charter or cyber charter school.

⁵ 24 P.S. § 13-1303-A(b).

⁶ 20 U.S.C. § 7912.

⁷ 22 Pa. Code § 403.2.

⁸ Id.

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Those schools identified as PDSs must submit a “Corrective Action Plan” (CAP) to DE. The CAPs include proposed actions to be taken by the school in order to reduce the amount of school violence. These schools would be able to request targeted (i.e., discretionary) grants to obtain additional dollars to enable them to carry out proposed actions within the CAP to reduce school violence. DE is responsible to monitor their progress in reducing violence according to the submitted plan.

Safe Schools Advocate. To address the need for schools with severe violence and safety problems in the Commonwealth, the Secretary of Education was required to establish, within the Office, a Safe Schools Advocate (Advocate) for the Philadelphia School District.⁹ As of June 30, 2006, nine PDSs existed in Pennsylvania, all within the Philadelphia School District. The Advocate, appointed by the Governor and employed by DE, is responsible for: ensuring that the school complies with laws regarding the reporting of, and response to, incidents of violence on school property; serving as a liaison between the parents or guardians of student victims of school-based crimes, local law enforcement, and the schools; increasing public awareness of school safety issues; and establishing protocols for dealing with juvenile courts and law enforcement agencies as they interact with the school district. The Advocate reports to DE and is required to prepare an annual report regarding the activities of the Advocate, including recommendations for proposed school safety improvements to the Philadelphia School District. The report is required to be submitted to the school district superintendent, the Secretary of Education, and the chairpersons of the education committees of both the Senate and the House of Representatives by August 15 of each year.

⁹ 24 P.S. § 13-1310-A

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AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

Objectives

The objectives of this special performance audit were to determine whether:

- DE complies with Act 26 on school violence which includes: coordinating efforts between schools and other groups; collecting, developing, and disseminating information to schools; providing training; and advising schools on policy development for violence, weapons possession, and reporting to law enforcement and other appropriate entities (See Findings 1, 2, 5, and 6);
- DE ensures that annual requirements for reporting incidents of violence, weapons, and controlled substances and for MOUs with local law enforcement entities are being adhered to and are accurate and complete (See Findings 1 and 2);
- DE actively assists school entities with the development of comprehensive disaster response and emergency preparedness plans and safe school plans to ensure that school entities have current and effective plans in place (See Finding 2); and
- DE effectively manages targeted grants to fund programs addressing school violence and ensures that grants are spent in accordance with grant requirements (See Findings 3 and 4).

Scope

Our audit covered DE's duties and responsibilities with regard to safe school initiatives for the period July 1, 2001 through June 30, 2006.

Methodology

The methodology in support of the audit objectives included:

- reviewing appropriate laws, regulations, surveys, DE's budget, related information from DE's website, and newspaper articles;

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AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

- interviewing DE and Center for Safe Schools management and staff to assess controls and gain an understanding of policies and procedures used in processing and administering the Safe School Initiatives Grant Program;
- evaluating DE oversight of the Center for Safe Schools' administration of the Safe School Initiatives Grant Program to ensure that the grant program is effectively implemented and administered in accordance with the law;
- utilizing staff of the Department of the Auditor General's Bureau of School Audits, to go on-site and audit safe school grants awarded to six school entities;
- reviewing DE oversight controls over *School Safety Annual Reports*, MOUs, and Comprehensive Disaster Response and Emergency Preparedness Plans, to determine if DE is ensuring that schools are in compliance with applicable laws and regulations; and
- performing data analysis of reported incidents of violence in the *School Safety Annual Report*.

FINDINGS AND RECOMMENDATIONS



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FINDINGS AND RECOMMENDATIONS

Finding No. 1 – DE Failed to Verify the Accuracy, Completeness, and Consistency of the Statistics in its School Safety Annual Report, Which Took More Than 13 Months to Release

Condition: DE releases statistics related to school violence which occurred between July 1 and June 30 of each year in its *School Safety Annual Report* (report). The report identifies by school the number of arrests, the number of incidents by type of misconduct, the demographics of the offender (such as age, gender, and grade), the place and time the incidents occurred, and the type of school sanctions issued during that year. DE requires each school to utilize an online computer reporting system, developed by a DE contractor, to report these statistics no later than June 30 of each year. Once the superintendent of each school district approves a school's statistics, the statistics are then submitted to DE, as required by law. DE accumulates these statistics for all schools and subsequently releases the information to the public. The report for the July 1, 2005 through June 30, 2006 period was released in August 2007, more than 13 months after the deadline for submitting the statistics.

Based on interviews with DE management, we found that DE does not verify the accuracy, completeness or consistency of these statistics. DE does not audit school records or perform any independent verification of the statistics reported by each school. DE does not verify that schools are maintaining required documentation regarding incidents. Instead, DE states that it reviews the statistics reported by each school and, if DE decides that unusual data was submitted by a school, DE contacts the school, either verbally or via e-mail, to inquire about the submitted statistics. However, we could not verify this process because DE provided no documentation. If the superintendent or school confirms the accuracy of the statistical information submitted, DE does nothing else even if the statistics appear questionable.

We reviewed the 2005-06 report and noted that certain school district statistics appear questionable as shown below:

Schools	Student Enrollment	Incidents of Violence / Misconduct	Percent of Incidents to Enrollment	Number of Arrests	Percent of Arrests to Incidents	Questionable Statistics
A	17,362	664	3.8%	0	0.0%	Zero Arrests
B	5,931	147	2.5%	0	0.0%	Zero Arrests
C	4,173	33	0.8%	0	0.0%	Zero Arrests Low Violence %
D	4,109	33	0.8%	0	0.0%	Zero Arrests Low Violence %
E	8,918	1,875	21.0%	2	0.1%	Low Arrest %
F	8,045	92	1.1%	2	2.2%	Low Arrest % Low Violence %
G	32,255	24,458	75.8%	809	3.3%	Low Arrest % High Violence %
H	178,654	12,075	6.8%	2,634	21.8%	Low Violence %
I	12,527	43	0.3%	42	97.7%	Low Violence %
J	20,015	243	1.2%	26	10.7%	Low Violence %

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Finding No. 1

These questionable statistics are further supported by an August 7, 2007 newspaper article reporting on the release of DE's 2005-06 report. The newspaper article states that after one school district's superintendent noticed in the 2005-06 report that the entire district only reported two arrests during the 2005-06 year, the superintendent rechecked the figures and found that the district had 137 arrests for 2005-06 and would attempt to correct the state figures. When we asked about this discrepancy, DE indicated that it was aware of the error through the district's superintendent, however, DE reiterated that it does not verify the statistics submitted by schools. Additionally, the same newspaper article commented, "A frequent criticism of the state report is how incidents to be reported to the state are interpreted from one place to the next, despite educational efforts by the education department to address this problem." The article indicates that schools will interpret a situation differently. For example, if one school defines "fighting" differently than another school, the one school might consider the situation a "fight" and report it as a misconduct incident while the other school would not consider the same incident a "fight" and thus not report it as a misconduct incident.

Criteria: In 1995, the Governor signed Act 26 into law to address violence and weapons possession in Pennsylvania's schools. Act 26, including subsequent amendments, requires all public schools to annually report to DE all new incidents involving acts of violence, possession of a weapon, or the possession, use, or sale of a controlled substance, alcohol, or tobacco by any person on school property. Additionally, schools must maintain records of all incidents of violence, incidents involving possession of a weapon, and convictions or adjudications of delinquency for acts committed on school property.

As part of the Unsafe School Choice Option provision of the federal No Child Left Behind Act of 2001, DE adopted standards for identifying PDSs. Criteria for classifying a school as a PDS depends on the number of students enrolled and the number of "dangerous incidents" occurring in one school year. According to DE's regulations, dangerous incidents include both weapons possession incidents resulting in arrest (guns, knives, or other weapons) and violent incidents resulting in arrest (homicide, kidnapping, robbery, sexual offenses, and aggravated assaults).¹⁰ A PDS can be any public elementary, secondary, charter, or cyber charter school that meets any of the following criteria in the most recent school year and in one additional year of the two years prior to the most recent school year:

- for a school whose enrollment is 250 or less, at least 5 dangerous incidents;
- for a school whose enrollment is between 251 to 1000, a number of dangerous incidents that represents at least 2 percent of the school's enrollment; or

¹⁰ 22 Pa. Code § 403.2.

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- for a school whose enrollment is over 1000, at least 20 dangerous incidents.

DE must determine which schools are PDSs within two months subsequent to June 30 and submit the names to the federal government. Schools classified as PDSs are required to inform parents of students within 10 school days of notification and offer students the opportunity to transfer to another school. Additionally, each PDS must develop and submit a corrective action plan to DE within 30 days outlining steps to reduce the number of dangerous incidents.¹¹

Government is accountable for information released to the public. Procedures must be in place to verify the accuracy of the information and to release the information timely, so parents, schools, communities, and government can make informed decisions regarding school violence.

Cause: According to management, DE lacks the legislative authority, funding, and staffing necessary to verify the accuracy of the statistics within its annual report. DE acknowledged that it never attempted to request additional funding and staffing from the Office of the Budget or the legislature. DE stated that it does not have authority to perform audits, on-site reviews, or require schools to submit documentation supporting the schools' statistics. We disagree. Such authority is implicit in DE's legal mandate to collect and report such data; regardless, nothing in state law prohibits DE from taking such actions. Prior to releasing a report, DE must ensure that the information presented is accurate, complete, and consistent. Otherwise, users and decision-makers may inaccurately assess the status of school safety in Pennsylvania.

Furthermore, DE stated that the report compilation process of the statistics contributes to the untimely release of the report.

Effect: DE cannot assure users of the annual report that the statistics are accurate, complete, and consistent or that the schools have maintained proper documentation. Additionally, untimely release of the report limits its use and effectiveness to users, including decision makers who assess school safety.

¹¹ 22 Pa. Code § 403.6.

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Furthermore, without independently verifying the school violence data submitted by schools, DE may not be classifying schools as PDSs that should be so classified. For example, as indicated on the previous page one District superintendent had stated in the newspaper article that the district's arrest number should have been 137 rather than two. Based on the criteria for classifying a school as PDS, it is possible that one or more schools in that particular School District should have been classified as a PDS, but were not. Furthermore, failing to classify schools as PDSs would misrepresent to parents, communities, and government that some schools are "safe schools" when, in fact, they are not. It also would not force schools that would otherwise be required to develop and submit corrective action plans to reduce dangerous incidents in schools to do so.

Recommendations: We recommend that DE verify the accuracy, completeness, and consistency of its *School Safety Annual Report* by:

1. Developing a reasonable sampling approach and design efficient and effective procedures to complete its verification timely;
2. Comparing the data reported by the school entities to what is received by respective law enforcement entities;
3. Developing standard reporting criteria; and
4. Investigating concerns regarding the accuracy of report information submitted by schools.

We also recommend that DE:

5. Work with the contractor, who developed the online reporting system, to determine a method to reduce the time it takes to compile the report data to release this information timely; and
6. Request greater authority through legislation if management believes that DE lacks the authority, funding, and staffing necessary to be effective.

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Finding No. 2 – DE Failed to Adequately Monitor School Safety Activities in Pennsylvania

Condition: Based on interviews with DE management and other procedures performed, we found the following inadequate monitoring and oversight of school safety activities by DE:

DE failed to ensure that required corrective action plans to reduce dangerous incidents in Persistently Dangerous Schools were implemented and effective

Using the data submitted by each school for the *School Safety Annual Report*, DE determines which schools become designated as Persistently Dangerous Schools, based on established criteria. For the 2005-06 school year, DE designated nine schools as PDSs. Once designated, each school must develop and submit a Corrective Action Plan, outlining its plan to improve safety, to DE for approval. According to management, DE visits the schools regarding the CAP but does not perform follow-up to determine if the corrective actions were fully implemented. Management also indicated that the CAPs are planning tools for schools to evaluate and identify their needs and are not required to be implemented.

DE failed to obtain and review each school’s Memorandum of Understanding with local law enforcement to ensure it existed, was sufficient, and up-to-date

By law, schools are required to have a Memorandum of Understanding with local law enforcement regarding procedures to be followed when an incident of violence or possession of a weapon occurs on school property. Based on interviews with DE management, DE acknowledged that it does not obtain and review each school’s MOU to ensure it exists, is sufficient, and up-to-date. Furthermore, based on the results of a 2007 survey conducted by the Department of the Auditor General and sent to all 722 public school entities, of the 491 public school entities responding, 20 percent acknowledged that they had not developed an MOU.

DE failed to obtain and review each school district’s Disaster Response and Emergency Preparedness Plan to ensure it existed, was completed and effective

School districts are required to develop and implement disaster response and emergency preparedness plans. These emergency plans are to include school safety issues, including school violence and other human-caused emergencies. According to the sample emergency plan found on DE’s website, DE “has responsibility for oversight of school district planning.” However, despite having oversight responsibility, DE management stated that it does not obtain or review emergency plans. Rather, it will only advise school districts upon request and provide related information on its website.

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DE failed to adequately monitor school violence statistics on an ongoing basis

As discussed in Finding No. 1, each year, DE compiles and generates a report that identifies statistics related to school violence in Pennsylvania. DE requires each school to utilize an online computer reporting system, developed by a DE contractor, to report these statistics no later than June 30. Additionally, according to DE's website, "By entering data pertaining to incidents occurring within school buildings into the reporting system on a daily basis, schools will maintain a permanent record as required" Once the superintendent of each school district approves a school's statistics online, these statistics are then submitted to DE, as required by law. The reporting system will not forward school statistics to DE until the superintendent approves them.

Based on our interviews with DE management, we found that DE does not monitor school violence statistics on an ongoing basis. Although DE suggests that schools enter misconduct data on a daily basis, it is not required. Furthermore, DE does not require schools/superintendents to submit school violence statistics throughout the year. Therefore, DE cannot timely address sudden increases in school violence or provide timely guidance to assist schools. Receiving, reviewing, and analyzing school violence statistics annually constitutes a reactive approach rather than a proactive approach to help schools stay safe.

Criteria: As part of the Unsafe School Choice Option provision of the federal NCLB Act, DE adopted standards for identifying PDSs. The classification of a public elementary, secondary, or charter school as a PDS depends on the number of students enrolled and the number of dangerous incidents occurring in one school year, based on the annual report's statistics. DE must determine which schools are PDSs within two months subsequent to June 30 and submit the names to the federal government. Schools classified as PDSs must develop and submit a plan to DE within 30 days outlining steps to reduce the number of dangerous incidents for DE's approval. Schools must implement all steps contained in their plan within the time periods specified.

According to Act 26, public schools are required to develop an MOU with local law enforcement to establish procedures to be followed when an incident of violence or possession of a weapon occurs on school property. According to the sample MOU provided by DE, MOUs must be reviewed and re-executed every two years.

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With regard to emergency plans, the Pennsylvania Emergency Management Services Code requires every school district, in cooperation with local and state emergency management agencies, to “develop and implement a comprehensive disaster response and emergency preparedness plan consistent with Pennsylvania Emergency Management Agency guidelines and other pertinent state requirements. The plan shall be reviewed annually and modified as necessary. A copy of the plan shall be provided to the county emergency management agency.”¹²

Act 26 also requires all public schools to annually report to DE, by June 30 of each year, all new incidents involving acts of violence, possession of a weapon, or the possession, use, or sale of a controlled substance, alcohol, or tobacco by any person on school property.

Cause: DE believes that the Pennsylvania legislature respects the public schools’ abilities to govern themselves, and, as a result, has not provided DE statutory authority to monitor and enforce safe school requirements. We disagree with DE’s reasoning. Such authority is implied and there is no legal prohibition from monitoring and enforcing safe school requirements. DE should be a proactive participant as both a monitor and oversight body to ensure all Pennsylvania schools develop, implement, and maintain these important safety measures.

Furthermore, DE states that it lacks sufficient staffing and funding to monitor and enforce these safe school issues. The Division of Student and Safe School Services within DE’s Bureau of Community and Student Services employs 12 individuals, who work, at least in part, on school safety (See Finding 5 for weaknesses noted in DE’s staffing and organization).

DE indicated that, because Act 26 only requires schools to submit school violence statistics to DE by June 30 of each year, DE cannot impose requirements as to when or how often schools should submit these statistics. We disagree. DE should be proactive and ensure timely assistance to schools with school violence issues by requiring schools to report incidents more frequently, such as quarterly or monthly.

With respect to CAPs, DE states that CAPs are only planning tools for schools to evaluate and identify their needs and are not required to be implemented. We disagree. CAPs must be implemented by schools and DE should monitor this process to ensure schools timely take corrective action and, if school violence is not alleviated, require changes to CAPs.

Regarding emergency plans, DE asserts that PEMA is responsible to monitor emergency plans. Again, we disagree. At a minimum, DE should obtain and review emergency plans to ensure they exist and are up-to-date.

¹² 35 Pa. C.S. § 7701(g).

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Effect: DE's failure to require PDSs to implement their CAPs increases the risk that PDSs are not taking actions to reduce school violence. Additionally, if high levels of school violence continued, despite the implementation of the CAP, DE would know that the CAP would need to be revised.

DE's failure to ensure that MOUs exist and are up-to-date not only violates Act 26, but also puts children, faculty, and staff at risk in the event of a violent incident at a school for which an agreement was not reached with law enforcement on how to effectively handle the situation.

DE's failure to ensure that emergency plans exist and are up-to-date also puts the safety of students and faculty at risk in the event of a disaster because the school would be unprepared to handle the situation.

DE's failure to monitor school violence on an ongoing basis reduces the effectiveness in assisting schools throughout the year. Ongoing monitoring of school violence statistics can lead to a timely response to emerging safety issues. As a result, training or other assistance needed by schools could be provided sooner.

Furthermore, without proper monitoring and oversight of these safe school activities, DE cannot properly "target" its limited grant funds available for safe school initiatives (see Finding 3).

Recommendations: We recommend that DE:

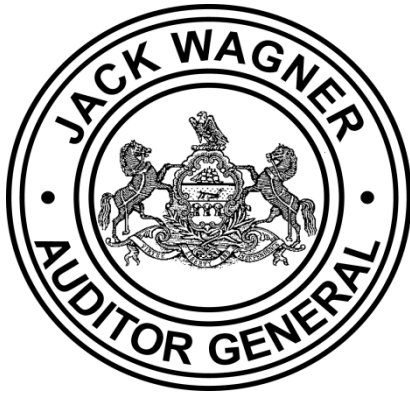
7. Monitor and, when necessary, enforce safe school reporting requirements as set forth in Act 26;
8. Require schools to submit school violence statistics on a regular basis, such as monthly or quarterly, to allow DE to analyze school violence statistics on an ongoing basis. If stronger legislation is necessary it should be pursued through the General Assembly;
9. Ensure that PDSs implement CAPs to reduce school violence at these schools;
10. Maintain in the central office file a copy of all MOUs and review MOUs for each school to ensure they exist and are up-to-date;

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11. Obtain and review all schools' emergency plans to ensure they exist and are up-to-date or seek confirmation that the Pennsylvania Emergency Management Agency (PEMA) verifies that all schools' emergency plans are up-to-date. A copy of the school emergency plan should be kept on file at DE; and
12. Review how other states monitor school violence, report school violence data and provide oversight to school districts.



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Finding No. 3 – DE’s Inadequate Administration of the Safe School Initiative Grants has Allowed Grantees to Inappropriately Spend Grant Monies

Condition: DE is responsible for administering and implementing the Safe School Initiative Grant Program, which awards grants to assist school entities to address school violence. DE, by intergovernmental agreement, has contracted with the Central Susquehanna Intermediate Unit 16 (IU), through its Center for Safe Schools, a sub-division, to administer this program on behalf of DE. DE’s involvement with this program is limited to approving the application form, approving the grant awards, and reviewing the on-site monitoring reports completed by the Center. For the fiscal years ended June 30, 2005 and 2006, the number and total dollar amount of safe school initiative grants available and awarded were 99 for \$2,954,466 and 48 for \$1,367,193, respectively.

For a school entity to obtain grant funding, the Center must first approve the school entity’s budget and budget narrative on how the money would be spent. The budget categories include salaries and benefits, consultants and contracts, employee travel, equipment purchase, materials and supplies, and other. The school entity would incur and pay for the items in the budget and seek reimbursements from the Center by submitting quarterly expenditure reports. Additionally, the school entity is required to submit a final expenditure narrative along with the final quarterly report. The Center reviews each quarterly expenditure report and final expenditure narrative and reimburses the school entity as long as the expenditures do not exceed the budget. Subsequently, the Center submits billings to DE for reimbursement.

As part of our audit, we visited six school entities which were awarded four safe school grants totaling \$120,648 out of 99 grants awarded for the fiscal year ended June 30, 2005 and three grants totaling \$45,823 out of 48 grants awarded in 2006. Based on interviews with school district personnel and our review of grant expenditure documentation, we found the following:

- One school entity in Cumberland County misrepresented grant expenditures in its final expenditure report in order to receive the total grant amount of \$12,420 for the fiscal year ended June 30, 2006. In lieu of submitting quarterly reports, this school entity submitted to the Center one expenditure report totaling \$12,420 on September 15, 2006 for the grant for the fiscal year ended June 30, 2006. Based on the Center’s initial review, the Center contacted the school entity regarding various concerns, including expenditures not in line with the budget and mathematical errors. As a result, the school entity submitted a revised expenditure report on November 13, 2006 which agreed with the budget and was paid by the Center. We audited the revised expenditure report and found \$7,719 of inappropriate expenditures as explained below:

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- **Salaries and benefits reimbursement of \$4,032 was overstated by \$3,654.** This overstatement was a result of the school entity: 1) estimating the number of teachers attending training; and 2) seeking reimbursement for training that occurred after the grant period. The school district acknowledged that some training occurred beyond the grant period and no extension was granted by the Center.
- **Consultants and contracts reimbursement of \$2,280 was overstated by \$1,000** due to the school entity including \$1,000 for a drug and alcohol assembly that did not cost the school entity any money. The school entity acknowledged that it should not have included the \$1,000 on the expenditure report.
- **Employee travel reimbursement of \$116 was overstated** because no documentation existed to support the expense. The school entity acknowledged that it should not have been included on the expenditure report.
- **Materials and supplies reimbursement of \$5,992 was overstated by \$2,949.** This overstatement was due to the school entity overestimating the cost of supplies/other by \$657, and purchasing the following disallowed items:
 - 220 t-shirts, totaling \$944;
 - 600 folders, totaling \$360;
 - 600 certificate holders, totaling \$360;
 - more than 1,000 pens or pencils, totaling \$203;
 - 12 stuffed animals, totaling \$110;
 - 50 lanyards, totaling \$100; and
 - erasers, stickers, rulers, etc., totaling \$215.

The school entity acknowledged that t-shirts were not an allowable expenditure. No explanation was provided for the remaining items.

- One school entity in Luzerne County purchased a **25-inch color television and a television/monitor cart with a locking cabinet totaling \$961**, which are disallowed items according to the grant agreement. The school entity indicated that it was unaware that these items were on the disallowed list.

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- One school entity in Armstrong County, which received \$23,311 in grant monies, **could not provide documentation supporting expenditures totaling \$7,510**, including the following:
 - salaries for five teachers to prepare a behavior handbook, totaling \$645;
 - counseling services for alternative education, totaling \$3,465;
 - supplies for identification badges, totaling \$1,162;
 - various materials, totaling \$543;
 - operational costs, totaling \$1,406; and
 - others, totaling \$289.

The school entity stated that the individuals familiar with the grant expenditures were no longer employed by the school entity; therefore, no explanation could be provided.

- One school entity in Blair County, which received \$35,000 in grant funding, provided support that did not agree with the budget and final expenditure report, did not include allowable costs, or could not provide support, including the following:
 - For consultants and contracts, the school entity overstated the actual number of hours worked at the approved rate of \$25 per hour to compensate for an actual rate charged of \$40 per hour. Although the school entity appeared to have spent more than what was reported, it misrepresented the information in its final expenditure report so that the expenditures agreed with the budget, to avoid being questioned by the Center. The school entity should have obtained approval by the Center to modify the previously approved budget and provide justification for increasing the hourly rate. The school entity acknowledged that it did not seek a budget modification, and could not provide an explanation as to why the number of hours billed did not reflect actual hours worked. **Therefore, we consider \$4,925, which is the difference between the amount reported (\$15,575) and 426 actual hours worked multiplied by the approved \$25 hourly rate (\$10,650), to be disallowed.**
 - For employee travel expenditures reported as \$6,200, the school entity could only provide documentation showing that \$767 was spent on employee travel. The remaining \$5,433 included expenditures for conference registration and room fees, and contracting services. The school entity acknowledged that it mistakenly billed training costs in travel expenses. **We consider the \$5,433 to be in noncompliance with the approved grant budget.**

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- For materials and supplies reported as \$3,000, the school entity could not provide documentation to support \$1,355. Also, \$318 was spent on donuts, muffins, and drinks, which are not eligible costs. **Therefore, \$1,673 is considered disallowed.**
- Two school entities in Allegheny County had adequate documentation to support their grant expenditures.

In summary, of the six school entities in our sample that received safe school grants totaling \$166,471, we found that four school entities (67 percent) inappropriately spent \$28,221 (17 percent). Our sample represents only four percent of the dollars awarded for these two fiscal years. DE does not require the Center to audit the grant expenditures of safe school grants and defers to the Center in determining what monitoring controls are necessary. As a result, the Center's monitoring controls do not include the review of the grant expenditures even though it conducts periodic on-site school entity visits. These monitoring visits are limited to ensuring that the projects specified in the grant proposal are implemented and assisting with any concerns the school entity identifies. DE's hands-off decentralization of this program has allowed the Center to inadequately monitor this program, thus allowing grantees to inappropriately spend grant funding.

Criteria: As part of administering any program, management must develop an internal control structure to ensure that the program is functioning properly. This structure would include written policies and procedures, adequate supervisory review, and monitoring. With respect to a grant program, prudent business practices dictate that prior to reimbursing the entire grant award, the grantor would verify that the expenditures reported by the grantee on the request for reimbursement had been incurred during the grant period, were in compliance with the agreement, and were accurate. On-site visits could be used as a means for reviewing the actual grant expenditures.

Through the intergovernmental agreement, DE has delegated the administration of this program to the Central Susquehanna Intermediate Unit 16 (IU), through its Center for Safe Schools. This agreement does not relieve DE of the responsibility for overseeing the functioning of the program. According to the agreement, the Center must administer and support the program, including the application process, grant expenditures, site visits focused on project development and safe school planning, and training.

Cause: DE uses a hands-off approach in regard to this program. DE stated that it relies on the Center to ensure that grant monies are spent according to the approved budgets, noting that the grant amounts are small. Additionally, DE indicated that this reliance is based on the Center's expertise and experience. We disagree with the notion that the grant amounts are small. More than \$4 million was dispersed through almost 150 grants over a two-year period. Furthermore, "small" grants do not reduce or eliminate the need for oversight and monitoring.

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The school entities are not being held accountable for the proper use of the grant funding. DE cannot rely on the Center to adequately administer this program “on behalf of DE,” as stated in the intergovernmental agreement, without DE monitoring the Center. It is evident, as previously noted that the Center’s expertise, experience, and current on-site visit procedures do not ensure that internal controls are in place and functioning for administering the program.

DE must ensure that the program, contractually administered by the Center, is functioning as designed. DE should provide the Center adequate guidance to administer the program, and conduct its own monitoring. Guidance to the Center should include procedures for reviewing actual grant expenditures to ensure that the school entity incurred the expenditures and the expenditures were allowable, properly recorded, and incurred during the grant period. Additionally, DE’s monitoring efforts should include assessing the adequacy of the Center’s invoicing review processes and ensuring that the actual grant expenditures have been properly reviewed.

Effect: DE’s failure to require the Center to adequately review grant expenditures has allowed safe school grant monies to be inappropriately spent. Of the \$166,471 in grants tested, we found that \$28,221 should not have been paid. Overpayment was due to misrepresenting expenditure detail, overestimating expenditures, and invoicing disallowable items, such as expenditures incurred outside the grant period, or items not included in the approved budget. Furthermore, DE’s hands-off approach and lack of oversight not only cost the Commonwealth thousands of dollars, but also perpetuated insufficient accountability by many school entities.

Recommendations: We recommend that DE:

13. Develop standard procedures to audit the grant expenditures for safe school grants awarded for the fiscal years ended June 30, 2005 through 2008 and recoup grant monies that are not adequately supported and in compliance with grant agreements, including the \$28,221 that was found during this audit. Grant monies inappropriately used must be returned to the Commonwealth of Pennsylvania; and
14. Monitor the Center to ensure this program is administered and operated adequately. This includes assessing the adequacy of internal controls related to this program.



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Finding No. 4 – DE Failed to Award 96 Percent of Safe School Initiative Grants on a Targeted Basis as Required by Law

Condition: During our audit, DE contracted with the Central Susquehanna Intermediate Unit 16 to perform a number of school safety duties, including the administration of DE’s Safe School Initiative Grant Program. Within the IU, the Center for Safe Schools, a sub-division, is responsible to administer this program. The grants are for two-year projects. However, the grants for the second year are contingent upon funding availability. According to the 2005-06 grant application guidelines, the program’s purpose is to assist school entities with their comprehensive safe school plans, which include the planning and implementing of activities that prevent or reduce school violence on school property and/or on transportation to and from school. School entities may be a school district, intermediate unit, career and technical schools, a charter school, or cyber charter school. The guidelines state, “A safe school provides a physical and social environment in which students are able to learn and achieve to their fullest capacity.”

Based on interviews with DE and the Center as well as other procedures performed, we found that DE awarded 46 of 48 Safe School Initiative grants (96 percent) in 2006 on a competitive basis rather than a targeted basis as required by law. DE’s grant application instructions clearly state that these grants “will be awarded on a competitive basis.” A competitive process includes scoring and ranking applicants based on set criteria and awarding grants to those entities receiving the highest score, whereas a targeted process includes selecting applicants who have the greatest safe school need or highest risk of violence and awarding grants to alleviate those conditions. Additionally, the instructions state that the maximum grant amount for “competitive funding” is \$40,000 each year for all school entities, except for charter schools, for which the maximum is \$20,000 each year. According to DE, of the 181 school entities that applied for the 2005-06 competitive grants, 46 received grant awards totaling \$1,122,193. To determine whether DE awarded the competitive grants to the school entities reporting the most violence, we compared the statistics from the 2005–06 *School Safety Annual Report* to the school entities receiving competitive grant awards and found the following:

- Of the 25 school entities that reported the highest number of incidents of violence, seven applied for a competitive grant, but only one received a grant. These 25 school entities include approximately 600 schools that reported more than 46,550 incidents of violence or 64 percent of incidents of violence reported by all schools.
- Of the 25 school entities that reported the highest number of arrests, ten applied for a competitive grant, but only one received a grant. These 25 school entities include approximately 575 schools that reported more than 6,150 arrests or 51 percent of arrests reported by all schools.

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- Of the 46 grants, 18 grants totaling \$421,818 were awarded to school entities that reported less than 10 arrests.
- Of the 46 grants, 26 grants totaling \$609,092 were awarded to school entities that reported less than 50 incidents of violence.
- Of the 46 grants, seven grants totaling \$167,210 were awarded to school entities with no arrests. Additionally, of these seven, three reported no incidents of violence.

Based on this analysis, it appears that DE's competitive-basis methodology to award grants fails to "target" the school entities most in need of assistance, the school entities with the highest incidents of violence and/or arrests. Furthermore, given that more than half of the school entities with the highest incidents of violence or arrests fail to even apply for a competitive grant, we question the effectiveness of using a competitive-based methodology to award grants for the purpose of assisting schools to address school violence.

In addition to competitively awarding 46 grants, DE also awarded two targeted grants: \$200,000 to one School District for the development and continuation of an anti-bullying program and \$45,000 to a second School District for two security aides and school staff training on effectively interacting with students, staff, parents, and members of the community. When we questioned DE as to how school entities receive targeted grants, DE stated that it had the Center create written procedures for the auditors to describe the process. Based on these written procedures as well as inquiry with DE, for a school entity to receive a targeted grant, the school entity would need to represent to DE "a hardship and/or specific high need related to school safety and/or violence prevention." Next, DE would provide the school entity with an application for "Targeted Safe Schools Funding." Once the school entity completes and submits the application to the Center, the Center reviews the information and forwards the application to DE for final approval. DE then uses its discretion to determine the grant amount/award. DE indicated that targeted grants are typically awarded to school entities with Persistently Dangerous Schools, which are the most dangerous or the most in need. For the two targeted grants awarded for the 2005-06 grant year, the School District receiving the \$200,000 targeted grant had several PDSs, whereas the second School District had no PDSs.

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Criteria: According to Act 26, DE, through its Office for Safe Schools, is “to make targeted grants to schools to fund programs which address school violence.”¹³ Act 26 identifies 14 programs for receiving grant funding, but does not limit grant funding to these 14 programs. These programs include conflict resolution or dispute management; risk assessment, safety-related or violence prevention curricula; student codes of conduct; and comprehensive, district-wide school safety and violence prevention plans. A methodology for selecting grant recipients must be designed to ensure the most effective use of grant funding.

Additionally, prudent business practices dictate that, as part of administering a grant program, the grantor would ensure that adequate internal controls are in place, including the existence of written procedures.

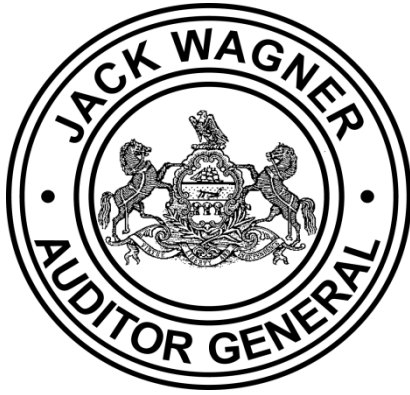
Cause: Management stated that DE uses a competitive basis for awarding these grants to enable any school entity to apply for a grant, rather than limiting the grants to school entities with school violence issues. DE focuses its decisions to award grants on school entities it believes will most effectively use the grant. For example, a school entity that has no history of school violence but adequately demonstrates a need for the grant (i.e. needs to improve its comprehensive safe schools plan) will be awarded a grant instead of a school entity that has a significant history of violence but fails to adequately demonstrate a need through its application information. Additionally, DE stated that it is comfortable in how it has been administering this program. We disagree with how management is administering this program. DE should take a proactive stance and perform a risk assessment of each school entity as it relates to school violence. A risk-approach methodology would target grants to school entities that are in critical need of assistance to reduce violence and enhance a safe environment for students.

Effect: Failure to award grants using a risk-approach methodology has resulted in DE awarding the majority of grants to school entities with low rates of violence and arrests. As a result, many of the school entities that have demonstrated high rates of school violence and arrests are not applying for and/or not receiving grant awards intended to reduce school violence and promote safe schools. Grant dollars are not being used effectively.

Recommendations: We recommend that DE:

15. Change its method of awarding grants to a risk-approach methodology. This will allow DE to target the schools that are most dangerous and have the highest risk of violence and to ensure that it is in compliance with law; and
16. Ensure that all school districts (especially those with high incidents of violence and/or arrests) are aware of how to properly apply for a safe schools grant.

¹³ 24 P.S. § 13-1302-A(c).



**DEPARTMENT OF EDUCATION
SAFE SCHOOL INITIATIVES
JULY 1, 2001 THROUGH JUNE 30, 2006**

FINDINGS AND RECOMMENDATIONS

Finding No. 5 – DE Failed to Create the Office for Safe Schools as Required by Law

Condition: The issue of school safety continues to be brought into the forefront as school violence incidents are reported throughout the United States. Within Pennsylvania, the legislature, through Act 26, required DE to create an Office for Safe Schools and provided the Office with specific powers and duties. However, since 1995, DE has failed to create a separate and distinct office formally recognized and provided with organizational authority of that of a deputy-level official within DE.

Although DE purports through its Safe Schools Initiative Grant application and other literature that it has an “Office for Safe Schools,” DE admitted to us that, organizationally, it never created the Office. Furthermore, as shown in its organizational chart (see Appendix A), school safety has fallen far short of a separate and distinct deputy-level office. In lieu of creating the Office, DE realigned existing staff into a Division of Student and Safe School Services (Division) under the Bureau of Community and Student Services (Bureau). According to the Bureau Director, the Division has 12 employees, who work, at least in part, on school safety. As part of our audit, we requested signed job descriptions and timesheets for these 12 employees to verify what safe school service each person worked on during the five-year audit period. DE indicated that timesheets are not utilized and, therefore, were unavailable. Regarding the job descriptions, DE only provided four signed documents that covered one of the five years requested. The remaining eight were generated and signed in 2007, which is subsequent to the audit period. Based on this evidence, we question the actual work these 12 employees performed for school safety.

In addition to 12 employees, DE contracts with the Central Susquehanna Intermediate Unit 16, to perform a number of school safety duties, including issuing safe school initiative grants and coordinating safety training to schools. To perform these duties, the IU utilizes seven employees from a sub-division called the Center for Safe Schools.

Although it created a 12-employee Division, DE has not taken a proactive stance to ensure school safety in Pennsylvania. Instead, as described in Findings 1 through 4, DE has taken a hands-off, reactive approach to the ever-changing, ongoing challenge, of safe schools within Pennsylvania’s educational environment. DE fails to oversee and monitor various aspects of school safety, stating that it lacks legislative authority, funding, and staffing. DE fails to verify school violence statistics it publishes each year, and, as a result, could fail to identify Persistently Dangerous Schools. DE fails to issue safe schools grants to schools that need it most. DE lacks adequate oversight of the Center’s activities and fails to require the Center to perform sufficient monitoring of grant expenditures. DE must correct these deficiencies by first taking ownership of its critical responsibility to oversee school safety throughout Pennsylvania.

**DEPARTMENT OF EDUCATION
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FINDINGS AND RECOMMENDATIONS

Finding No. 5

The responsibility to oversee school safety would need to be elevated to a deputy-level office by DE. In other words, DE should create the Office for Safe Schools as Act 26 requires and provide it the organizational authority necessary to establish school safety as a high priority of DE. DE must be a partner with each school district and play an active role in assisting with preventative programs, updating crisis preparation, encouraging student/parent participation programs, and seeking funding or changes to law that would provide schools the necessary tools to provide a safe learning environment for all Pennsylvania children.

Criteria: As established by Act 26, DE is required to create an Office for Safe Schools with the following powers and duties:

- To coordinate anti-violence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations;
- To collect, develop, and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence;
- To provide direct training to school employees, parents, law enforcement officials, and communities on effective measures to combat school violence;
- To advise school entities and nonpublic schools on the development of policies to be used regarding possession of weapons by any person, acts of violence, and protocols for coordinating with and reporting to law enforcement officials and DE; and
- To develop forms to be used by school entities for reporting incidents involving acts of violence and possession of weapons on school property.¹⁴

In addition to these duties, DE's stated mission "is to lead and serve the educational community to enable each individual to grow into an inspired, productive, fulfilled lifelong learner." To complete this mission, DE must be a proactive advocate and participant to assist schools with providing a safe learning environment. This includes making school safety a high priority within DE.

¹⁴ 24 P.S. § 13-1302-A(b).

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Cause: DE believes that the intent of the law was not to create a new deputy-level Office for Safe Schools within DE. Management explained that its interpretation of Act 26 failed to give DE explicit authority to create a new Deputy Secretary position. In addition, DE stated that the Act failed to include any funding to increase DE's complement to create an Office. As a result, DE decided to not create the Office and acknowledged that it never requested additional funding and staffing from the Budget Office or the legislature. We disagree with DE's position, given that its mission is to "lead and serve the educational community...." DE should have requested the organizational change through the Executive branch to be in compliance with the law. If the Executive branch denied the change, DE would have at least shown that it attempted to create the Office.

Effect: Failure to create the Office at the deputate level damages DE's perception by schools, parents, and the community on the importance of school safety in Pennsylvania. This perception reduces the effectiveness of DE's ability to lead and serve schools throughout Pennsylvania. In other words, schools will not contact DE for assistance with school safety if DE does not exhibit a willingness to go beyond the extremely limited assistance resulting from its interpretation of the law. DE's interpretation of the law enables it to shirk its responsibility to ensure school safety. Pennsylvania citizens expect DE to oversee and monitor Pennsylvania schools to ensure that school safety initiatives are effectively implemented. As evidenced in Findings 1 through 4, DE has failed to be an active participant in achieving school safety in Pennsylvania. Finally, DE purporting that it maintains an active and functioning "Office for Safe Schools" is deceptive to Pennsylvania citizens.

Recommendation: We recommend that DE:

17. Create an Office for Safe Schools as required by Act 26 and elevate the Office to a deputy level.



**DEPARTMENT OF EDUCATION
SAFE SCHOOL INITIATIVES
JULY 1, 2001 THROUGH JUNE 30, 2006**

FINDINGS AND RECOMMENDATIONS

Finding No. 6 – DE Failed to Effectively Utilize its Safe School Advocate for the Philadelphia School District

Condition: According to DE, “Because of the combination of its size, poverty, and urban composition, the School District of Philadelphia occupies a unique position within the Commonwealth’s educational system. The District’s distinguishing characteristics create special educational challenges not only for the District, but also the Commonwealth as a whole.” Therefore, in response to the safety challenges presented by the District, in November 2000, the General Assembly authorized the establishment of a Safe Schools Advocate for the Philadelphia School District.¹⁵

The Advocate, who reports to and is paid a salary by DE, is responsible for monitoring the Philadelphia School District to ensure compliance with the District’s reporting of incidents of violence and with the procedures set forth in the MOU with the city’s police department regarding incidents of violence and possession of weapons as well as additional duties including, assisting victims of school violence and the creation and submission of an annual report.

Based on interviews with DE management and documentation provided by DE, we found that DE is not effectively utilizing its Advocate for the Philadelphia School District as noted below:

DE failed to ensure that the Advocate submitted annual reports as required

We reviewed the annual reports submitted by the Advocate for the audit period and found that the Advocate failed to submit certain annual reports and failed to submit annual reports timely, as shown in the table below:

Advocate Annual Reports

Fiscal Year Ended	Advocate Responsible	Report Due	Report Submitted	Conclusion
June 30, 2002	Former	August 15, 2002	August 15, 2002*	Submitted on time
June 30, 2003	Former	August 15, 2003	December 15, 2003*	Submitted late
June 30, 2004	Former	August 15, 2004	September 14, 2005*	Submitted late
June 30, 2005	Former	August 15, 2005	Never submitted	Never submitted
June 30, 2006	Current	August 15, 2006	Never submitted	Never submitted

* - Used date listed on report.

Note that, in a DE press release dated May 13, 2008, DE indicated that the Advocate recently released a draft version of his Annual Report for the fiscal year ended June 30, 2007, which was due August 15, 2007. This draft was never published by DE, rather DE generated its own report because DE believed the Advocate used inaccurate data, false assertions, and incorrect legal analysis. In addition, the June 30, 2008 report has not yet been released.

¹⁵ 24 P.S. § 13-1310-A.

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FINDINGS AND RECOMMENDATIONS

Finding No. 6

With regard to these reports being submitted late, DE indicated that due to the adversarial relationship with the advocate, it failed to ensure that the Advocate's annual reports were submitted timely. Our review of the December 15, 2003 annual report revealed no reason as to why the report was four months late. The September 14, 2005 annual report, which was 13 months late, noted that the late submission was due to the Advocate not being able to obtain data from the Philadelphia School District. However, DE failed to assert any pressure on the Philadelphia School District to provide the data to the Advocate timely.

With regard to the annual reports for the fiscal years ended June 30, 2005 and June 30, 2006 not being submitted, DE stated that, during the audit period, two individuals had served as the Advocate. One individual served from 2001 through December 2005 and the second served from May 2006 to the present. DE stated that the first advocate failed to prepare and submit the annual report for the fiscal year ended June 30, 2005 prior to resigning in December 2005. Furthermore, given that the Advocate position was vacant from January through May 2006 DE stated that it was unreasonable to expect the new Advocate to create the annual report for the fiscal year ended June 30, 2006 after being in the position for one month. It would not have been unreasonable for DE to instruct the first Advocate to submit the annual report for the fiscal year ended June 30, 2005 and to submit a status report of the activity from July 1, 2005 to December 2005 prior to his resignation or otherwise provide for its completion. However, DE failed to do this.

DE failed to respond to the recommendations presented in the annual reports

We reviewed the Advocate's annual report for the fiscal year ended June 30, 2004 (the most recent report available during the audit period) and noted that it contained four prior recommendations and 20 current recommendations, which require actions by the Philadelphia School District, Pennsylvania General Assembly, or DE. Examples include recommending the Philadelphia School District to:

- notify parents as soon as a violent incident occurs involving a child;
- enhance its weapon detection operations in schools; and
- cooperate with parents and permit the timely transfer of student victims to another school.

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SAFE SCHOOL INITIATIVES
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FINDINGS AND RECOMMENDATIONS

Finding No. 6

Additionally, the Advocate offered numerous proposals for the General Assembly and/or DE to amend current statutes and regulations. The Advocate's proposals included the following:

- a mandatory one-year expulsion for students who commit a serious and/or violent offense;
- the inclusion of the Advocate in any and all disciplinary hearings, mediation hearings, court proceedings and meetings at schools upon a request from the parent or guardian of the victim;
- the establishment of a 30-day response deadline to any request for Act 26-related information from the Advocate to the School District of Philadelphia, as well as extending the Advocate's reporting deadline from August 15 to October 15 of each year;
- the explicit prohibition of alternative disciplinary schools from being designated as persistently dangerous, therefore, preventing potentially violent students at these schools from applying for a persistently dangerous school transfer and being returned to a mainstream school; and
- to enable the Advocate to serve victims of violence in the entire School District by granting oversight of charter schools.

With regard to the recommendations, DE stated that it did not implement or ensure that the Philadelphia School District implemented any of the report's recommendations. DE management indicated that the Advocate published the report without DE's approval and, therefore, DE was not aware of the report's recommendations until it was published. Once published, DE stated that it reviewed the report and performed a cost analysis and concluded that no action was necessary. However, DE could not provide documentation supporting this analysis.

DE failed to provide evidence showing that DE provided the Advocate direction, vision, and oversight

Although the Advocate was appointed by the Governor, DE is directly responsible for supervising his actions and funding his salary and the salaries of his staff. On average, during the five-year audit period, DE approved a \$1,000,000 annual Advocate budget and expended \$233,000 annually for this purpose through a separate appropriation.

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Finding No. 6

We inquired as to what direction, vision, and oversight DE provided to the Advocate. Specifically, we asked for the following:

- standard operating procedures DE provided to the Advocate;
- DE's written vision statements or expectations for the Advocate;
- the Advocate's written progress reports provided to DE during the audit period; and
- written communications between DE and Advocate showing DE's direction and oversight to the Advocate.

DE stated that neither standard operating procedures nor vision statements were created and provided to the Advocate, although the broad areas of the Advocate's authority are outlined in the law. Additionally, DE stated that it did not require the Advocate to provide ongoing written progress reports because DE works directly with the Advocate and communications are mostly informal such as phone calls, lunch gatherings, e-mails, and informal memoranda. However, we requested written communication documentation, such as e-mails and memoranda, and DE has not provided any documentation as of August 2008.

Criteria: State law required DE to establish a Safe Schools Advocate for the Philadelphia School District and created the powers and duties of the Advocate, including the following:

- monitoring the school district to ensure compliance with safe school law;
- providing assistance and information to parents of students who are victims of acts of violence on school property;
- analyzing court decisions relating to the school district's disciplinary process and making recommendations; and
- preparing an annual report regarding the activities of the Advocate during the prior fiscal year and any recommendations for remedial legislation, regulations or school district administrative reforms to the school district superintendent, and various legislative committees by August 15 of each year.

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FINDINGS AND RECOMMENDATIONS

Finding No. 6

Because DE employs the Advocate, it is DE's responsibility to ensure that the Advocate fulfills its statutory duties effectively and timely by providing adequate direction, vision, and oversight through regular communication and ongoing progress reports. Additionally, DE must review the documentation submitted by the Advocate, including the annual report, and determine appropriate responses or actions regarding recommendations.

Cause: With regard to DE not ensuring that the Advocate timely submitted annual reports, DE stated that the individual appointed to be the Advocate in August 2001 became adversarial and uncooperative with the Philadelphia School District and DE. This Advocate "did not take direction from the administration, and he ultimately left under pressure from [DE]." We do not understand this explanation. If DE paid the Advocate, and the Advocate was not timely providing the annual report and not taking direction, DE should have utilized disciplinary action, including termination to remove the Advocate, or contacted the Governor to have the appointment rescinded.

With regard to DE not responding to the recommendations contained in the annual report, DE stated that it needs to focus on all school districts, not just Philadelphia. Furthermore, DE indicated that, due to the adversarial situation with the Advocate, DE did not consider the relevance of the June 30, 2004 annual report issued September 2005, three months prior to the Advocate leaving. We disagree. If DE did not agree with the recommendations published and presented by the Advocate, it seems appropriate for DE to formally respond that it did not agree with the recommendations and provide explanation or alternate courses of action to the Advocate.

With regard to DE not providing evidence that it provided direction, vision, and oversight to the Advocate, DE indicated that communication was done informally. We disagree with DE's leadership philosophy. Effective leadership encompasses formal communications and documented standards, expectations, and performance.

Effect: DE's failure to ensure that the Advocate submits annual reports to the Philadelphia School District, General Assembly, and DE not only permitted non-compliance with the Act, but also may prevent Philadelphia students from having a safe learning environment. Without timely reports, appropriate parties cannot review and timely react to critical information contained in these reports. The Philadelphia School District not adhering to the Act or not adequately reacting to incidents of violence must be immediately disseminated to DE, the General Assembly, and Philadelphia parents.

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FINDINGS AND RECOMMENDATIONS

Finding No. 6

DE's failure to ensure that the appointed Advocate is performing his duties effectively and timely with proper direction and oversight may result in the Philadelphia School District not reducing school violence. Additionally, this lack of oversight may have resulted in wasting taxpayers' money, on average, up to \$233,000 annually for fiscal years ended June 30, 2002 through 2006 (the cost of funding the Advocate and his office).

Recommendations: We recommend that DE:

18. Ensure that the Advocate's annual reports are submitted and submitted timely;
19. Promptly review the recommendations in the Advocate's annual report, document the review process, and conclude in writing as to DE's agreement or disagreement with the recommendations and any corrective actions needed;
20. Follow up with the Philadelphia School District to monitor implementation of the Advocate's recommendations;
21. Develop written standard operating procedures for the Advocate;
22. Develop written expectations and vision statements for the Advocate;
23. Require the Advocate to submit regular progress reports; and
24. Document and retain communications with the Advocate to substantiate adequate oversight.

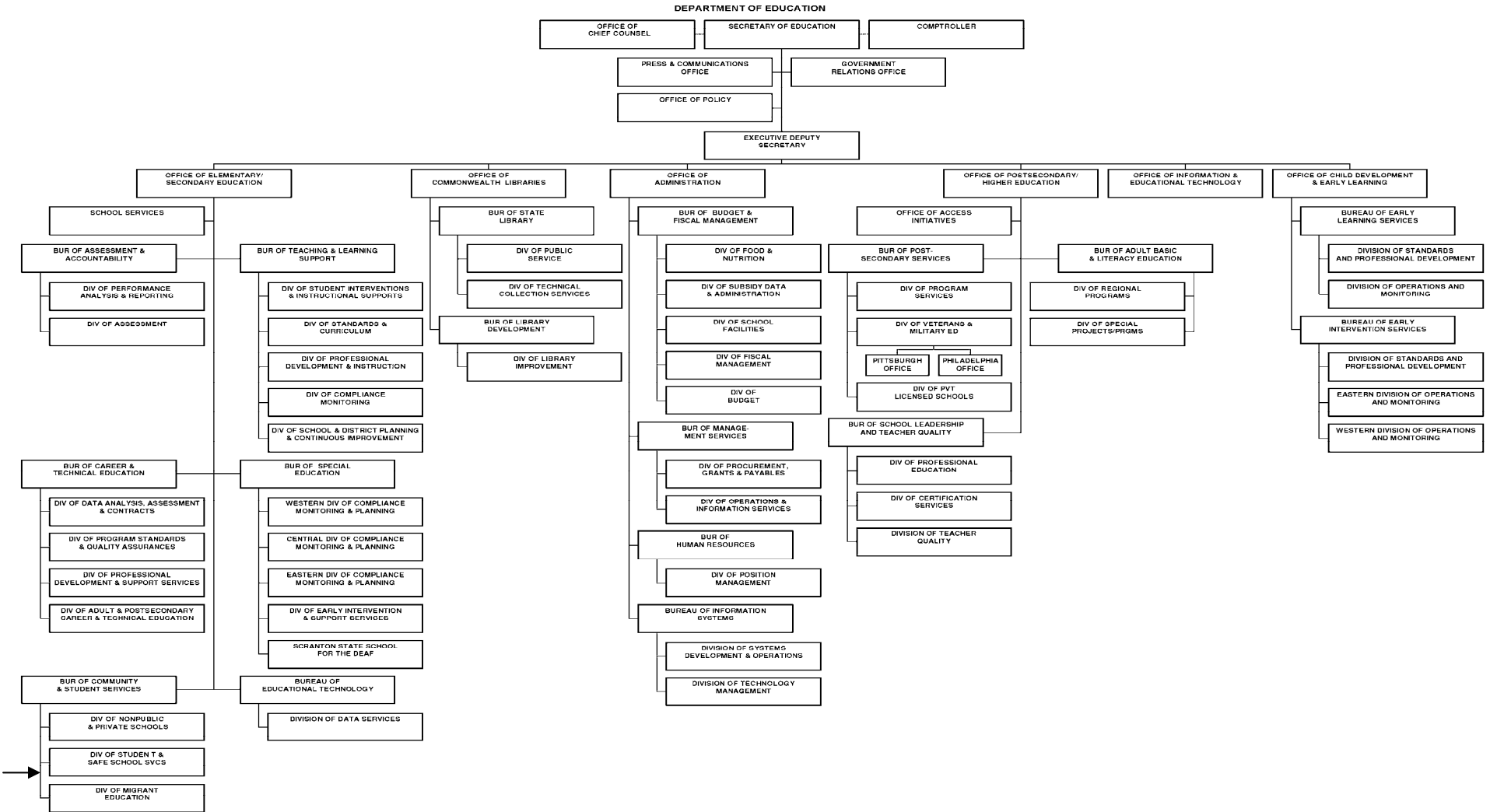
Furthermore, if DE does not take an active role in overseeing the Advocate, we recommend that the legislature:

25. Consider moving the advocate position out from under DE.

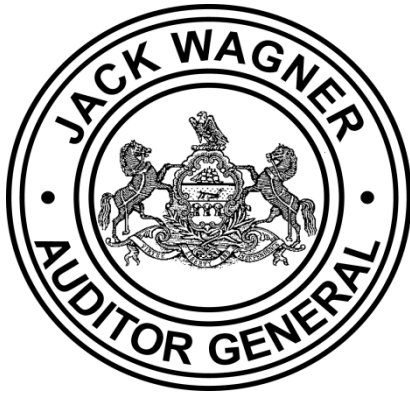
APPENDIX A



APPENDIX A



NOTE: In lieu of creating a Office for Safe Schools at the deputy level, DE realigned existing staff into a Division of Student and Safe School Services, noted by the arrow above.



APPENDIX B



APPENDIX B

What follows in Appendix B is the Department of Education's verbatim response to our findings and recommendations as well as auditors' conclusions. While we are pleased to note that management has agreed to implement several of our recommendations, unfortunately, management also expressed disagreement with the majority of our important recommendations to improve school safety.

APPENDIX B



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
333 MARKET STREET
HARRISBURG, PENNSYLVANIA 17126-0333

SECRETARY OF EDUCATION

October 3, 2008

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Mr. Randall R. Marchi
Director, Bureau of Departmental Audits
Department of the Auditor General
225-D Finance Building
Harrisburg, PA 17120-0018

Re: Performance Audit of Safe Schools Initiatives
PDE Response to Auditor General Report

Dear Mr. Marchi:

Thank you for the opportunity to respond to the Findings contained in your Report on Safe School Initiatives administered by the Pennsylvania Department of Education ("PDE"). Attached you will find PDE's Response to each of the Findings in the Report.

Safe and secure classrooms and schools are critical to a quality education. The Department shares your belief that ensuring the safety and well-being of the Commonwealth's school children is a top priority, and we have made notable strides during Governor Rendell's tenure to bolster school safety efforts. As the attached Response details, we are continually working with schools to help them identify and implement school safety initiatives that work. Additionally, although PDE may disagree with the Auditor General's conclusions on some issues, we always are open to discussing ways to improve school safety with any interested parties, including your office as well as members of the General Assembly. Thank you for your interest and input in helping PDE continue its efforts to provide every child with a quality education in a secure, nurturing environment.

Sincerely,

A handwritten signature in cursive script that reads "Gerald L. Zahorchak".

Gerald L. Zahorchak, D.Ed.

Attachment

APPENDIX B

RESPONSE OF PENNSYLVANIA DEPARTMENT OF EDUCATION TO AUDITOR GENERAL'S AUDIT OF DEPARTMENT OF EDUCATION SAFE SCHOOL INITIATIVES JULY 1, 2001 THROUGH JUNE 30, 2006

Finding No. 1 – DE Failed to Verify the Accuracy, Completeness, and Consistency of the Statistics in its *School Safety Annual Report*, which took More than 13 Months to Release.

PDE Response. In Finding 1, the Auditor General asserts that the Pennsylvania Department of Education (“PDE”) did insufficient work to verify the school safety data submitted by school districts and that PDE took too long to publish the Report. Over the past several years PDE took numerous steps to improve data accuracy and consistency, and PDE continues to explore other ways to add to those improvements.

Accuracy and Consistency of Data.

The Report states that it covers the period from 2001-02 to 2005-06. Beginning in the fall of 2007, however, the auditors extended the audit period by making extensive document requests and asking numerous questions about the 2006-07 year. Beginning in 2006-07, PDE made substantial changes that already address the concerns raised in the report. Unfortunately, information from 2006-07 was not included in the Report, providing an incomplete picture of PDE’s significant improvements in ensuring accuracy and consistency of data.

During the period from 2001-02 to 2006-07, the data collection system for school safety incident reporting underwent radical change and improvement: from a system of paper records submitted by school districts to a robust, sophisticated, and user friendly online reporting system. The improvements have resulted in more complete, accurate, and consistent reporting of data by school districts. Some of the major changes include the following:

- Audit checks are performed for every questionable entry.
- A much improved incident entry interface has been implemented. Duplication of incident reporting is now almost completely eliminated. Incident specificity has been added (where, when, *etc.*).
- Misconduct reporting was expanded to 54 misconduct types.
- To further address consistency of reporting requirements, all misconduct types were comprehensively defined to include Pennsylvania Crime Code definitions where applicable.
- Victim data has been included where misconduct involves a victim.
- Incidents involving misconduct types that meet the criteria for a persistently dangerous school are screened, audited, and made available for additional review by the district superintendent.
- A release process has been added to ensure the district superintendent reviews and approves a school’s submission prior to release to the public.
- School police officer and security professional training reporting has been added.

APPENDIX B

- The user interface was completely revised for ease of use.

PDE believes these changes have vastly improved the accuracy and consistency of the data submitted by schools for use in the *Annual Report*.

PDE Performs Quality Controls On The Data It Receives.

Under current measures, data submitted by an educational entity is not considered final until the appropriate local authority (superintendent or other chief executive) has reviewed and approved its accuracy. In addition to that verification process, PDE takes independent steps to ensure the validity of the data submitted.

First, PDE does routine outreach to schools to inform them of the reporting requirements and provide guidance in categorizing incidents, and flags submissions that appear to be incomplete or inconsistent. For example, if a reporting entity did not record a single reportable incident of student misconduct, PDE will ask the entity to re-verify the submission of its data. For the 2005-06 school year, one particular school district's final report identified its overall truancy rate as "0." PDE contacted the district's data coordinator by phone and emailed the Superintendent regarding this number. After internal review of truancy rates, the district recognized the error and then resubmitted the data with corrected numbers. Thus, there were over 2,000 instances of truancy that appeared on the final report.

Second, PDE identifies reports where the number of incidents appears disproportional to the entity's total enrollment. For example, during the first two years of the new reporting system (2003-04 and 2004-05), one school district consistently had reported approximately 100 total incidents per year. In 2005-06, that district reported about the same number, but PDE cross-checking identified this as a possible error due to the district's overall enrollment level. PDE contacted district staff and the superintendent to discuss concerns about the consistency of reported incidents in relation to student enrollment. After rechecking, the school district indicated that they were reporting incidents based on guidance issued in the mid-1990s, shortly after the Safe Schools Act was enacted. When PDE identified this error by the district, PDE staff and its contractor worked with district staff to correct and improve their misconduct collection. Ultimately, the district's data for 2005-06 was changed to reflect 1,060 incidents rather than the 103 originally reported. This approach was confirmed in 2006-07, when the district reported 1,284 incidents.

Finally, PDE believes it can continue to improve on the many steps already taken to ensure that the most accurate and complete data are included in the *Annual Report*. PDE believes some type of auditing of school district data would be helpful, perhaps by identifying a small sample of districts each year. Because such activity is not authorized by current law, PDE hopes the Auditor General will join PDE in seeking the necessary legislative changes to allow that to occur.

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Timeliness of Report.

It is always PDE's goal to provide to the public the most accurate data in the most timely manner possible. PDE recognizes that for several years the *Annual Report* has been published about one year after the close of the school year referenced in the *Report*. PDE commits itself to improving the timeliness of the delivery of the *Report* for future years.

Auditors' Conclusion: Overall, management is in disagreement with our recommendations. Management points out numerous improvements it made over the past few years to address the accuracy and completeness of the data included in the *School Safety Annual Report*. We acknowledge management's efforts; however, as of August 2007, these procedures and results were not documented so we were unable to attest to their existence. Furthermore, we believe that DE's asserted procedures fall short of our recommendations for verification, through audits and investigations, of the data contained in the *School Safety Annual Report*. Such scrutiny must also include a review of applicable school records and documentation.

Management agrees with our recommendation to implement a sampling approach to timely verify the data contained in the *School Safety Annual Report*, through a review of school records. However, management indicated that DE lacks authority in the law to perform such verifications. We disagree. Such authority is implicit in DE's Legal Mandate to collect and report such data; regardless, nothing in state law prohibits DE from taking such actions. As noted in our finding, we believe DE management should implement procedures, allowing for the performance of investigations of questionable data submitted by schools. Such data should be compared with crime statistics retained in law enforcement records. Although management did not respond to this recommendation, we encourage DE to pursue verification procedures along with the audit sampling procedures.

We are pleased that DE is furthering its efforts to improve the timeliness of the *School Safety Annual Report*.

APPENDIX B

Finding No. 2 – DE Failed to Adequately Monitor School Safety Activities in Pennsylvania.

Finding No. 2(a) – DE failed to ensure corrective action plans were implemented and effective.

PDE Response. Pennsylvania has perhaps the strongest system in the nation for identifying Persistently Dangerous Schools (“PDS”), and PDE takes steps to help school districts improve safety in schools that are identified as PDSs. Through its recent grant program targeted on PDSs, the federal government has recognized that Pennsylvania is one of only three states to take seriously the process of identifying and addressing the challenges of Persistently Dangerous Schools.¹ PDE believes the Report should recognize the State’s record in developing such stringent PDS standards and implementing those standards over the past 5 years. PDE intends to provide additional and improved assistance to school districts whose schools face safety challenges—both PDSs and other schools.

Under the federal No Child Left Behind Act of 2001, states were required to establish and implement a statewide policy for identifying and addressing Persistently Dangerous Schools.² Beginning in 2002, PDE convened an Advisory Group to assist the Department in establishing a policy regarding PDSs. In June 2003, the work of the Department and its Advisory Group resulted in the publication of stringent regulations for the identification of PDSs.³

¹ See <http://www.ed.gov/programs/persistentdanger/gteppersistentdanger.pdf> and <http://www.ed.gov/programs/persistentdanger/awards.html>.

² See Act of Jan. 8, 2002, P.L. 107-110, 115 Stat. 1984, §9532, 20 U.S.C.A. §7912.

³ See 22 Pa. Code §§ 403.2, 403.6.

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When those regulations first went into effect in 2003, they resulted in the identification of 28 Persistently Dangerous Schools. That same year, 44 states and the District of Columbia reported they had no PDSs. The five states other than Pennsylvania to identify PDSs collectively reported only 26 schools. Thus, more than half the PDSs in the nation were identified by Pennsylvania. In the years since 2003, reports indicate that Pennsylvania's standards for identification of PDSs is the strictest in the nation.⁴ In the first five years of the PDS provision, the "persistently dangerous" label was used only 199 times by nine states and Puerto Rico. Of those 199 instances, 69—or more than one-third—were identified by Pennsylvania.⁵

In accordance with state regulations, PDE provides technical assistance to any local education agency ("LEA") whose school is designated as persistently dangerous. PDE assists the LEA in developing a corrective action plan and will review proposed corrective action plans submitted by school districts. If the plan is suitable, PDE will approve the corrective action plan. 22 Pa. Code §403.6(e)(3). After approval of a corrective action plan, PDE conducts a site visit to each persistently dangerous school to assess the school's progress in implementing the plan. If no significant improvement is observed, the Department may require the LEA to submit a revised corrective action plan for that school. 22 Pa. Code §403.6(e)(4).

PDE has reason to believe that its processes concerning PDSs are bearing fruit. Over the past 5 years, 31 schools have been identified as a PDS at least one time, but 19 schools have come off of the list and stayed off. Moreover, despite PDE's rigorous identification criteria, Pennsylvania cut the list in half and 12 schools remained in 2007-2008, down from a total of 28 in 2002-03.

In short, PDE is doing more than any other state to address and correct the safety issues in Persistently Dangerous Schools. In that context, PDE believes the Report should recognize the State's vision in developing such stringent standards and for implementing those standards over the past 5 years.

⁴ See, e.g., "HOT AIR: How States Inflate Their Educational Progress Under NCLB" at 17, (Education Sector, May 2006) (<http://www.mikemcmahon.info/nclbstate.pdf>); "Dangerous schools? Not here, most states say," *USA Today*, Sept. 24, 2003 (http://www.usatoday.com/news/education/2003-09-24-safe-schools_x.htm); "Law's 'Persistently Dangerous' Tag Weighed," *Education Week*, Oct. 26, 2006 (<http://www.edweek.org/ew/articles/2006/11/01/10safe.h26.html>). Paul Vallas, the former CEO of the School District of Philadelphia, which has had more persistently dangerous schools than any other district in the country, described this frustration in an interview with Education Week:

I told my principals, there's only two ways to get off the persistently-dangerous-schools list... One is to continue to crack down on bad behavior and continue to be aggressive [in combating school violence]. The only other solution is to move the school district to New York state or California.

B.Gastic & J.Basiewski, *School Safety under NCLB's Unsafe School Choice Option* at 6 (available at http://www.urbanedjournal.org/Vol.%206%20Order%20in%20Schools/Articles/Article_1_Safety%20and%20NCLB.html) (citations omitted) (hereinafter "*School Safety*") (attached as Appendix 3).

⁵ *School Safety*, at 2 (citing Office of Inspector General, 2007 Report).

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Having said that, it is PDE's goal to provide additional assistance to school districts whose schools face safety challenges—both PDSs and other schools. For example, in 2007, the one urban school district established a 23-member task force of parents, teachers, and administrators to address safety concerns in their schools, and PDE provided support and technical assistance to the task force. PDE's role was to assist the safety task force in reviewing the school district's code of conduct and other policies related to student safety. The Department also assisted the district in determining whether it was accessing all the appropriate resources to address the district's safety challenges.

Finding No. 2(b) – DE failed to obtain and review each school's Memorandum of Understanding with local law enforcement to ensure it existed, was sufficient, and up-to-date.

PDE Response. As written, the Finding does not reflect PDE's authority under current law—simply put, PDE does not have the authority to mandate that districts submit MOUs to the Department for review. PDE did not have the authority to conduct such reviews, and there is absolutely no evidence to affirm the Report's suggestion that this creates a safety risk in our schools.⁶ PDE has used its authority—through its Safe Schools grant program and elsewhere—to encourage LEAs to develop effective MOUs with local law enforcement agencies.

PDE's interpretation of its authority is reflected in the fact that pending legislation (SB 112) would change the law to require each LEA's chief school administrator to submit a copy of the MOU to PDE each year. Notably, under SB 112, PDE would also have authority to initiate disciplinary action before the Professional Standards and Practices Commission when a school district's superintendent fails to enter into a memorandum of understanding; under the current law, no such authority exists. PDE has supported and continues to support SB 112, and encourages the Auditor General to join in support of the legislation.

Although the law does not permit PDE to mandate that LEAs develop MOUs with local law enforcement or allow PDE to require their submission or correction upon review, over the years PDE has taken a number of steps to encourage and assist LEAs in developing effective MOUs:

- In 2002, PDE issued a Basic Education Circular that addresses the issue of LEAs' memoranda of understanding with local law enforcement. That BEC provides a nine-page form document around which LEAs and law enforcement agencies can create a customized MOU that addresses the needs of their local community.
- Over the past several years, PDE—in conjunction with staff from PDE's contractor, the Center for Safe Schools, and the Pennsylvania State Police—provided several regional training sessions regarding MOUs.

⁶ Section 1303-A(c), expressly provides only that “all school entities shall develop a memorandum of understanding with local law enforcement which sets forth procedures to be followed” when violent incidents or weapons incidents occur in their school. 24 P.S. §13-1303-A(c) (emphasis supplied). The Safe Schools Act contains no duties, responsibilities, or authority for PDE regarding law enforcement MOUs. Thus, PDE has neither the responsibility nor the authority to obtain and review school districts' memorandum of understanding with local law enforcement.

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- Since 2003-04, PDE has required all Safe School grant applicants to submit their MOU as part of the application process. The Center has reviewed each of those MOUs and provided feedback to the applicant LEA if the MOU was found to be deficient.

Finally, although PDE agrees that it is important for school entities to have MOUs with local law enforcement, the fact that PDE did not review such documents did not create a safety risk in schools as the Report suggests. An effective relationship between a school and local law enforcement agencies is not a function of a properly written legal document; it is about the way local entities and local communities cooperate. The way that safety can be improved in relation to school/law-enforcement MOUs is by the General Assembly strengthening the law to create additional accountability at the local level for having effective MOUs in place—just as Senate Bill 112 would do.

Finding No. 2(c) – DE failed to obtain and review each school district’s Disaster Response and Emergency Preparedness Plan to ensure it existed, was completed and effective.

PDE Response. As written, the Finding does not reflect PDE’s authority under current law—simply put, PDE does not have the authority to mandate that school districts submit Disaster Response and Emergency Preparedness Plans to the Department for review. Furthermore, there is no evidence to support the Report’s suggestion that the absence of PDE review of school district plans created a safety risk in schools.

According to the Pennsylvania Emergency Management Services Code, every school district, in conjunction with the local Emergency Management Agency and PEMA, shall develop and implement a disaster response and emergency preparedness plan. 35 Pa.C.S.A. § 7701(g). Submission to or review by PDE—or any other government agency—are not mentioned in the law. Nevertheless, PDE agrees that it would be helpful to schools if such plans were reviewed by individuals with the technical expertise to assess the plans. To further this objective, PDE commits to engaging other experts—perhaps in the Pennsylvania Emergency Management Agency, Pennsylvania State Police, or other trained law enforcement and public safety entities—to assist in reviewing a sample of school district plans on an annual basis.

Finding No. 2(d) – DE failed to adequately monitor school violence statistics on an ongoing basis.

PDE Response. To the extent this Finding reiterates issues identified in Finding No. 1, PDE reiterates that over the past several years PDE took numerous steps to improve data accuracy and consistency and continues to look for other ways to add to those improvements. Moreover, PDE is exploring some form of limited-sample auditing of school safety records as a possible extension of the work PDE has been doing in this area.

Schools are required to submit data annually but are able to do so as frequently as they desire using PDE’s new data reporting system. To the extent this finding seeks to have PDE require school entities to submit data more frequently than annually—perhaps on a quarterly or monthly basis—PDE does not believe that mandating such an approach statewide would improve student safety. Because of the flexibility and usefulness of the online reporting system, some

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school districts already report incidents on an ongoing basis. Others use an internal tracking system, and then export the data into the online system only once or twice per year.

PDE believes that school entities themselves are in the best position to know, understand, and monitor school violence statistics. The staff who are in those schools—teachers, principals, resource officers and the like—are in the optimal position to serve as the eyes and ears for quickly identifying potential and existing safety issues. Likewise, they are in the best position to conduct routine examinations of their data to identify any trouble spots that need to be addressed.

Historically, PDE and the Center provide assistance when requested by school entities to respond to rapidly emerging safety matters. An example is the situation described in the Response to Finding No. 1 concerning PDE staff involvement with one particular school district. *See infra* p. [56]. Two other examples concern the Center’s staff providing intensive technical assistance to a county technical school (during the period from December 2006 to June 2007) and a school district (from October 2007 to June 2008). Both situations involved racial unrest and related threats and rumors of violence. In both instances, the Center engaged federal, state, and local agencies and organizations to participate in an advisory committee to assist these LEAs in their efforts. The Center provided multiple teacher-in-service trainings, multiple student assemblies, parent-community assemblies and meetings; it facilitated student dialogue groups; and it provided reports and recommendations to the governing body of the school entities.

Auditors’ Conclusion: Management expressed disagreement with our recommendations. DE indicated that it is doing more than any other state to address and correct the safety issues found in PDSs. We recommend that DE establish and perform follow-up measures to ensure identified PDSs have implemented required CAPs, according to the deadline prescribed in the plan. While we acknowledge DE’s efforts with PDSs, management’s response does not address our recommendation. Therefore, we encourage DE to implement our recommendation to improve safety efforts in these schools by ensuring PDSs effectively apply all aspects of the CAP.

This Finding also contains the recommendation that DE review each school’s MOU to ensure that it exists, sufficiently addresses safety concerns, and is up-to-date. Management indicated the Safe Schools Act bestows no duties, responsibilities or authority for DE regarding MOUs. DE believes it cannot mandate the development of MOUs nor can it require schools to submit such MOUs for review and corrective action. We consider DE’s review of MOUs to be critical because it is fundamental to ensuring that an effective relationship exists between a school and local law enforcement. We recommend DE review MOUs for each school to make certain they exist and are up-to-date. Copies of all MOUs should be kept on file in DE’s central office.

This Finding also recommends DE obtain and review all school emergency plans to ensure they exist and are up-to-date. Management indicated it is not required to perform this task and does not have the authority to review such reports. In addition, it states there is no evidence to suggest that the absence of review by DE is creating a safety risk in schools. We disagree with this statement; the potential threat of a crisis makes it essential for every school to have an adequate emergency plan. We believe monitoring by DE is critical to ensuring effective plans are implemented and schools are prepared to take decisive action in the event of a crisis. For DE to imply that its absence of review to verify school emergency plans does not create a safety risk is misguided and unreasonable.

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Finding No. 3 – DE’s Inadequate Administration of the Safe Schools Initiative Grants has Allowed Grantees to Misuse and Abuse Grant Monies.

PDE Response. PDE’s review of the contracts of school districts that appear to be described in the Report suggests that the Center’s oversight of these contracts was appropriate and that the auditors misapplied some expenditure guidelines for these contracts during their review. In addition to those specific concerns, PDE questions the validity of the broader conclusions drawn by the auditors from an extraordinarily small number of grants involving a very small amount of funds.

Notably, the results of the field audits of school districts, which were conducted by the auditors and described in the Report, have never been shared with PDE. So neither PDE nor the Center has been able to review the information or provide comment on the particular grants at issue. Moreover, even the Report does not identify the school districts that are alleged to have “abused” and “misused” funds.

If PDE was able to correctly deduce which school districts were involved from the information in the Report, then PDE has two important concerns about those school districts’ grants that should be mentioned.

- First, only a full-blown fiscal audit would detect the kinds of items identified in the Report. The appropriate role for PDE and its contractors like the Center is to ensure that invoices were submitted by the school districts for the salary-benefit, travel, and consultant cost items, and to ensure that expenditures in appropriate areas are backed up by legitimate documentation. To the extent the Report suggests that PDE conduct fiscal field audits of its grantees, PDE does not believe that is an appropriate expectation, especially considering that other entities already conduct such audits.

- Second, many of the expenditures—like counseling services for alternative education, bullying prevention resource books, identification badge supplies, folders, certificates, and others—are appropriate expenditures for these grants. Therefore, PDE believes the amounts of expenditures identified as inappropriate are overstated.

It appears to PDE that some items do represent improper expenditures by school districts. PDE thanks the Auditor General’s staff for its diligence and attentiveness in identifying these items. PDE pledges to work with the local entities to resolve these discrepancies and dutifully recover any state funds that might have been unused or used outside the allowable guidelines of the grant program.

Finally, in addition to the specific concerns with the field audit findings described above, PDE questions the validity of the Report’s broader conclusions. The Safe School grant program involved approximately 150 grants and more than \$4.3 million over the relevant two-year period. The field audits described in the Report indicate that the auditors reviewed six grants involving about \$165,000, of which they identified approximately \$28,000 in improper spending. This represents about 4% of grants and less than 7/10 of 1% of grant funds. PDE questions the validity of extrapolating from such small samples in an attempt to generalize about the performance of PDE and the Center.

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Auditors' Conclusion: DE management personnel expressed disagreement with our recommendations. Management indicated that only a “full blown fiscal audit” would detect the kind of errors we disclosed in the report. It is important to note that we obtained the grant documentation from DE for the grants we audited and we requested all source documents to support the expenditures. Upon learning that DE maintains no source documents, our auditors had to review the supporting documentation maintained at the respective school districts. As part of verifying the appropriateness of these grant expenditures, the auditors' test results and conclusions were confirmed with the respective school district managers. As noted in the condition of the Finding, DE is approving the grant payments to schools based on summary information with no verification as to the accuracy of the information or whether it coincides with school district records and/or documentation. We encourage DE to require schools to submit source documentation as part of their quarterly request for payment.

Additionally, we disagree with management's statement that it is not necessary for DE to audit grant expenditures. Because the grant program is administered by DE, it should be held accountable for the program results and activities. We encourage DE to develop standard procedures to audit all grants awarded since 2005 and recoup all grant monies not used in accordance with the approved grant award.

Finally, DE management indicated that it questions our broader conclusions because of the size and number of grants tested in the audit. We disagree. The six school entities in our sample received safe school grants totaling \$166,471. We found that four school entities (67 percent) had inappropriate expenditures of \$28,221 (17 percent). We believe this is indicative of a need for DE to strengthen the monitoring and oversight of grant payments. Additionally, as a result of further meetings with DE, we have decided to change the term “abused and misused” to “inappropriate” throughout the body of our findings.

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Finding No. 4 – DE failed to award 96% of SSI grants on a targeted basis as required by law.

PDE Response. PDE has several areas of disagreement with this Finding. Those concerns fall into one of three categories: issues concerning the actual operation of the grant program; data analysis issues; and the scope of issues considered by the auditors.

1. Operation of the grant program. PDE did in fact target Safe School grants in 2005-06. During that year, the application process targeted grants according to the following criteria:

- a. Special consideration was given to schools that had not received Safe Schools grant funding within the past 3 years (FY 2002-2003 through FY 2004-2005).
- b. Special consideration also was given to applicants seeking grants with proposals that targeted in whole or in part elementary and middle schools for the development and implementation of prevention-focused programs, staff development and services aimed at assisting students and school staff. Areas included, but were not limited to: conflict resolution skills; peer helpers programs; classroom management; after-school programs; research-based or proven effective safe schools curricula.

These criteria were described in the grant guidelines.

2. Data Analysis Issues. The Report ranked school entities from highest to lowest by the total number of violent incidents in order to suggest the DAG's view of which 25 school entities should receive grants. Ranking districts in this way, by total number, almost always will result in larger school districts being at the top of the list; smaller districts that in fact have higher rates of incidence of violence, will be at the lower end of the rankings. Because the Report relies on total violent incidents, instead of the total number of violent incidents as a proportion of total enrollment, the data the Report uses to identify the 25 "neediest" districts is inaccurate and misleading.⁷ A better measure would be the number of violent incidents per 1000 incidents, which unfortunately was not used.

The analytical problems do not stop with that concern, however. Not only does the Report use the wrong data set in its analysis, but it also analyzes the wrong group of schools to determine if PDE is targeting grants appropriately. Given that PDE cannot force districts to apply for targeted grants, a more appropriate analysis would focus on the characteristics of the applicant pool. In 2005-06, 181 school entities applied for grants. Of these 181, only 9 were from the group of 25 school entities reporting the highest number of violent incidents as cited in the Report.

⁷ To demonstrate the difference, consider the example of a very small urban school district with a K-12 enrollment of only 850 students. In 2005-06, the school district reported 55 violent incidents. When school districts are ranked purely by the total number of violent incidents, that school district ranked 409th. However, for a school district of its size, 55 violent incidents is a very large number. When school districts are ranked on the number of violent incidents *as a proportion of their total enrollment*, that school district is ranked 13th highest.

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This analysis does lead to a legitimate concern. PDE should—and will—perform additional work to determine why some school districts with the highest number of violent incidents are not applying for these particular grants. If PDE learns that it is because the average size of the award historically has been less than \$25,000, which by itself is insufficient to address the comprehensive school safety issues these LEAs face, then PDE will consider making fewer grants that are larger, in order to have more impact.

3. Issues considered. Even if the Report had used the correct data in its analysis—*i.e.*, the number of violent incidents per 1000 students instead of the raw number of violent incidents—this alone does not justify targeting grants to those school entities. As described below, there are two reasons to support this conclusion: need does not necessarily equate “highest incidence of violence,” and many school districts with high numbers of incidents (violent or otherwise) receive substantial funds from other grant or subsidy programs to address school climate issues.

First, the highest proportion of incidents of violence is not, by itself, an adequate indicator of highest need. PDE requests that school entities use a variety of data to demonstrate their need for school safety grants. In the 2005-06 grant guidelines PDE permitted school entities to establish "need" by providing a variety of local statistics, including:

high or increasing rates of victimization of youth by violence and crime; high or increasing rates of crime in the community; high or increasing rates of arrests and convictions of youth for violence, weapons, or drug- or alcohol-related crime; high or increasing rates of referrals of youth to drug and alcohol treatment and rehabilitation programs; the presence and extent of illegal gang activity; high or increasing incidents of violence and/or intimidation associated with prejudice or intolerance; high or increasing incidents of bullying; high or increasing rates of absences and/or truancy; high or increasing rates of expulsions/suspensions and other disciplinary actions; and high or increasing incidents of child abuse and domestic violence.

In addition to need, successful applicants must have a plan for how the programs, activities and strategies proposed in their grant applications will complement a comprehensive safe schools plan or existing programs, strategies or curricula. Of the 25 school districts identified by the Report, only 9 actually filed grant applications. In reviewing those 9 applications, PDE found that almost three-quarters had major inadequacies in their project plan, including:

- Not selecting strategies which would substantially impact their safety needs
- Requesting funding for programs which were not evidence- or research-based
- Not providing a rationale to establish the link between their safety need and the strategies they selected
- Requesting funding for disallowed budget items
- Requested funding solely to pay for existing personnel salaries and benefits, without clearly explaining how the duties of these personnel would be expanded under the grant.

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Thus, of the 25 school districts identified in the Report, only 3 school districts submitted a proposal judged to be “good” and ultimately received funding. Had PDE funded the grants the way the Report suggests, the agency would have wasted significant amounts of available taxpayer funding. PDE did, however, make itself available to work with these districts to improve the quality of future applications so they would be able to draw down and effectively use funds.

Second, the Report ignores the additional (and more significant) funding that was provided to districts in 2005-06 to enhance school safety by addressing school climate issues in a more global context. By limiting its focus to the \$1.12 million in school safety grants in that year, the Report ignores the fact that PDE provides a variety of more significant funding that is designed to enhance school safety. Some examples of this funding follow:

- \$20 million in subsidy to school districts to operate alternative education programs for disruptive youth. This funding is designed to target the most disruptive students by removing them from the regular classroom so as to provide intensive behavioral and academic counseling.
- \$6 million in health and social service programs through the Accountability Block Grant.
- In recognition of the fact that school climate issues are often a function of students being frustrated by academic failure, \$66 million in tutoring funds to school districts with the highest proportion of low-performing students.
- \$47 million in School Improvement funding (\$22 million in state funds plus \$25 million more in federal funds), to help schools with the greatest challenges meet the unique academic and behavioral needs of other students.

Furthermore, in considering the 25 school entities with the highest rates of violent incidents (the data set preferred by PDE) or the highest raw number of violent incidents (the data set used by the DAG), those school entities received a variety of other grants in 2005-06 from the Department targeting school safety and climate issues, as follows:

2005-06 Grants	25 Districts with Highest Number of Violent Incidents (2005-06)	25 Districts with Highest Rate of Violent Incidents per 1000 Students (2005-06)
ABG - Social and Health Services Portion Only	\$ 1,130,858	\$ 110,418
Educational Assistance Program (tutoring)	\$ 42,033,812	\$ 32,143,145
Project 720	\$ 1,199,000	\$ 590,000
21st Century Grant	\$ 5,527,478	\$ 2,830,083
Alternative Education for Disruptive Youth	\$ 5,332,118	\$ 2,877,443
Alt Ed Demo Grant	\$ 15,000,000	\$ 15,000,000
Totals	\$ 70,223,266	\$ 53,551,089

In summary, PDE does not accept the Finding that PDE did not target safe school grant funds appropriately or that it should target them in the way the Report suggests.

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Auditors' Conclusion: Management indicated its disagreement with our recommendations. We recommended that DE award grants using a risk-approach methodology to target schools in need of safety improvements. Management revealed that DE actually targets schools that did not receive funding within the previous three years as well as elementary and secondary schools to foster the development of a number of select programs. We do not consider this criterion as targeting schools based on a risk-approach methodology, which we believe to be the true intent of the law and the most effective approach to awarding grants. Management's response does not address why the grant program utilizes a competitive award methodology or why a risk-approach methodology is not applied. We disagree with DE management that the auditor analysis used incorrect data. We utilized the school violence statistics in DE's *School Safety Annual Report*. We encourage DE to consider our recommendation and implement a risk-approach methodology to award school safety grants.

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Finding No. 5 – DE Failed to Create the Office for Safe Schools as Required by Law.

PDE Response. If the issue here is whether PDE established a deputy-level “Office for Safe Schools,” then PDE agrees with this Finding. If the issue is whether doing so makes a difference, then PDE disagrees. The important functions assigned to PDE under the Safe Schools Act are being carried out, and that is occurring much more efficiently than would occur if PDE added another deputeate.

The first part of this issue is whether the functions assigned to PDE are being carried out, not whether there is a deputy-level “office for safe schools.” PDE provided ample evidence during the audit that PDE is performing the functions assigned to it under the Act. Some are carried out directly by PDE’s Bureau of Community and Student Services, where at least 11 employees work on some elements of safe school matters. *See* Memo from M.Ramirez to R.Bentz, Nov. 19, 2007. Other functions are carried out by PDE’s contractor, the Center for Safe Schools, where 7 full-time equivalent Center staff work on Safe School activities under contracts with PDE. *See* Memo from L.Cromley to R.Bentz, Oct. 2, 2007.

Notably, the legislature has not objected to PDE’s organizational approach on safe school matters, even though the basic approach has remained the same in the 13 years since the enactment of the Safe Schools Act. Although the number of staff working on safe schools matters has increased during the current administration, the organizational approach toward safe schools has remained basically the same since the very inception of the Act in 1995. The prior administration first contracted out significant functions under the Act to the Center in 1995, and designated staff in the Office for Elementary and Secondary Education to provide other safe school services. In short, under neither administration has there ever been a deputy-level “Office for Safe Schools.”

The second part of this issue is a financial one. Creating and maintaining a deputy-level “Office” in PDE is an expensive venture. PDE projections suggest that even a small deputeate would cost in the neighborhood of \$2 million annually, far above the current costs for PDE staff who work on safe school matters, without increasing the quality or level of services provided. PDE believes that funds for safe school initiatives are better spent at the local level, rather than in a centralized state bureaucracy.

Auditors’ Conclusion: Management conveyed its disagreement with our recommendations. Management indicated that DE provided ample evidence during our audit that, utilizing DE’s current organizational structure, it is performing the required functions as assigned under the Act. As a result, DE stated there is no need for a deputy-level Office for Safe Schools to adequately perform safety functions. We disagree. As noted in our findings, we do not believe safety concerns are being adequately addressed and the implementation of the Office would provide valuable resources, staffing, and funding necessary to properly address the numerous deficiencies and recommendations noted in this audit report. Moreover, we believe the creation of an Office is explicit in the law and DE is not in compliance with the Act.

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Finding No. 6 – DE Failed to Effectively Utilize its Safe School Advocate for the Philadelphia School District.

Finding 6(a) – DE failed to ensure that the Advocate submitted annual reports as required.

PDE Response. PDE agrees with this Finding. The Safe Schools Advocate reports to and is paid and supervised by PDE. From 2000 until 2006 the required annual reports were filed untimely or not at all. PDE understood its responsibility and made every effort to require the Advocate to comply with the law. In order for the Advocate to file the annual report, the incidents of violence in the School District of Philadelphia, in their correct format, must be submitted to the Advocate. It is the Advocate's responsibility to collect this information in its correct form from the School District of Philadelphia.

Finding 6(b) – DE failed to respond to the recommendations presented in the annual reports.

PDE Response. The recommendations from the reports filed in 2002, 2003, and 2005 were publicized and forwarded to the legislature for action. Although PDE considered the recommendations in the reports, it did not adopt any of them as proposed. As described in PDE's detailed letter concerning activities of the Safe Schools Advocate, PDE took many other actions regarding safety issues in the School District of Philadelphia. Letter from M.Ramirez to S.Kennedy, Jan. 14, 2008.

Finding 6(c) – DE failed to provide evidence showing that DE provided the Advocate direction, vision, and oversight.

PDE Response. The direction for the Advocate is set forth in the statute and was regularly reinforced by PDE to the Advocate in several ways: PDE worked directly with the Advocate, and communicated through telephone calls, meetings, e-mail and informal memoranda.

Since the spring of 2007, the Advocate has come under the supervision of the Office of Chief Counsel at PDE. The Advocate and PDE have worked closely to hold a Safety Summit in 2007 that followed with the reestablishment of the School Safety Advisory Committee, a committee that the Advocate and the Chief Counsel co-chair. An interim committee report was submitted to the School Reform Commission in June of 2008 and a final report was submitted on September 17, 2008. The Chief Counsel and the Advocate meet at least monthly in person and telephone and email frequently to discuss the plans and mission of the Advocate. The Chief Counsel also is responsible for the three employees in the Advocate's office and confers with them regularly, reviewing and approving their annual reviews. The Advocate, the Chief Counsel, and the Communications office organized and rolled out a public relations effort that included flyers, billboards and public safety announcements to support victims of violence. Additionally, in the last school year grants were made to 40 schools that are or were under the persistently dangerous category to create a Single School Cultures program in a successful effort to turn these schools around. The Advocate provides monthly reports to the Chief Counsel that detail outreach activities, casework, and hearings, mediation sessions, and meetings attended by the Advocate.

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Auditors' Conclusion: Management expressed its disagreement with the majority of our recommendations. It stressed that the recommendations contained in the Advocate's annual report were publicized and forwarded to the legislature for action. Also, according to DE, although it considered the Advocate's recommendations, it did not adopt any of them as proposed. Furthermore, DE indicated it initiated a number of other measures, outlined in a letter to our department, regarding safety in the Philadelphia School District. As noted in the finding, our recommendation is for DE to review the recommendations contained in the Advocate's annual report, document the review process, and conclude in writing as to DE's agreement or disagreement and any corrective actions needed. Moreover, we recommend DE follow-up with the Philadelphia School District to monitor implementation of the Advocate's recommendations. To effectively utilize the Advocate for positive change, we encourage DE to implement our suggested measures.

In DE's response, management further specified that guidance for the Advocate is set forth in statute and was regularly emphasized by DE to the Advocate in several ways, including through telephone calls, meetings, e-mail, and informal memoranda. DE indicated that its Chief Counsel and the Advocate meet a least monthly, as well as communicate frequently by telephone and e-mail, to discuss the plans and mission of the Advocate. Additionally, DE asserted the Advocate provides monthly reports to the Chief Counsel, detailing his efforts. However, on November 7, 2007 and again on March 20, 2008, we interviewed management about DE's relationship with the Advocate and the guidance, if any, that is provided for this unique position. According to a representative of the Chief Counsel and the Director of Community and Student Services, DE communicated with the Advocate on a regular basis; however, all communications were informal. As of our meeting on March 20, 2008, no reporting mechanism was in place for which the Advocate provided regular reports to DE, detailing the Advocate's efforts as management now asserts in its response. Furthermore, at both meetings, we requested all documentation, whether formal or informal, demonstrating the communications and working relationship with the Advocate that DE described. Management was unable to provide any documentation to support its claims.

We encourage DE to implement our recommendations to develop written standards, written expectations and vision statements for the Advocate, require the Advocate to submit regular progress reports, and retain communications with the Advocate to substantiate adequate oversight.



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