

Legislation Text

File #: 170582, **Version:** 0

Authorizing Council's joint Committees on Public Health and Human Services and Education to hold hearings to examine the practice by the Department of Human Services to deny due process protections to public school teachers accused of child abuse and the Philadelphia School District's reliance on such findings to terminate teachers prior to an actual determination of abuse.

WHEREAS, In June 2016, Philadelphia teacher Marianne Kennedy, a 20-year veteran at Willard Elementary School in Kensington, was accused of child abuse for assisting in calming an out-of-control 8 year old, with a history of behavior problems, at the request of the school's principal; and

WHEREAS, The aftermath of this incident resulted in Kennedy being summoned by a social worker at the City's Department of Human Services (DHS) to come in and "have a conversation" about what occurred at the school when the child lay on the floor, screaming and blocking access to a classroom. The DHS worker assured Kennedy she did not need to have an attorney present, and a colleague who accompanied her was barred from the interview. Kennedy explained that the child's parents, who had just lost custody of him, had a history of drug abuse and that the school's staff and administration had worked with his guardian to provide emotional and academic supports for him; and

WHEREAS, Kennedy was shocked to find a few weeks later that her employer had been notified by DHS that she had been identified as a child abuser and that the district was already taking steps to have her terminated - even though she was not provided with any notice of allegations that specifically stated what she could have done that could be construed as abuse; and

WHEREAS, Several witnesses, including the principal, submitted statements to DHS and the district that Kennedy followed proper procedure and never did anything to harm the child. Only the organized and vocal support by her colleagues and community members prevented Kennedy, from being fired; and

WHEREAS, There is no law that says that a preliminary determination by one DHS worker must result in the firing of any school district employee; and

WHEREAS, DHS scheduled a hearing six months after that initial interview, presided over by an administrative law judge hired by that agency. Since September, Kennedy was assigned to a small room at the School District's central office, where teachers awaiting disciplinary hearings are kept. Kennedy was twice considered by the School Reform Commission for termination, but after impassioned pleas from the Willard community, the SRC withdrew the resolutions; and

WHEREAS, In February, 2017 an administrative law judge found that DHS erred in determining that Kennedy was guilty of child abuse and ordered that her record be expunged which cleared her way for return to the classroom, and

WHEREAS, Kennedy is one of a number of Philadelphians who work with children in schools and day-care centers who now find themselves branded as criminals before they ever see the inside of a courtroom. Not only

have they been denied their constitutional rights, many have lost their livelihoods and their reputations - not because they have been convicted or even arrested, but because one bureaucrat at the City's Department of Human Services makes a determination based, very often, on hearsay; and

WHEREAS, All Philadelphians must have confidence that their constitutional rights will be protected, including the right to be considered innocent until proven guilty and that there be no deprivations absent a trial with the right to counsel. Further, it is imperative that a governmental agency adhere to these constitutional requirements and not deprive life, liberty or property without due process of law; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby authorizes Council's joint Committees on Public Health and Human Services and Education to hold hearings to examine the practice by the Department of Human Services to deny due process protections to public school teachers accused of child abuse and the Philadelphia School District's reliance on such findings to terminate teachers prior to an actual determination of abuse.