




**THE THIRD DAUPHIN COUNTY
INVESTIGATING GRAND JURY**

IN RE: : IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA
THE THIRD DAUPHIN COUNTY :
INVESTIGATING GRAND JURY : NO. 487 M.D. 2004
:
: **NOTICE NUMBER: 03-2004-12**

TO THE HONORABLE LAWRENCE F. CLARK, JR., SUPERVISING JUDGE:

REPORT NO.1

We, the Third Dauphin County Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We make the following findings of fact upon proof by a preponderance of the evidence and issue these recommendations for legislative, executive or administrative action in the public interest. So finding with not fewer than twelve concurring, we do hereby make this Report to the Court.


Foreperson - Third Dauphin
County Investigating Grand Jury

DATED: JUNE 2, 2005

INTRODUCTION

We, the members of the Third Dauphin County Investigating Grand Jury, having received evidence pertaining to matters of Dauphin County, Pennsylvania, pursuant to Notice of Submission of Investigation 03-2004-12, do hereby make the following findings of fact and recommendations.

FINDINGS OF FACT

The Steelton-Highspire School District (hereinafter "the school district") serves students in Steelton Borough and Highspire. The school district is governed by a nine member School Board. Currently and for the last several years, Derek Lewis (hereinafter "Lewis") has been the president of the school board. Dr. Kenneth R. Kitch (hereinafter "Dr. Kitch") has been the Superintendent of the school district since 1994.

The school district hired Rodney "Tubby" Ramsey (hereinafter "Ramsey") as a secondary hall monitor with a salary of \$21,000 per annum effective April 5, 2004. Ramsey is a long time friend of Lewis. Ramsey submitted a written application for the position and listed Lewis as a reference. In compliance with 24 P.S. §1-111, the school district required Ramsey to submit a report of criminal history record information from the Pennsylvania State Police. The record submitted by Ramsey with his application reflected that he had been convicted of possessing instruments of crime and multiple counts of receiving stolen property in 1989 and of simple assault in 1995. The

record did not reflect out-of-state or federal convictions. Ramsey was convicted of conspiracy to distribute and possess with intent to distribute cocaine on August 26, 1996. He served a sentence of 48 months in a federal penitentiary and was released on July 23, 1999 to begin supervised release. Ramsey's supervised release ended on July 22, 2004. At the time of Ramsey's hiring, Lewis was aware of the federal drug conviction.

On February 23, 2004, Ramsey's federal probation officer, Stephen Leahey, spoke to Lewis and informed him that Ramsey was under federal probation supervision and of the nature of the underlying charge. Dr. Kitch would not have assented to the hiring of Ramsey if Lewis had not brought pressure to bear. Dr. Kitch expressed reservations about hiring Ramsey to Lewis and brought the state convictions to his attention. Lewis claimed that those were only youthful mistakes and that Ramsey should be given a second chance. In testimony before the grand jury, Lewis falsely claimed that he did not know about Ramsey's state convictions. Lewis claimed that at the time that he voted to hire Ramsey, he only knew that Ramsey had been in prison, that he had been on federal probation and that he had a reputation as a drug dealer in the 1990's. Lewis falsely testified that Probation Officer Leahey had not told him the nature of the criminal conspiracy conviction. Lewis admitted that he did not inquire further of the probation officer and did not inform his fellow board members of the federal conviction.

Ramsey's felony drug conviction and state criminal history would not preclude employment by the school district under 24 P.S. §1-111. That is because 24 P.S. §1-111 contains only a five year disability from employment following conviction for an enumerated offense and there is no tolling period for time spent in prison or on probation and parole. As a result, a convicted rapist who is sent to prison for five to ten years and paroled after five years is eligible for employment in a school one day after his parole. Of course, nothing in the statute mandates the hiring of a convicted felon beyond the five year period. In light of the conduct of Ramsey detailed below, the responsible officials used extraordinarily bad judgment in hiring Rodney Ramsey to be in close contact with children.

While an employee of the school district, Ramsey repeatedly had sexual intercourse with several students, including J.H., while she was 14 and 15 years old, and M.H., while she was 16 and 17 years old. Ramsey had indecent contact and attempted to have sexual relations with another student, J.R., age 15. These sexual contacts occurred in private residences and in Ramsey's van.

On March 19, 2005, Ramsey was arrested with a large amount of cocaine. Ramsey possessed this cocaine for the purpose of distribution. On March 24, 2005, police executed a search warrant at Ramsey's residence, 108 Walnut Street, Steelton. At the time, Ramsey was incarcerated and his 19 year old girlfriend,

Melissa M. Markwood, a junior at Steelton-Highspire High School, was staying at the residence. At Ramsey's direction, Markwood removed contraband that was not recovered in the search warrant and disposed of it. Markwood is pregnant with Ramsey's child.

During the 2004-2005 basketball season, Lewis intervened inappropriately in the operations of the school during a Steelton-Highspire/Harrisburg High School basketball game. A female basketball player, W.H., skipped the girl's basketball game to watch the boy's game in defiance of instructions from school officials. A school official saw her at the game and ejected her. Lewis attempted to overrule that decision and told her she could return to the game. She refused subsequent orders by school officials to leave citing the decision by Lewis. Eventually, the Swatara Township Police had to forcibly remove W.H. who left kicking and screaming. Lewis acted without any lawful authority since his authority as president of the school board is limited to when the school board is actually in session.

Elizabeth Berthoud was acting as a math teacher on a one year contract during the 2004-2005 school year. Berthoud had inappropriate relationships with several students. Berthoud played strip poker with J.G., a 15 year old boy. J.H., age 14, observed Berthoud completely disrobed and covered only by a bed sheet in the presence of 17 year old A.A. in another student's bedroom. Prior to J.H. entering the room, A.A. and Berthoud were alone in the room. J.H. observed Berthoud's brassiere, panties,

and clothing on the floor. Berthoud had sexual intercourse with A.A. while he was a student on a regular basis in the period after A.A. turned 18 years old. Berthoud would regularly have minor male students as guests in her home. The school district subsequently discharged Berthoud.

On March 23, 2005, a juvenile male committed a sexual assault against a juvenile female by sticking his finger up her skirt and in her rectum. She reported the incident to the school officials. The school conducted an investigation but did not report the incident to the police. The school officials testified that they did not do so because they knew that the girl's mother intended to call police. The girl was sent back to class without medical treatment. The juvenile was subsequently adjudicated delinquent of indecent assault.

The school district is required to report instances of school assaults, arrests, and instances where local law enforcement is notified to the Pennsylvania Department of Education. The school district has systematically under-reported such figures. For instance, during the 2002-2003 school year, the last year for which published data was available, the school district reported 3 assaults on students, 2 assaults on staff, 7 arrests, and 11 notifications to local law enforcement. Steelton-Highspire Junior/Senior High School is situated in Swatara Township. The records of the Swatara Township Police Department reflect that the police department responded to the

high school during the 2002-2003 school year 151 times and made 73 arrests. The school district also drastically under-reported the number of suspensions. The school district may have an incentive to under-report since accurate reporting may result in the high school being designated as an "Unsafe School" under the "No Child Left Behind Act", allowing the students to attend a school in a different school district at the expense of the Steelton-Highspire School District.

The atmosphere at the high school is not conducive to learning. The hallways are in a state of complete bedlam between classes. There are frequent fights and other disruptions. The most troubled students are in the alternative education program. The program is supposed to provide classroom instruction for senior high school students from 7:30 a.m. until 11:00 a.m. After 11:00, the students are supposed to do community service. The community service portion of the program has never been instituted such that the neediest students in the school receive the least instruction and are at liberty to roam the streets for most of the day.

CONCLUSION

Steelton-Highspire Junior/Senior High School is in chaos. However, this chaos is likely typical of any distressed urban school in Pennsylvania. The school has the benefit of a large number of dedicated and professional teachers, administrators, and staff. It is also burdened by others who do not fit in this

category. Some members of the school board have interfered with the day to day operations of the school further compounding its problems. The school district requires substantial improvement.

RECOMMENDATIONS

Based on the above findings of fact, a majority of the Third Dauphin County Investigating Grand Jury makes the following recommendations for legislative, executive or administrative action in the public interest.

1. The Grand Jury recommends that the General Assembly enact legislation amending 24 P.S. §1-111 to require a federal criminal history check in addition to the Pennsylvania criminal history check. The statute should also be amended to bar employment in a public or private school, intermediate unit or area vocational-technical school by any person previously convicted of any of the offenses enumerated in the statute. The five year limitation period should be eliminated or at least increased substantially with a tolling period for any time spent in incarceration or on probation or parole.

2. The Grand Jury recommends that the Steelton-Highspire School Board institute a policy barring members of the Board including the president from interfering in the day to day operations of the school district and its schools. The policy should make clear that the authority of the school board and its members is limited to periods when the board is in session.

3. The Grand Jury recommends that the Steelton-

Highspire School District institute a specific policy to ensure the appropriate relations between students and staff.

3. The Grand Jury recommends that the Pennsylvania Department of Education and/or the General Assembly take appropriate action to address the deficiencies at Steelton-Highspire School District.

4. The Grand Jury recommends that the Pennsylvania Department of Education take appropriate action concerning the teaching certificate of Elizabeth Berthoud.

5. The Grand Jury recommends that the Dauphin County Juvenile Probation Office continue to maintain juvenile probation officers at the school and that the school district continue to seek to have a police officer assigned to the junior/senior high school as a school resource officer.