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Dear Superintendent Walters, Pittsburgh Public School Board Directors, and PPS Administration,

We, the undersigned, are writing to request an end to harmful practices codified in the proposed 2023-2024 Pittsburgh Public Schools (PPS) Code of Conduct. Namely, we are requesting the following changes (*with additional details and information below*):

- 1) **Place a moratorium on the issuance of non-traffic summary citations**, which would reduce the number of students being unnecessarily sent to district magistrates for minor misbehavior.
- 2) **Provide more narrow and specific detail to the Terroristic Threat** infraction code (“*violent*”), to explain clearly what it is, and more importantly, what it is not; and
- 3) **Provide more narrow and specific detail for the Inciting a Disturbance or Melee** infraction code (“*violent*”), to concisely and specifically explain when this should be used, and more importantly, when it should not be used.

l) **Summary Citations**: For many years, PPS has allowed its employees (School Police and staff) to issue summary citations to students. Issuing summary citations is not a universal practice within all school districts within Pennsylvania. Within the school districts we have reviewed who allow staff to issue citations, PPS stands out with regard to disparities in discipline. Black students were issued summary citations at much higher rates than other students, a pattern that parallels arrest trends.ⁱ One out of every 70 Black students was issued a summary citation, compared with one out of every 400 white students enrolled in PPS. Analysis by RMC Research Corporation for a study commissioned by Pittsburgh Public Schools determined that “over three-fourths of the incidents leading to a citation involved an African American/Black student during 2013/14 through 2019/20, higher than the proportion of these students in the district.”ⁱ This concerning trend continued as students returned to school post Covid. During the 2021-22 school year, 89% of all summary citations were issued to Black students. Black girls had the highest number issued to them with nearly 40% issued to Black girls, compared to 0 issued to white girls in the same year.

There are no school based infractions for which issuing a summary citation is required per state law. Issuing these tickets is up to the discretion of the police officer. [Decades of research](#) on school discipline has shown that when discretion is involved — such as whether to ticket someone for disorderly conduct for being disruptive or profane — [students of color are disciplined more severely](#).ⁱⁱ

The current 2022-2023 PPS code of conduct ([Code](#)) highlights multiple alternatives to issuing a summary citation, which are far more immediate and appropriate such as restorative practices, PBIS, etc., unlike issuing

a summary citation, which is sent in the mail and requires a student to appear before a magistrate several months after an incident has occurred.

Hidden Consequences of Summary Citations

Citations are harmful and can have long-term consequences for youth. For starters, *they are processed as adult criminal offenses, even though most students are minors*. With a citation, youth are required to appear before a magistrate and are not provided legal counsel, so they do not understand what their rights are. There is also no minimum age for a citation, and we have seen police issue citations to students as young as 7 years old in one Pennsylvania school district.

Youth who are unable to pay fines issued by the Magistrate are charged separately with a “failure to comply” charge and automatically referred to juvenile justice. Summary citations can be a child’s first step into the school-to-prison pipeline.

Summary convictions are not automatically expunged, and a record of the summary offense conviction cannot be expunged until 6 months after turning 18, only if all conditions have been met, and often requires the help of a lawyer. So, if, like many youth, at 17 or 18 they apply for a job, college or military, and they are asked if they have ever been convicted of a crime, they must say yes, regardless of how minor the offense.

School districts have discretion on whether school police issue summary citations. They don’t have to permit school police to ticket their students. A school police officer in a high school in Illinois that has not issued summary citations to students in three years had this to say: “There are times when staff or administration has said, ‘Can you arrest this student? Can you cite this student?’ The question isn’t can we, but is it best? It is not,” said Officer Loyce Spells, who has been stationed at the school for five years.”^[3]

RECOMMENDATION: IMMEDIATELY PLACE A MORATORIUM ON THE ISSUANCE OF NON-TRAFFIC SUMMARY CITATIONS TO STUDENTS AT PITTSBURGH PUBLIC SCHOOLS.

2) **Terroristic Threats:** This infraction code is currently being used for students of any age, including those who are in Kindergarten through 2nd grade for play acting, so it is important that this infraction code clearly define what behavior constitutes a terroristic threat, and just as importantly, what behaviors do not rise to this level. For example, a young child (depending on age and ability) may pretend play having a weapon like a lightsaber or gun (by using their fingers or a stick, or even a chicken wing) while playing around in school or at recess in a playful, innocent way, without malice or intent to do harm. Yet, disproportionately, this infraction code is being applied to Black students. During the 2021-22 school year, 75% of arrests of students with the charge “Terroristic Threat” were issued to Black students compared to 17% to White students.

In a society that glorifies violence, it is necessary that we understand that not every play-acting child is a child who will act violently in the future. In fact, over-reacting, over-punishing is far more likely to cause frustration, resentment and disengagement than responding appropriately by taking into account the age, ability and context of the situation.

RECOMMENDATION: PROVIDE NARROW AND SPECIFIC DETAIL TO REMOVE VAGUENESS AND SUBJECTIVITY IN THE CODE OF CONDUCT TO LIMIT WHEN THIS INFRACTION CODE IS USED. *Students should not be unnecessarily disciplined or pushed into the juvenile justice system.*

3) **Inciting a Disturbance or Melee:** Similarly, this code is written in a vague and unclear way and is labeled “violent” without taking into account age, ability or context. When police intervene and charge youth, this infraction code becomes “Inciting a Riot,” which is a felony offense. It is also disproportionately being used against Black youth. In the 2021-22 school year, 89% of arrests with the charge of “Riot” were issued to Black youth (predominately Black girls), compared to 6% issued to White youth.

RECOMMENDATION: CLEARLY DEFINE WHEN THIS INFRACTION CODE SHOULD AND SHOULD NOT BE USED, AND WHEN POLICE INTERVENTION IS AND IS NOT REQUIRED.

These three sections of the Code of Conduct highlight areas where students of color, particularly Black students, have been disproportionately disciplined. Decades of research has shown that when infraction codes are vague and allow for discretion, Black students are often disproportionately impacted, so it is vital that school code of conducts ensure language is as specific, clear, and as detailed as necessary to ensure students are being treated fairly.

It is also vital that Pittsburgh Public School accurately and transparently collect and report data around school discipline of students by Race, Sex and Disability. This includes in-school and out of school suspensions, the issuance of summary citations, and arrests and referrals of students to law enforcement.

The U.S. Department of Education’s Office of Civil Rights has gotten involved in Civil Rights complaints where disparities in discipline have harmed certain groups of youth, and where there has been inadequate collection of data. Last August, the US DOE’s office of Civil Rights reached a settlement with Victor Valley Union High School District after determining the district had violated the civil rights of Black students by disciplining them more frequently and more harshly than white students.ⁱⁱⁱ The Office for Civil Rights identified a pattern of disparate disciplinary actions across schools and grade levels through witness reports and school records, which caused Black students to lose more time in class than white students who engaged in similar behavior.

The pattern of disparities within PPS with regard to out of school suspension, arrests and summary citations are more egregious than those found at Victor Valley Union High School, and it is our hope that you, Superintendent Walters, and the PPS School Board Members will take prompt action to address and resolve these disparities not just in these areas of the code of conduct, but in all areas where groups of students (in particular Black students and students with disabilities) are disproportionately harmed and excluded from education.

Sincerely,



ACLU-PA



412 Justice



Gwen's Girls



West End Power



Black Girls Equity Alliance



NAACP – Pittsburgh



1Hood



Black Women Policy Group



Education Rights Network



Individual Constituents:

Cheryl Kleinman
Kiyomi Knox
Judith Cohen
KT Todd
Sara Nevels
Phyllis Dreyfus
Dr. Sara Goodkind

Emma Tobias
Aisha White
Dr. Britney G Brinkman
Arin Shatto
Hallie Jenkins
Amy Yeu

ⁱ RMC Research Corporation. Review of Incident Report Data (June 8, 2021), p. 11

ⁱⁱ The Price Kids Pay: Schools and Police Punish Students with Costly Tickets for Minor Misbehavior (April 28, 2022). <https://www.propublica.org/article/illinois-school-police-tickets-fines>

ⁱⁱⁱ Press Release: U.S. Department of Education's Office for Civil Rights Reaches Settlement with Victor Valley Union High School District in California (August, 2022). https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-reaches-settlement-victor-valley-union-high-school-district-california?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=