

June 19, 2020

Dear Members of the Pittsburgh Public Schools Board of Directors:

As a group of community leaders, advocates, parents and taxpayers, we are writing because we need to end the school-to-prison pipeline in Pittsburgh, especially for our Black students for whom it is most common and harmful. In this letter, we describe what we know about the arrest and referral to law enforcement and juvenile justice of PPS students and make recommendations to address this problem.

- **Pittsburgh Public Schools refer students to law enforcement at rates higher than in 95% of other large cities across the U.S.**<sup>1</sup>
- **Black boys are 5 times more likely than White boys to be referred by PPS to juvenile justice and Black girls 9 times more likely than White girls.**<sup>2</sup>
- **A very large proportion of all referrals of Black youth to juvenile justice in Allegheny County – 32% of Black girls and 19% of Black boys – come from Pittsburgh Public Schools (PPS) police.**<sup>3</sup> Keep in mind that these totals are for the entire county – but less than half of Black youth in the county live in the city of Pittsburgh and not all of Black youth living in the city attend PPS.
- Many of these referrals are for minor offenses that are not safety related. In fact, **about half of school-based arrests of Black youth** (54% for Black girls and 42% for Black boys) **in 2019 ultimately resulted in a charge of disorderly conduct** (compared with just 10% and 20% of school-based arrests of White girls and boys, respectively).<sup>4</sup> This is a highly discretionary offense that extensive research has demonstrated to be subject to implicit and explicit biases.
- We are also deeply concerned that this overpolicing has disproportionate impact on students with disabilities. **45% of Black boys referred to juvenile justice by the PPS police during the academic years 2017-2018 and 2018-2019 had a disability.**<sup>5</sup> This fact suggests that these students are not being provided with adequate support, as we know that the behaviors for which they are referred are often manifestations of their disabilities.

**These statistics are cause for alarm and are a call to action.** The data presented in this letter are from Pittsburgh Bureau of Police, Allegheny County Juvenile Probation Office, Allegheny County Department of Human Services, and from publicly-available data on Burgh's Eye View. However, none of this information was supplied by Pittsburgh Public Schools, despite numerous Right to Know requests. We

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<sup>1</sup> Howell et al. (2019). *Pittsburgh's Inequality Across Gender and Race*. Pittsburgh, PA: Gender Equity Commission. [https://apps.pittsburghpa.gov/redtail/images/7109\\_Pittsburgh's\\_Inequality\\_Across\\_Gender\\_and\\_Race\\_09\\_18\\_19.pdf](https://apps.pittsburghpa.gov/redtail/images/7109_Pittsburgh's_Inequality_Across_Gender_and_Race_09_18_19.pdf) Specifically, Black girls are referred to law enforcement at rates higher than in 99% of other cities, Black boys at rates higher than 98% of cities, White boys at rates higher than 94%, and White girls at rates higher than 93%.

<sup>2</sup> Calculated based on analysis by Natalia Perez Pena of Allegheny County Department of Human Services.

<sup>3</sup> Analysis by Melanie King of Allegheny County Juvenile Probation Office. Specifically, 32% of 2019 juvenile justice referrals of Black girls (or 44% of the total excluding failure to comply referrals from district magistrates, which are usually for non-payment of citation fines) and 19% (or 26% excluding district magistrate referrals) of Black boys come from PPS police.

<sup>4</sup> Analysis of data from the Pittsburgh Bureau of Police Crime Analysis Unit.

<sup>5</sup> As evidenced by the fact that they had IEPs, GIEPs are not included. Analysis by Natalia Perez Pena of Allegheny County Department of Human Services.

have attempted to highlight some important facts, but because of PPS' lack of transparency and refusal to share what should be public information, it is not possible to know if information from these sources matches PPS' internal records.

In the remainder of this letter, we offer recommendations for what PPS can do to lower these rates. We also make recommendations for the 2020-2021 Code of Conduct to be voted on at the June meeting of the PPS Board of Directors and for the MOU between PPS and the Pittsburgh Bureau of Police for which the vote has been delayed.

**Our overarching recommendation is to eliminate the PPS police force and reallocate those funds to hire additional school counselors, social workers, and psychologists.** We also recommend that PPS:

- **Reallocate the resources saved by eliminating PPS Police to increase social and emotional supports in schools.** PPS has lower than the recommended ratios for school counselors (1 per 421 students vs. recommended ratio of 1 per 250 students), social workers (1 per 647 ratio students vs. recommended 1 per 250 students), and psychologists (1 per 1,150 students vs. recommended ratio of 1 per 500 students).<sup>6</sup> Further, the recommended ratio for high-needs schools is 1 per 100 students for school counselors/social workers. Use the money saved from eliminating the PPS police to hire additional counselors, social workers, and psychologists.
- **Institute a moratorium on [summary citation offenses](#)<sup>7</sup> being issued at school.** Summary citations are only issued for very minor, non-criminal offenses but can result in serious consequences for young people. Summary citations are referred to district magistrates, who do not have resources to help youth – their only option is to fine them, which places an undue financial burden on families that often ends in a referral to juvenile justice for unpaid fines.
- **Implement a trauma-informed, restorative justice approach.** Invest in culturally-responsive approaches to restorative and transformative justice, social-emotional learning, trauma-informed approaches, support for healing and mental health supports. All of these practices need to be embedded throughout a schools' multi-tier system of supports in order to positively impact all students and match their level of need.
- **Eliminate other policies and practices that contribute to the surveillance and criminalization of students,** as described in our recommendations for the Code of Conduct and MOU, below.

**Recommendations for the 2020-2021 Code of Conduct:** While the proposed Code of Conduct (K-5 and 6-12) contains many instances of vague and subjective language, which creates opportunity for biased and discriminatory treatment, we are highlighting the three most significant issues.

- **"199 - Other disruptive behavior"**  
**Recommendation: This infraction code is unnecessary and should not be added.** If a behavior arises that is not covered in one of the current list of infractions, it should be added to a code or

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<sup>6</sup> Office of Civil Rights, Civil Rights Data Collection, available online at <https://ocrdata.ed.gov/>

<sup>7</sup> ACLU PA. (2019). Students and the Justice System – Collateral Consequences  
[https://drive.google.com/file/d/1U\\_rBQ0d96-9MupB\\_VczuSldofoctlYEi/view](https://drive.google.com/file/d/1U_rBQ0d96-9MupB_VczuSldofoctlYEi/view)

a new, specific offense created. For context, Chicago Public Schools recognized that suspensions under “catch-all codes” have contributed to racial disparities in student removals from schools.

- **“228 - Repeated Level 1 or Level 2 Infraction”**

PPS does not suspend students for minor level 1 infractions; however, IF a student repeats a level 1 infraction three times (speaking out of turn, chewing gum in class, etc.), then schools are given the discretion to suspend the student even for such minor infractions. **Recommendation: Remove this infraction code as it allows teachers and administration too much discretion in determining which students will be suspended for minor infractions.** Such discretion has historically led to disproportionate school exclusion for Black children.

- **"229 - Disorderly Conduct:" (only in the 6-12 code of conduct)**

This infraction is unnecessarily punitive and inherently subjective. It was the most frequent charge listed in arrests of youth in the 2018- 2019 school year. Like 199 (above), it is broad and vague, and research has shown it has been used in arbitrary and discriminatory ways largely against Black and Brown students and has contributed to racial disparities in student removals from schools. **Recommendation: Remove this infraction code from the Code of Conduct.**

**Recommendations for the MOU between PPS and the Pittsburgh Bureau of Police:** The current (May 2020) version of the MOU overuses city police in interventions with youth. Specifically:

- The continued inclusion of a requirement, in section IIA of the MOU, that certain alleged infractions be automatically reported to city police will exacerbate racial disproportionality in the arrest and referral of Black students and students with disabilities in our district. To our knowledge, PPS is the only district in PA that requires schools to call police for these 7 offenses.

**Therefore, we are requesting the removal of the following seven offenses listed in Section IIA (Notification of Incidents to Law Enforcement Authority) as requiring involvement of city police (the option to involve city police will remain, it should just not be automatic).** Their continued inclusion in Section IIA is inconsistent with the requirements set forth in state law:

- Section 2701 (relating to simple assault)
  - Section 2705 (relating to recklessly endangering another person)
  - Section 3127 (relating to indecent exposure)
  - Section 3307 (relating to institutional vandalism), when the penalty is a misdemeanor of the second degree;
  - Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass)
  - Chapter 39 (relating to theft and related offenses)
  - Section 5502 (relating to failure of disorderly persons to disperse upon official order)
- **Adopt the following [list of behaviors](#)<sup>8</sup> for which schools are NOT allowed to call the police (which Philadelphia has created and adopted):**
    - Failure to follow classroom rules/disruption
    - Dress code violation

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<sup>8</sup> School District of Philadelphia. (2014). School Police Response to Code of Conduct Offenses [https://b85526ce-455b-4f39-a9d3-f2a6f94e2002.filesusr.com/ugd/10497b\\_f7d8280b96464077a7fb1da49c4f85f0.pdf](https://b85526ce-455b-4f39-a9d3-f2a6f94e2002.filesusr.com/ugd/10497b_f7d8280b96464077a7fb1da49c4f85f0.pdf)

- Failure to carry hall-pass/appropriate ID
- Failure to participate in class/unpreparedness
- Truancy/excessive tardiness/cutting class
- Possession of beepers/pagers/cell phones/other electronic devices
- Possession of other inappropriate personal items
- Public display of affection/inappropriate touching
- Inappropriate use of electronic devices
- Verbal altercations

As the second largest school district in Pennsylvania, Pittsburgh Public Schools has an opportunity to set a standard of creating equitable and safe schools for ALL children by addressing policies and practices that disproportionately criminalize Black students and students with disabilities.

We urge you to adopt these recommendations and we look forward to collaborating with you on creating schools that are safe and fair to all students.

Sincerely,

Gwen's Girls and the Black Girls Equity Alliance

ACLU of Pennsylvania

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