

# Racism in School Discipline: A Public Health Crisis



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# Executive Summary

The City Council of Pittsburgh has declared racism as a public health crisis, partially due to the presence of racism in education. Racism in education has led to increased rates of mental health issues among black children. These mental health disparities are caused by unequal discipline in schools. By inducing a practice of unequal discipline in the public school system, racism in education leads black students to be suspended at much higher rates than their white peers. These inequities are exacerbated by the fact that black students in Pittsburgh are more likely to come from a lower socioeconomic status and thus attend underfunded schools which frequently rely on the criminal justice system for discipline. Unequal discipline in education and the resulting mental health issues has created a public health crisis that the City Council of Pittsburgh must address. In this paper, we discuss three possible solutions to mitigate the impacts of racism in education: restorative justice programs, increased funding for mental health services, and a revised Code of Student Conduct which properly regulates discipline. Ultimately, we believe that the most effective solution is a combination of all three suggested proposals. The City Council of Pittsburgh should introduce new policy that modifies the Code of Conduct to minimize exclusionary practices, train teachers in restorative justice, and increase funding for mental health services. These efforts will reduce unequal discipline, and thus the inequities in mental health between black and white students.

# 1. Introduction

In December of 2019, the City Council of Pittsburgh resolved “that racism and its intergenerational effects are a public health crisis in Pittsburgh.”<sup>1</sup> This is because racism is a social determinant of health. Social determinants are aspects of life occurring where people live, learn, worship, and work that affect outcomes such as health, functioning, and quality of life.<sup>2</sup> Experiencing racism in life affects one’s health outcomes, especially with regard to mental health. The City Council acknowledged that, in Pittsburgh, there exists a hierarchical system based on race with white people at the top, enjoying access to more resources, including those that increase health outcomes.<sup>3</sup> Declaring a public health crisis means that the City Council of Pittsburgh must take action and create new policies to solve the public health crisis. Addressing public health problems, especially problems of mental health, requires the attention and efforts of the entire society. New policies should recognize the large task ahead and include members of society to help reduce avoidable health inequities.<sup>4</sup> The Pittsburgh City Council is not the sole body to come to this conclusion, as 88 cities and towns and 44 counties have recently created policies recognizing racism as a public health crisis.<sup>5</sup> Racism as a public health crisis in the United States is a widely researched topic and it has been discovered that one of the main reasons that racism has created a public health crisis is because it causes persistent racial discrimination in education.<sup>6</sup>

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<sup>1</sup> The City of Pittsburgh, Resolution Recognizing Racism as a Public Health Crisis, December 17, 2019.

<sup>2</sup> “Social Determinants of Health,” Office of Disease Prevention and Health Promotion, U.S. Department of Health and Human Services, 2020

<sup>3</sup> Ibid.

<sup>4</sup> Jennifer Jee-Lyn García and Mienah Zulfacar Sharif, Black Lives Matter: A Commentary on Racism and Public Health, *American Journal of Public Health*, August 2015, Vol 105, No. 8

<sup>5</sup> Ruqaiyah Yearby, Crystal N. Lewis, Keon L. Gilbert, and Kira Banks, Racism is a Public Health Crisis: Here’s How to Respond, Saint Louis University, the Justice Collaborative Institute, September 2020, pg.-pg. 7

<sup>6</sup> The City of Pittsburgh, Resolution Recognizing Racism as a Public Health Crisis, December 17, 2019.

The U.S. Department of Health and Human Services has recognized that one of the biggest causes of racial health inequities are caused by differences in the quality of the education received.<sup>7</sup> Education, along with racism, is a social determinant of health. Research has shown that the education and achievement of children affects their long-term health outcomes as adults.<sup>8</sup> As both racism and education are social determinants of health, when racism is present in education, it has an even greater effect on health. An important aspect of health is mental health, and racism has a severe negative impact on the mental health of children.<sup>9</sup> Since school is the main place in which children experience racism, the education system in Pittsburgh must receive the attention of the City Council to reduce the mental health problems of children. Education allows children to gain productive skills and abilities, but when children of different races are not treated equally in their education, they gain these skills at different rates. Racism creates practices of unequal discipline between black and white students. Black students receive harsher punishments and at much higher rates than white students, leading to increased rates of mental health issues for the black students subject to the inequality. To reduce the disproportionately high rates of mental health issues among black children and adults, the City Council of Pittsburgh must take action against racism in education.

Equal education is vital to the welfare of an entire society as it affects every person's life prospects. While better education significantly improves one's life outlook, poor or disrupted education can greatly detract from it. At a grander scale, better education improves a society's welfare while mass-poor or disrupted education weakens it. This is because education "is the key

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<sup>7</sup> Ruqaiyah Yearby, Crystal N. Lewis, Keon L. Gilbert, and Kira Banks, Racism is a Public Health Crisis: Here's How to Respond, Saint Louis University, the Justice Collaborative Institute, September 2020, pg. 2

<sup>8</sup> Maria Trent, Danielle G. Dooley, Jacqueline Dougé, The Impact of Racism on Child and Adolescent Health, American Academy of Pediatrics, 2019, pg. 4

<sup>9</sup> Maria Trent, Danielle G. Dooley, Jacqueline Dougé, The Impact of Racism on Child and Adolescent Health, American Academy of Pediatrics, 2019, pg. 2

to one's position in the stratification system; it shapes the likelihood of being unemployed, the kind of job a person can get, and income"<sup>10</sup>. As such, one's future socio-economic status is almost entirely linked to one's education. Since a higher socio-economic status is coveted in a capitalistic society such as the United States, a better education is extremely valuable to rational agents. Moreover, a poor education is associated with "...many chronic noninfectious diseases, self reported poor health...and shorter life expectancy," all hindrances to an agent's overall productivity.<sup>11</sup> The more a person must recover from disease or poor health in general, the less productive they will be. As a society's welfare can be directly affected by its citizens' productivity, one can conclude that poor education - even at the lowest level - hurts a society or country as a whole. Equal education would thereby increase the welfare of every American, simply by investing in their fellow citizens.

Moreover, one's level of education should not be determined by an arbitrary birth status such as social class, race, or gender. These random factors should have absolutely no effect on one's abilities, but nonetheless do, and can impact one's range of opportunities. John Rawls discusses these moral issues in his treatise on Justice as Fairness. To illustrate this idea, Rawls utilized a thought experiment called *The Veil of Ignorance*. Rawls created this thought experiment for *objective consideration*, a cornerstone of a fair and just society. According to Rawls, when one dons the veil of ignorance, one occupies the "original position" - a state in which one knows nothing about oneself, one's abilities or aptitudes, or one's position in society. Then, while in the original position, one must construct a society. Since nobody knows anything about themselves, they will likely construct a society with equal ideals, two of which Rawls says

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<sup>10</sup> Ross, Catherine, and Chia-ling Wu. "The Links Between Education and Health." JSTOR. October 1995. Accessed October 21, 2020.

<sup>11</sup> Ibid. 723.

will always be present - the Liberty Principle and Difference Principle. While the Liberty Principle dictates that society should ensure that everyone has the maximum liberty possible without encroaching on that of others, the Difference Principle states that everyone should have an equal opportunity to prosper. As such, any socio-economic differences should benefit those who are the worst off in society and any socio-economic advantages should be available to everyone. In a clearly equal society - a la Rawls' *Veil of Ignorance* thought experiment - everyone has equal opportunity. Instances of unequal education and unjust discipline directly contradict these ideals, and consequently, must be fixed.

Manifestations of unequal education - such as unequal discipline - do not only impact the mental health of the student involved but also impact the entire host society. This is because that same student's mental health issues thereby decrease their overall productivity - just as a physical illness would. Of course, if this dynamic only occurred once, the harm done to society would be miniscule or even negligible. However, this is a widespread issue encompassing the entire country, and must be treated as such - a threat to the wellbeing of an entire society.

The continued existence of educational disparities in Pittsburgh are the direct result of underlying racism, which becomes salient in situations where white teachers treat African American students more harshly than white students. Black students are thus suspended at much higher rates than white students, enabling the development of a large achievement gap between the two groups. Educational disparities are further exacerbated by the low socio-economic status of many black students, who end up in underfunded schools that rely heavily on the criminal justice system to enforce school discipline. The combination of these factors ultimately lead black students to develop mental health problems at higher rates than their white counterparts, which in turn circumvents the Pittsburgh City Council's efforts to maintain a high status of



public mental health. The City Council must take immediate and decisive policy action to address this problem, and currently there are several options available to them. Possible solutions include: introducing restorative justice practices, revising the code of conduct to further regulate discipline practices, and providing additional funding and programing for mental health services in schools.

## 2. Background

### 2.1 School Discipline

In order to analyze racism in school discipline, it is important to understand the national trends in school discipline. The Advancement Project’s Model School Discipline Policy defines these three strategies as the primary forms of discipline.

<b>Skill based/Therapeutic</b>	<b>Restorative</b>	<b>Administrative</b>
Mental Health Counseling	Family Group Conferencing	Detention
Anger Management Classes	Victim-Offender Mediation	Suspension
Informal Mentoring and Behavior Coaching	Classroom Peace Circles	Expulsion.

Skill based/therapeutic interventions are done “by the offender” and work to change their intrinsic behavior. This means the offender must work on themselves with some guidance to modify their behavior. Counseling is an example of skill based/therapeutic interventions. Restorative practices are done “with the offender” and work to repair the damage done. For instance, victim-offender mediation (explained in section 6.1.2) is a restorative practice. However, administrative practices are done “to the offender” and are intended to punish and deter undesirable behavior.<sup>12</sup> This includes detentions, suspensions, and expulsions. Traditional American public school discipline has emphasized administrative punishments. In recent years

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<sup>12</sup> “Model School Discipline Policy.” *NJJN*, The Advancement Project, [https://www.njjn.org/uploads/digital-library/AdvProject\\_Code-of-Conduct-Tips-Examples.pdf](https://www.njjn.org/uploads/digital-library/AdvProject_Code-of-Conduct-Tips-Examples.pdf)

there has been a shift in many cities including Baltimore, Philadelphia, and Denver to involve more restorative and therapeutic methods to reduce unequal discipline.<sup>13</sup>

There is a debate in education regarding the merits and flaws of the various forms of discipline. Most American public schools emphasize administrative punishments but so far this practice has not demonstrated positive results. According to the Advancement Project’s Model School Discipline Policy “each year, over 3 million students across the country are suspended and over 100,000 are expelled. These punitive practices do not improve student behavior, but rather increase the likelihood that students will fall behind academically and drop out, contributing to an unhealthy atmosphere affecting the entire school community.”<sup>14</sup> The educational barriers resulting from Administrative interventions severely outweigh the benefits, and yet schools continue to rely heavily on such practices. Moreover, “students of color, low-income students, students with disabilities and other marginalized communities are impacted the most by these barriers to education, resulting in millions of children and young people being pushed out of school and into poverty, unemployment and often prison.”<sup>15</sup> The detriments of administrative punishment and benefits of alternative forms of discipline will be discussed further in sections 3 and 4.

## 2.2 Pittsburgh School Discipline

In Pittsburgh, school discipline is dictated by the Code of Student Conduct, which is intended to “outline the rights and responsibilities of students within the learning environment.”

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<sup>13</sup> “Model School Discipline Policy.” *NJJN*, The Advancement Project, [https://www.njjn.org/uploads/digital-library/AdvProject\\_Code-of-Conduct-Tips-Examples.pdf](https://www.njjn.org/uploads/digital-library/AdvProject_Code-of-Conduct-Tips-Examples.pdf)

<sup>14</sup> “Model School Discipline Policy.” *NJJN*, The Advancement Project, [https://www.njjn.org/uploads/digital-library/AdvProject\\_Code-of-Conduct-Tips-Examples.pdf](https://www.njjn.org/uploads/digital-library/AdvProject_Code-of-Conduct-Tips-Examples.pdf)

<sup>15</sup> “Model School Discipline Policy.” *NJJN*, The Advancement Project, [https://www.njjn.org/uploads/digital-library/AdvProject\\_Code-of-Conduct-Tips-Examples.pdf](https://www.njjn.org/uploads/digital-library/AdvProject_Code-of-Conduct-Tips-Examples.pdf)

There are two important aspects of this document to understand: the categorization of infractions and the judicial procedures. The Pittsburgh Code of Student Conduct breaks down infractions into 4 levels with mandatory and applicable guidance interventions/disciplinary actions for each offense. The complete list of infractions is listed in Appendix A. The complete list of guidance interventions/disciplinary actions is listed in Appendix B.<sup>16</sup>

Infractions such as tardiness or inappropriate language are level 1 infractions. The mandatory interventions include conferences with the student and notifying parents/family. The applicable interventions include processes such as counseling, restorative practices, and detentions. Academic dishonesty and fighting are examples of level 2 infractions. The interventions for level 2 infractions are similar, with the additional mandatory referral to Student Assistance Program (SAP) for prevention (e.g. social emotional skills instruction groups like anger management, aggression replacement, organizational skills) and/or intervention (e.g. behavioral health counseling) services. Level 3 infractions such as bullying or theft are more severe. The applicable disciplinary actions escalate to punishments like suspensions. Level 4 infractions are the most severe, and could include things like assault and possession of a weapon. The corresponding mandatory disciplinary actions include suspensions and consults with police. In summary, most offenses require conversations both with and without parents. As the severity of the infraction increases, so does the likelihood of required counseling. Finally, level 4 infractions lead to automatic discipline that goes on the student's permanent record and forces them to miss school.

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<sup>16</sup> "Code of Student Conduct." *Pittsburgh Public Schools*, 2020, [www.pghschools.org/site/handlers/filedownload.ashx?moduleinstanceid=1326](http://www.pghschools.org/site/handlers/filedownload.ashx?moduleinstanceid=1326).

The judicial procedures are used by Pittsburgh Public Schools to determine punishments. If a student commits a level 3 or 4 offense, the principal conducts an investigation before deciding if they will suspend the student. Once the student is suspended, the principal will schedule an informal hearing within three days for out-of-school suspensions in excess of three days. At the hearing, the student has the right to question any witnesses present at the hearing, and speak and produce witnesses on their own behalf. Despite both of these allowances, the final decision is still made unilaterally by the principal.<sup>17</sup> If the suspension is longer than ten days, the student receives “a formal hearing before one or more School Directors of the Board of Public Education, or an independent hearing officer appointed by the Board.”<sup>18</sup> If the student goes through this process and receives an out-of-school suspension, transfer, or expulsion, they would have no right to appeal the decision.

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<sup>17</sup> “Code of Student Conduct.” *Pittsburgh Public Schools*, 2020.

<sup>18</sup> *Ibid.*

## 3. The Health Consequences of Unequal Discipline

### 3.1 Background of Mental Health Issues

The unequal discipline between Black and White students – and criminalization of that discipline – in educational institutions does not only create achievement gaps, but also leads to higher rates of mental health issues among Black students. Many times, these issues go undiagnosed and unresolved; due partly to insufficient cultural considerations in the field of Psychology, but mostly because of the same racial disparities that placed many Black adolescents in lower socio-economic rungs to begin with. Oftentimes, it is individuals living in poverty who are most likely to experience psychological distress. In Pittsburgh, “34% of the roughly 70,000 Black residents” are living in poverty. This socioeconomic dynamic coupled with unequal discipline – and the criminalization of it – directly lead to mental health issues in Black students. Moreover, the inability of the psychological field to accurately diagnose Black students makes this issue a public health crisis.

### 3.2 Unequal Discipline and Mental Health Issues

The unequal discipline faced by Black students in schools has decreased slightly in recent years but persists in regions that are unwilling to implement school discipline policy reform. According to a report done by Sarah Goodkind, an associate professor at the University of Pittsburgh, “. . . suspensions from school are consistently associated with lower academic performance. As a suspended child’s education is interrupted. . . [they] are more likely to fall

behind, to become disengaged from school, and to drop out.”<sup>19]</sup> For context, ten of the thirteen Pittsburgh Public Schools (PPS) that Professor Goodkind analyzed suspended Black girls and Black girls with disabilities at an astronomically higher rate than PPS did White girls or White girls with disabilities. Black girls were suspended at a higher rate than White girls at one hundred percent of Pittsburgh Public Schools studied.<sup>20</sup> Moreover, a study of a nationally representative sample of students detailed that more than a decade after being suspended, “disciplined students are less likely to earn a diploma or bachelor’s degree and more likely to have been arrested or incarcerated.”<sup>21</sup> So, in Pittsburgh Public Schools – as well as nationally – Black students are unproportionally suspended from school at much higher rates than their White counterparts. Now, there is an increased amount of evidence linking out of school suspensions with negative mental health effects. One can then conclude that Black students are unproportionately burdened with negative life outcomes when compared to their counterparts, and unequal discipline - and the criminalization of it - is but one of the many instances in which this dynamic appears in everyday life.

As the differences in disciplinary practices between Black and White students are rooted in decades of systemic racism, so are the shortcomings of psychology and social work in Pittsburgh. “As of 2018, the American Psychological Association reported that 84% of working psychologists in the United States were White; 6% Hispanic; 4% Black; 4% Asian-American; and 2 % identif[ied] as other.”<sup>22</sup> This means that the field of psychology itself is extremely

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<sup>19</sup> Goodkind, Sarah. "Inequities Affecting Black Girls in Pittsburgh and Allegheny County in Pittsburgh." Accessed October 15, 2020.

<sup>20</sup> Goodkind, Sarah. "Inequities Affecting Black Girls in Pittsburgh and Allegheny County in Pittsburgh." Accessed October 15, 2020.

<sup>21</sup> Ibid. 17.

<sup>22</sup> Irvin-Mitchell, Atiya. "Is Mental Health Care Available for Pittsburghers with Racial Trauma?" PublicSource. October 10, 2020. Accessed October 23, 2020.

ethnocentric. Furthermore, this dynamic does not only appear in practice, but in theory as well. Liana Maneese, a founder of The Good Peoples Group – a foundation which helps Pittsburgh businesses develop cultural humility – stated that “when psychology textbooks did mention different races and cultures, they relied on broad generalizations or stereotypes.”<sup>23</sup> In fact, “most programs fail to adequately train future therapists to take a culturally competent approach.”<sup>24</sup> So, many Black students will go from their educational institution, which does not understand them, to a therapist who also does not understand them. In school specifically, Black children who are sanctioned “are less likely to have their misbehavior attributed to internal sources such as depression or anxiety” and rather, link their misconduct to some sort of *external* reason such as socio-economic status. Moreover, this dynamic may even worsen in therapy. “Black adolescents are often diagnosed with schizophrenia more than the accurate diagnosis of a depressive disorder, in part due to differential symptoms and clinician bias.”<sup>25</sup> The more “standard” symptoms of depression and anxiety are sadness and hopelessness, but Black adolescents often exhibit different symptoms such as “increased irritability, anger, and aggression.”<sup>26</sup> The mere standardization of these symptoms is clearly based on those that White adolescents feel, and not that of Black adolescents. This combined with the fact that most therapists in Pittsburgh – and the US – are White, really highlights psychology’s failure to take a culturally competent approach.

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<sup>23</sup> Ibid.

<sup>24</sup> "New Education Research - Glaring Racial Disparities in Pittsburgh." New Education Research - Glaring Racial Disparities in Pittsburgh | School of Social Work | University of Pittsburgh. Accessed October 23, 2020.

<sup>25</sup> Masuda, Akihiko, Page L. Anderson, and Joshua Edmonds. "Help-Seeking Attitudes, Mental Health Stigma, and Self-Concealment Among African American College Students." JSTOR. October 2012. Accessed November 6, 2020.

<sup>26</sup> Irvin-Mitchell, Atiya. "Is Mental Health Care Available for Pittsburghers with Racial Trauma?" PublicSource. October 10, 2020. Accessed October 23, 2020.



### 3.3 The Effects of Increased Rates of Mental Health Issues

The dichotomy in discipline between Black and White students directly leads to mental health issues among Black adolescents, which is then augmented by the field of psychology itself failing to take a culturally competent approach. This condition is well summarized by Jessica Gurley, a social worker in Pittsburgh, who explains that “an unintended consequence of [therapists] who aren’t [equipped to deal with racial trauma] is that a bad therapeutic experience can turn people off to therapy.” What begins in schools as racism in policy and practices culminate in a vicious cycle of mental health issues for Black adolescents.

It is especially concerning when one considers how young the victims of this unjust process are experiencing school as contradictory. In the *best* of circumstances, a Black student will “encounter a set of philosophical ideals, presented as fact” that likely contradict “their day-to-day experiences.”<sup>27</sup> In other words, Black students will realize concepts of “justice, equality, and freedom that are taught in the schools as national ‘truths’, are at variance” with their daily lives.<sup>28</sup> This best case scenario seems to assume that a Black student can separate the spheres of school and life such that the ideals taught in school remain unwavering within school grounds, but then prove fickle when a child reaches home. However, unequal discipline - and its criminalization - prove that oftentimes, the ideals taught in PPS do not reach the principal’s office. On the other hand, in the “*worst* of circumstances, a school is openly oppressive and intolerant toward Black students.”<sup>29</sup> The one element these worst case scenarios have in common is “the advocacy of the values and lifestyles of the dominant White culture,” even while the

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<sup>27</sup> Harvey, William B. "The Educational System and Black Mental Health." 1986. Accessed October 21, 2020.

<sup>28</sup> Ibid. 445.

<sup>29</sup> Harvey, William B. "The Educational System and Black Mental Health." 1986. Accessed October 21, 2020.

obvious “physical and social reality prevents [Black students] from being anything else.”<sup>30</sup> According to the Center for American Progress, these “traumatic experiences impair . . . ability to learn. . . prompt feelings of isolation and helplessness, and . . . catalyze the onset of a mental health disorder.”<sup>31</sup> In addition, “the well-educated have social-physiological resources, including a high sense of personal control and social support.”<sup>32</sup> On the other hand, those with poor or disrupted education have higher likelihoods of developing perceived powerlessness. Perceived powerlessness refers to the “belief that one’s own actions do not affect outcomes – that outcomes of situations are determined by [external] forces.”<sup>33</sup>

This is especially true with unequal discipline. For the same infraction, two students will be disciplined differently just because of the color of their skin, which can be defined as an “external force.” Perceived powerlessness does *not* manifest if not for precedence. Not only does “lack of personal control” lead to immediate change in one’s attitude, but it also affects “psychological mechanisms” which are “associated with suppression of the immune system.”<sup>34</sup> Students with these feelings are often targeted through implicit bias, and their mental health is only worsened by the school-to-prison pipeline. “Over 90% [of youth in juvenile detention facilities exhibit symptoms of either post-traumatic stress disorder or another mental health condition.”<sup>35</sup> These children are not bad; they are traumatized. These children are not the problem; the policy is. But, even if these issues are recognized by some internal or external

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<sup>30</sup> Ibid. 451.

<sup>31</sup> Baffour, Perpetual. “Counsel or Criminalize?” Center for American Progress. Accessed November 11, 2020.

<sup>32</sup> Ross, Catherine, and Chia-ling Wu. “The Links Between Education and Health.” JSTOR. October 1995. Accessed October 21, 2020.

<sup>33</sup> Ibid. 722.

<sup>34</sup> Ibid. 730.

<sup>35</sup> Baffour, Perpetual. “Counsel or Criminalize?” Center for American Progress. Accessed November 11, 2020.

source, and a Black adolescent decides to seek help, the quality of therapy they receive will be severely underwhelming and may even worsen their mental health.

It is not necessary for Black children to remain within the cycle of unequal discipline practices and mental health issues. The City Council of Pittsburgh has the power to take a stand against racism in education and create new policies that reduce the high rates of mental health issues in Black children. There are several potential methods for addressing the problem of unequal discipline. The City Council can change the public school curriculum by instituting restorative justice programs, or by revising the code of conduct regulating school discipline to acknowledge and rectify the unequal discipline practices that racist educators have been engaging in. To directly address the mental health problems created by racism in education, funding can be reallocated for improved mental health services offered to students. Racism in the discipline practices of schools, and the high rates of mental health issues that occur as a result, must be addressed immediately to create a healthier environment for all in Pittsburgh.

## 4. The History of Racism in Education

### 4.1 Introduction

Decades of segregation in the United States have enabled the continued existence of racial disparities in both socioeconomic status and the lesser availability of resources for African-American students. These disparities have created an educational climate that fails to meet the needs of African-American students, and in many cases, harms them substantially. After the 1954 ruling in *Brown vs. The Board of Education* effectively ended segregation in schools, many African American teachers lost their jobs-- as schools were integrated, administrators often chose to keep white teachers on staff and fired the ones from formerly all-Black schools. Years later, African-American teachers remain grossly underrepresented in public school systems, an issue compounded by the high burnout rate among African-American teachers. As a result, Black students are rarely able to work with African-American teachers, and actually spend the majority of their education (if not all of it) being supervised by a mostly white administration. Similarly, libraries were another public resource which suffered the effects of segregation. After the passing of the Civil Rights Act of 1964 allowed libraries to be desegregated, African-Americans could enter libraries without being removed. However, because libraries remained predominantly white, most libraries still were not welcoming places for African-American students. Lacking access to libraries hindered many African-American's education outside the classroom, preventing them from fully utilizing a resource that can enhance their education. White students who do not face a similar obstacle can make massive improvements in their education through access to libraries, allowing them to elevate their

educational standards above African-American students. The systematic lack of resources in general combined with the effects of decades of segregation effectively forces African-American students to attend low-income schools at a much higher rate than their caucasian peers. Compounding these disadvantages, many of the schools in low-income neighborhoods rely heavily on the use of police and metal detectors, which as we later discuss, encourage administrators to treat Black students as criminals, ultimately pushing them into the school-to-prison pipeline.

## 4.2 The Effects of Segregation

The history of segregated schooling and the high burnout rate of African-American teachers has created a teaching workforce not prepared to meet the needs of African American students. In 1954, the *Brown vs. The Board of Education* decision desegregated schools, allowing african-american students to finally attend public schools with their white peers. The decision had the unfortunate consequence of putting many African-American teachers out of work. The integration of black students going to white schools saw many formerly all-black schools close down, and the teachers at the all-black schools lost their jobs in the process.<sup>36</sup> not also hiring the african-american teachers and sticking to the white teachers at the school system. Over 38,000 black teachers in the South and border states lost their jobs after the *Brown v. Board of education* ruling in 1954.<sup>37</sup> Losing so many African-American teachers would see

African-American students from having the opportunity to see less positive African-American

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<sup>36</sup> Will, Madeline. "65 Years After 'Brown v. Board,' Where Are All the Black Educators?" *Education Week*, Education Week, 3 Dec. 2020, [www.edweek.org/policy-politics/65-years-after-brown-v-board-where-are-all-the-black-educators/2019/05](http://www.edweek.org/policy-politics/65-years-after-brown-v-board-where-are-all-the-black-educators/2019/05).

<sup>37</sup> Lutz, Mallory. "The Hidden Cost of Brown v. Board: African American Educators' Resistance to Desegregating Schools." *Online Journal of Rural Research & Policy*, vol. 12, no. 4, 2017.

role models. The decades of white-dominated teaching force in the 20th century has persisted into the 21st century, with African-American students not having enough African-American representation in their teachers.

In addition to the lingering effects of the Brown vs. Board of Education decision, African-American teachers have also struggled to stay within the teaching profession for more than several years. The burnout rate among African-American teachers is the highest among all races, with the majority of African-American teachers only lasting two years. “The current representation of black teachers in the workforce is miniscule; In 2000, only 14% of teachers were persons of color” .<sup>38</sup> However, this number has changed in recent years, going down significantly. As of 2017-2018, black teachers made up only 7% of all public school teachers.<sup>39</sup> This trend is worrying, with the positive impact of black teachers having a huge influence on black students. With regular African-American teacher presence, they have considerable impact upon the performance of Black students. In 203 cities where at least 10% of the teaching force is Black, African-American public school students are better represented in gifted and talented programs than cities that don’t have less African-American teacher presence.<sup>40</sup> Conversely, African-American students are much less likely to approach white teachers for assistance with classwork or preparation for college.

The history of segregation has also created a lasting legacy of libraries not being used by African-Americans, who are unable to take full advantage of this branch of education. The Civil

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<sup>38</sup> Ibid.

<sup>39</sup> “Characteristics of Public School Teachers.” *The Condition of Education - Preprimary, Elementary, and Secondary Education - Teachers and Staff - Characteristics of Public School Teachers - Indicator May (2020)*, May 2020, [nces.ed.gov/programs/coe/indicator\\_clr.asp](https://nces.ed.gov/programs/coe/indicator_clr.asp).

<sup>40</sup> Toppo, Greg, and Mark Nichols. “Decades after Civil Rights Gains, Black Teachers a Rarity in Public Schools.” *USA Today*, Gannett Satellite Information Network, 4 Feb. 2017.

Rights Act that was passed in the middle of the 1960s mandated equal access to resources for African-Americans, with one of those being public libraries. Before this, African-American students were barred from going to public libraries; Instead, they were given black-only libraries, under the notion of separate but equal laws at the time. Much like the other segregated institutions created under the “separate but equal” mandate in Plessy v. Ferguson, African-American libraries were separated but by no means equal, and often severely underfunded.<sup>41</sup> There are massive disparities in terms of the race of librarians; “Currently, 81.3% of library employees are white in the United States, an effect of the segregation of libraries prior to the civil rights movement”.<sup>42</sup> Black students can feel uncomfortable in primarily white institutions like libraries, which can make it difficult for them to take full advantage of resources with a history of segregation.

### 4.3 Socioeconomic Status

In the United States, racial segregation was enforced well into the 20th century with one of the most salient examples being segregated public housing. The Supreme Court's decision in 1917 banned separate zoning locations for black and white residents, but racial zoning in cities remained prominent until the 1960's.<sup>43</sup> After WWII, this period in American history saw an exacerbation of the problem in racial zoning. In this time period, “the federal government subsidized relocation of whites to suburbs and prohibited similar relocation of blacks”.<sup>44</sup> One

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<sup>41</sup>“A History of US Public Libraries.” *Segregated Libraries, DPLA*.

<sup>42</sup><https://datausa.io/profile/soc/254021#:~:text=Race%20%26%20Ethnicity&text=81.3%25%20of%20Librarians%20are%20White,or%20ethnicity%20in%20this%20occupation>.

<sup>43</sup> Rothstein, Richard. “Modern Segregation.” *Economic Policy Institute*, 6 Mar. 2014, [www.epi.org/publication/modern-segregation/](http://www.epi.org/publication/modern-segregation/).

<sup>44</sup> Rothstein, Richard. “The Racial Achievement Gap, Segregated Schools, and Segregated Neighborhoods – A Constitutional Insult.” *Economic Policy Institute*.

famous example of the notion of racial zoning is seen in the development of Levittowns across the country. Levittowns built on the East and West coasts further enforced segregation: builders could only receive federal loan guarantees on the explicit condition that no sales would be made to African-Americans and that each individual deed include a prohibition on re-sales to blacks.<sup>45</sup> This physically separated African-Americans from whites, with African-Americans barred from living in the same areas. Additionally, “in cases where neighborhoods were mostly-black and deemed too close to white communities, interstate highways were created by federal officials to raze those neighborhoods for the purpose of relocating black populations to distant ghettos”<sup>46</sup>. Such racist segregation policies created harsh living conditions for many African-Americans. “State-sponsored segregated forced African-Americans into areas that had garbage less frequently collected, unpaved streets, and services such as water and power less often provided”<sup>47</sup>. All of these factors contributed to African-Americans being forced to also go to schools that were in less well-funded areas. Researchers found that high-poverty districts serving mostly students of color will receive \$1,600 less per student than the national average.<sup>48</sup> This disparity comes from how much residents pay in their taxes, which is directly related to the notions of racial zoning as seen in the Levittowns and deliberate location of interstate highways to separate blacks into poorer areas. According to the National Center for Education Statistics and the American Psychological Association, “African-Americans are more likely to attend high-poverty schools than asian-americans and caucasions”.<sup>49</sup> These challenging socio economic obstacles

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<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Lombardo, Clare. “Why White School Districts Have So Much More Money.” *NPR*, NPR, 26 Feb. 2019, [www.npr.org/2019/02/26/696794821/why-white-school-districts-have-so-much-more-money](http://www.npr.org/2019/02/26/696794821/why-white-school-districts-have-so-much-more-money).

<sup>49</sup> “Ethnic and Racial Minorities & Socioeconomic Status.” *American Psychological Association*, American Psychological Association.



have significantly harmed African-American students in their quest to get a good education. It has led to high-achieving african-american students to be exposed to less rigorous curriculums, attend schools with fewer resources, and have teachers who expect less of them academically than they expect of similarly situated caucasian students.<sup>50</sup> The historical factors of the past have created a modern situation containing racial disparities in education, harming the schooling African-Americans are able to receive.

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<sup>50</sup> Ibid.

## 5. The Problem of Unequal Discipline

The unequal disciplinary measures for students of different races in the Pittsburgh Public School system, which creates an unhealthy environment for students, is an issue that must be addressed. Black students are treated differently from white students by teachers and administrators with regard to discipline for behavior in school. Unequal discipline is a problem stemming from the racism present in this country and its institutions. It works to perpetuate the stereotypes that keep black people at a lower social standing by increasing the achievement gap between black and white students. The unequal discipline between black and white students is worsened by the education of teachers in Pennsylvania and the interaction of black parents with the school system. Unfortunately, unequal disciplinary practices and the tendency for black students to attend underfunded schools has created a school-to-prison pipeline. The discipline of black students is handled by the criminal justice system much more often than the discipline of white students. Inequalities in discipline lead to increased rates of mental illness for black students when compared to white students. The higher rates of mental health issues in Pittsburgh's black population have created a public health crisis.

### 5.1 Racism in Education

The differences in discipline for black and white students are rooted in racism. There are implicit biases based on racism present in educators that make them likely to continue the practice of unequal discipline. An implicit bias is an unconscious belief that can be activated by

an identity perceived in another person, such as race, that impacts decision making.<sup>51</sup> White educators in Pittsburgh possess an implicit bias against their black students. Their biases link black students, especially males, to stereotypes such as aggression, criminality, and danger.<sup>52</sup> These biases are expressed through unequal rates of discipline. When black students commit infractions against school policy, teachers associate the actions with who they are as people while the same infractions by white students are considered to be the result of something they have experienced and not part of their character.<sup>53</sup> Teachers have discretion over discipline for behavior such as defiance or disrespect, and these subjective situations allow implicit biases to come into decision making. Black students are much more likely to be sent to the office and face discipline than white students for the same offense.<sup>54</sup> This leads to the black escalation effect, in which black students are labeled troublemakers and treated more harshly on repeat offenses.<sup>55</sup> White students are seen with sympathy, while black students are considered uneducable.<sup>56</sup> White teachers are almost 40 percent less likely to predict that a black student will graduate high school and about 30 percent less likely to predict the student will complete a four-year college degree.<sup>57</sup> Such biases are compounded in the education system for teachers in Pennsylvania.

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<sup>51</sup> Cheryl Staats, Understanding Implicit Bias: What Educators Should Know, *American Educator*, Winter 2015-2016, pg. 30

<sup>52</sup> *Ibid*, pg. 31

<sup>53</sup> James Hugley, Ming-Te Wang, Kathryn Monahan, Gina Keane, and Abel Koury, Just Discipline and the School-to-Prison Pipeline in Greater Pittsburgh: Local Challenges and Promising Solutions, University of Pittsburgh Center on Race and Social Problems, pg. 9

<sup>54</sup> Cheryl Staats, Understanding Implicit Bias: What Educators Should Know, *American Educator*, Winter 2015-2016, pg. 31

<sup>55</sup> Olivia Marcucci, Implicit Bias in the Era of Social Desirability: Understanding Antiblackness in Rehabilitative and Punitive School Discipline, *The Urban Review*, 2020, pg. 53

<sup>56</sup> Daniel Solorzano, Images and Words that Wound: Critical Race Theory, Racial Stereotyping, and Teacher Education, *Teacher Education Quarterly*, Summer 1997, pg. 9

<sup>57</sup> Jill Rosen, Teacher Expectations Reflect Racial Biases, John Hopkins Study Suggests, John Hopkins University, March 2016

Teacher educators in the Pennsylvania teacher preparatory system are overwhelmingly white. This leads to new teachers receiving inadequate instruction and guidance in tackling cross racial interaction for discipline with their students.<sup>58</sup> White instructors have implicit biases against black children, which makes it difficult for them to show white teachers in training how to overcome their implicit biases. In addition to a serious lack of instruction from educators of color, white teachers in training are taught beside their white peers. In Pennsylvania's teacher preparation program, only 10.4% of graduates are people of color.<sup>59</sup> Studies show that learning in a diverse setting reduces racial stereotypes, which would allow white teachers in training to move past their biases and improve the situation for the black students that they will eventually teach.<sup>60</sup> In addition, while 10.4% of the graduating class consists of people of color, only 4% of the teachers in Pennsylvania are people of color, showing additional problems in hiring practices and retention rates. Unequal disciplinary practices for white and black students, while entrenched by racism, is caused by the difference in racial makeup between teachers and students.

## 5.2 Unequal Discipline in Pittsburgh

There is a large disparity between students and teachers in the Pittsburgh Public School system. In Pittsburgh, 53% of students are black, and 33% are white. However, for teachers, only 16% are of color and 84% are white.<sup>61</sup> This can be broken down into a teaching force that is 60% white female, 24% white male, 10% black female, and 3% black male, with the remaining 3%

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<sup>58</sup> Carla Monrow, Teachers Closing the Discipline Gap in an Urban Middle School, *Urban Education*, Volume 44 Number 3, May 2009, pg. 341

<sup>59</sup> Alison Stohr, Jaon Fontana, and David Lapp, Patching the Leaky Pipeline: Recruiting and Retaining Teachers of Color in Pennsylvania, April 2018, pg. 4

<sup>60</sup> Amy Stuart Wells, Lauren Fox, and Diana Cordova-Cobo, How Racially Diverse Schools and Classrooms Can Benefit All Students, *The Education Digest*, September 2016, pg. 21

<sup>61</sup> Rob Taylor Jr., The Mission - Getting More Black Teachers into PPS, *New Pittsburgh Courier*, October 2019

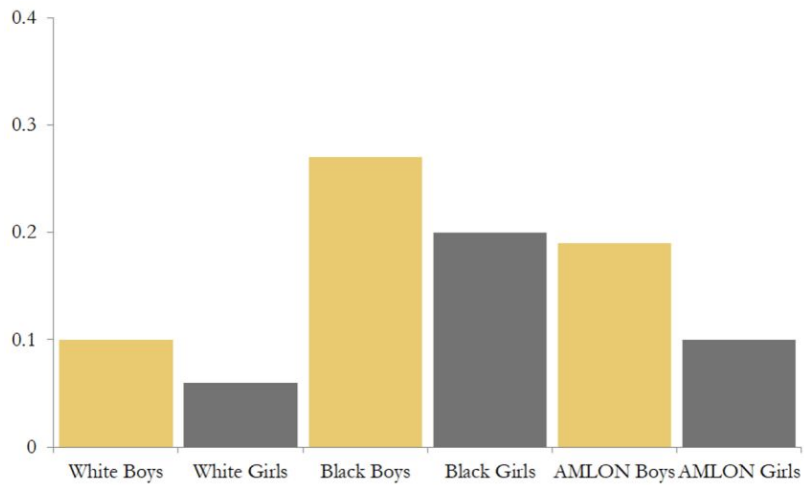
other people of color. The issue of unequal discipline stems from the differences between students and teachers, and the biases of teachers. White teachers admonish black students two to four times as frequently for the same type of misbehavior when compared with the rates of white teachers for white students and black teachers for black students.<sup>62</sup> In addition, white teachers are more likely to have public and highly charged interactions with black students, often leading to disrespect and discipline, than to have private conversations. In Pittsburgh, when teachers believe that a student needs to be disciplined, that student's case and all decision making on it is passed on to the principal. The Code of Student Conduct gives the principal, typically a white man with the same biases as the teachers, the power to make the decision on suspension individually. The results of this are very visible in Pittsburgh, where black students in Allegheny County have a suspension rate of 41 suspensions for every 100 students, compared to the rate for white students which is 5.6 suspensions for every 100 students.<sup>63</sup> The suspension rate for black students is 7.3 times higher than the suspension rate for white students, with 63% of all suspensions given to black students. The disparity in Pittsburgh is larger than the inequality in Pennsylvania overall, in which the suspension rate for black students is 5.5 times higher than the suspension rate for white students. These unequal rates of discipline, seen in the graphs below, have real effects on students.

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<sup>62</sup> Jill Rosen, Teacher Expectations Reflect Racial Biases, John Hopkins Study Suggests, John Hopkins University, March 2016

<sup>63</sup> James Hugley, Ming-Te Wang, Kathryn Monahan, Gina Keane, and Abel Koury, Just Discipline and the School-to-Prison Pipeline in Greater Pittsburgh: Local Challenges and Promising Solutions, University of Pittsburgh Center on Race and Social Problems, pg. 14

### At Least One Suspension<sup>64</sup>

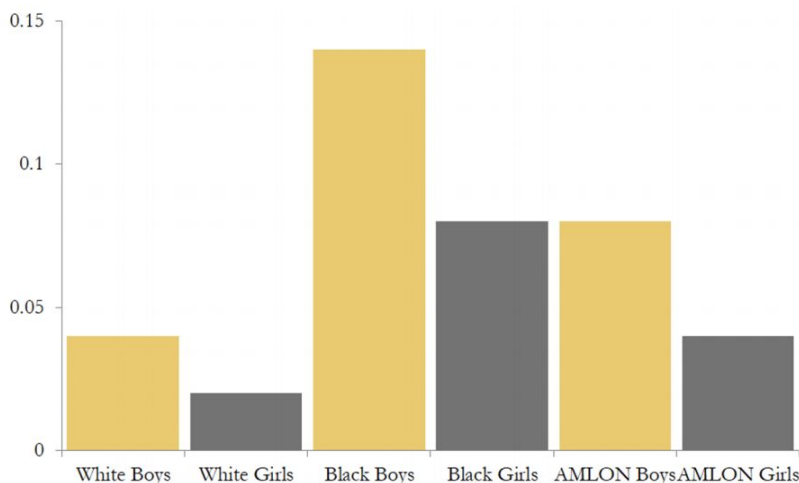


This graph, from the 2019 report “Pittsburgh’s Inequality Across Gender and Race,” shows the proportion of students in Pittsburgh who have received at least one suspension during the course of their school career. It compares the suspension rates of students of different races, specifically white boys and girls, black boys and girls, and asian, mixed race, latinx, other race, and Native American boys and girls.

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<sup>64</sup> Junia Howell, Sara Goodkind, Leah Jacobs, Dominique Branson and Elizabeth Miller. Pittsburgh's Inequality across Gender and Race, Gender Analysis White Papers, City of Pittsburgh's Gender Equity Commission, 2019.

### More Than One Suspension<sup>65</sup>



This graph, from the 2019 report “Pittsburgh’s Inequalities Across Gender and Race,” shows the proportion of students in Pittsburgh who have received more than one suspension during the course of their school career. It compares the suspension rates of students of different races, specifically white boys and girls, black boys and girls, and asian, mixed race, latinx, other race, and Native American boys and girls.

### 5.3 The Achievement Gap From Unequal Discipline

The high rates of discipline for black students has led to a large achievement gap between black and white students in Pittsburgh. Steel Valley high school is one school in Pittsburgh that exemplifies this issue. In Steel Valley, 83% of suspensions are given to black students, who make up 37% of the student population.<sup>66</sup> Researchers report that the achievement gap at Steel Valley high school can be attributed to the high rate at which black students are suspended.<sup>67</sup>

Only 28.6% of black students are proficient in english, compared to the 84.2% proficiency rate

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<sup>65</sup> Ibid.

<sup>66</sup> Mary Niederberger, New Data Shows Racial Achievement Gaps at More than Half of Allegheny County School Districts, Public Source, March 2019

<sup>67</sup> Ibid

of white students. There is a 23.2% proficiency rate in math for black students, compared to the 75.4% proficiency rate of white students. In greater Pennsylvania, there is an achievement gap between black and white students of 34 percentage points for English, 36 percentage points for math, and 39 percentage points for science.<sup>68</sup> These achievement gaps occur because suspended students miss a substantial amount of instructional time. Studies have been performed comparing the achievement of students who began with similar grades, and then were either suspended or not. It was found that there is a real difference in achievement between students that have and have not been suspended. Missing school results in poorer performance and greater disengagement from school.<sup>69</sup> A student that has never been suspended experiences a linear growth in performance over time, while students with an early suspension experience no significant growth.<sup>70</sup> This leads to a large difference in academic achievement over time. In addition, when students who were initially at risk for low performance are suspended, it makes them much less likely to improve.<sup>71</sup> This phenomenon affects black students at much higher rates than white students, leading to lower academic achievement from black students.

## 5.4 The School to Prison Pipeline

The low socioeconomic status for many African American students sees them have a greater likelihood to attend schools that exacerbate the school to prison pipeline. According to the ACLU, “a disproportionate amount of African American students are living in poorer

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<sup>68</sup> Ibid

<sup>69</sup> James Hugley, Ming-Te Wang, Kathryn Monahan, Gina Keane, and Abel Koury, *Just Discipline and the School-to-Prison Pipeline in Greater Pittsburgh: Local Challenges and Promising Solutions*, University of Pittsburgh Center on Race and Social Problems, pg. 10

<sup>70</sup> Edward Morris and Brea Perry, *The Punishment Gap: School Suspension and Racial Disparities in Achievement*, Oxford University Press, 2016, pg. 13

<sup>71</sup> Ibid, pg. 14



neighborhoods, facing overcrowded classrooms and insufficient funding for special education services, textbooks, and counselors”.<sup>72</sup> With this lack of resources and funding, schools have turned to policies that result in many students facing harsh punishments, facing serious discipline for even the smallest infractions. The ACLU further states that “Overly harsh disciplinary policies push students down the pipeline and into the juvenile justice system... as harsh penalties for minor misbehavior become more pervasive, schools increasingly ignore or bypass due process protections for suspensions and expulsions”.<sup>73</sup> In addition to having harsh policies laid out, poor schools (that are predominantly african-american) have become dependent on police presence. Findings from the ACLU highlight that “many under-resourced schools become pipeline gateways by placing increased reliance on police rather than teachers and administrators to maintain discipline”.<sup>74</sup> Police are deemed to be more vital at underfunded schools for their ability to keep discipline and order, yet this reliance on police has led to more students being subjected to school-based arrests, which is the quickest way to the jailhouse.

The school-to-prison pipeline is present in Pittsburgh, following a similar nationwide trend. As detailed by reporter Ryan Ryzdewski, “Poverty, racism and years of inequitable funding created schools with lots of need but few resources... These are schools where probation officers outnumber guidance counselors and a culture of zero tolerance treats minor infractions as serious crimes”.<sup>75</sup> This link between security and schools has enabled the school to prison pipeline to take hold for many African American students. According to the authors of *Just*

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<sup>72</sup> “School-to-Prison Pipeline.” *American Civil Liberties Union*, [www.aclu.org/issues/juvenile-justice/school-prison-pipeline](http://www.aclu.org/issues/juvenile-justice/school-prison-pipeline).

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ryzdewski, Ryan, et al. “Pittsburghers Step up to Stop the School-to-Prison Pipeline.” *NEXTpittsburgh*, 19 Feb. 2019, [nextpittsburgh.com/latest-news/insanity-not-children-anymore-pittsburghers-step-stop-school-prison-pipeline/](http://nextpittsburgh.com/latest-news/insanity-not-children-anymore-pittsburghers-step-stop-school-prison-pipeline/).

*Discipline and the School-To-Prison Pipeline: Local Challenges and Promising Solutions.*,  
“Allegheny County as a whole was above the state average in 2015-2016, at 13.7 suspensions per 100 students. Of the 51 traditional public districts and charter networks in Allegheny County, just over one-third (18 of 51) were above the state average in suspensions rates. In general, districts in Allegheny County with more African American and low-income students tended to have higher suspension rates.<sup>76</sup> White students are far less likely to face severe punishment such as being suspended, compared to their african-american peers. The school-to-prison pipeline is present in the Pittsburgh area for students attending lower socioeconomic status schools. With this fact in mind, african-americans struggle to achieve an education and face the massive obstacle of the school-to-prison pipeline, in addition to the other factors that they must face.

The selective application of disciplinary measures to students of color have lasting consequences on student outcomes. Federal data has often linked suspensions, expulsions, and subsequent legal charges to lower test scores, higher drop-out rates, and higher rates of incarceration.<sup>77</sup> The same data set indicates that “black children are almost four times more likely to be suspended than their white peers, despite research finding that neither group commits more frequent or more serious offenses than the other.” In 2012, the rate of detention for black students in Allegheny County alone was 19 times higher than that of their white peers, and these statistics are worse for children with disabilities.<sup>78</sup> Furthermore, according to a report published by the Pittsburgh Foundation, 10% of children aged 10-17 within the Pittsburgh Public School

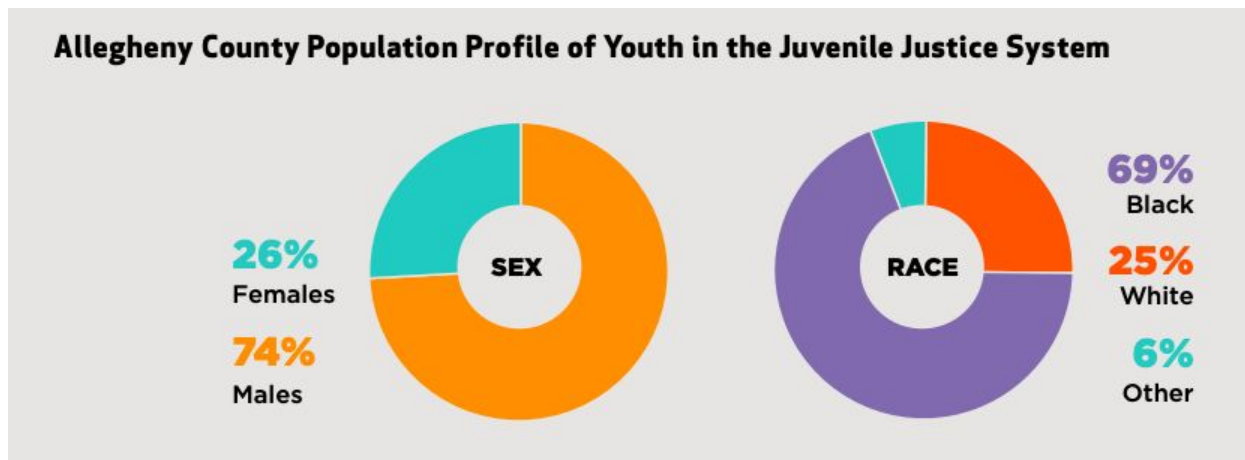
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<sup>76</sup> Huguley, James, et al. Center on Race and Social Problems, Heinz, 2018, pp. 1–44, *Just Discipline and the School-To-Prison Pipeline: Local Challenges and Promising Solutions.*

<sup>77</sup> “2013-2014 CIVIL RIGHTS DATA COLLECTION, A FIRST LOOK: KEY DATA HIGHLIGHTS ON EQUITY AND OPPORTUNITY GAPS IN OUR NATION’S PUBLIC SCHOOLS.” U.S. Department of Education, Office for Civil Rights, 7 June 2016,

<sup>78</sup> Rydzewski, Ryan, et al. “Pittsburghers Step up to Stop the School-to-Prison Pipeline.” NEXTpittsburgh, 19 Feb. 2019

System have had involvement with the juvenile justice system. 73% of these referrals were for non-violent crimes where charges included drugs, theft, and/or failing to pay court fines.<sup>79</sup>



The underlying issue is a systemic one according to Paulette Foster, the co-founder of Pittsburgh’s Education Rights Network. “You have children coming to school who are hungry, who are homeless, who are uneducated,” she explains, “and when you suspend them, you’re keeping them that way.” Decades of housing discrimination, systemic poverty, and insufficient funding have contributed to a network of schools with limited supportive resources and an excess of disciplinary presence, often creating an environment in which “probation officers outnumber guidance counselors.”<sup>80</sup> With many schools employing a policy of zero tolerance, administrative officials are free to treat even the most minor infraction as an offense which merits suspension or similarly aggressive consequences.<sup>81</sup> If administrators choose to involve the police, the child in question may be referred to the juvenile justice system, and if the child is ten or older, the incident can be referred to the legal system, where officials can formally arraign the student. The

<sup>79</sup> “A QUALITATIVE STUDY OF YOUTH AND THE JUVENILE JUSTICE SYSTEM: a 100 Percent Pittsburgh Pilot Project.” The Pittsburgh Foundation, 100 Percent Pittsburgh, 2017.

<sup>80</sup> Rydzewski, Ryan, et al. “Pittsburghers Step up to Stop the School-to-Prison Pipeline.” NEXTpittsburgh, 19 Feb. 2019

<sup>81</sup> “School-to-Prison Pipeline.” American Civil Liberties Union.

resulting school-to-prison pipeline has the potential to ruin lives-- all for an infraction which otherwise might have been treated as a simple example of a young person acting up.<sup>82</sup> The administrator's discretion has the power to decide whether a student is chastised or arrested; whether they get to live a normal life or remain stuck within the same cycle of oppression which many citizens have come to expect within a certain demographic.

## 5.5 The Implications

Black students are subject to unequal disciplinary practices, which leads to an achievement gap. This lower rate of achievement from black students leads to less people of color attending higher education, specifically to become educators themselves. When people of color do not become trained as teachers, there is a greater proportion of white teachers. When the percentage of white teachers is much larger than the proportion of white students, unequal disciplinary practices occur. The rates of unequal discipline are worsened by the higher frequency of black students with a lower socioeconomic status, and the low resource schools they attend that have an overreliance on the criminal justice system. While the cycle continues, the rate of incidence of mental health issues for black children compared to white children increases.

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<sup>82</sup> Toppo, Greg. "Black Students Nearly 4x as Likely to Be Suspended." *USA Today*, Gannett Satellite Information Network, 7 June 2016.

## 6. Solutions

In order to address the cycle of unequal discipline contributing to racism as a public health crisis, Pittsburgh must modify school disciplinary practices. One option is to utilize more restorative justice practices. This would prompt positive problem-solving for behavioral infractions rather than punishment. Another option would be to invest in more mental health counseling. This would preemptively improve behavior. Another option would be to change how consequences are determined. This would reduce bias in decision making. All of these solutions will be explored further below.

### 6.1 Utilize Restorative Justice Practices in Discipline

A first possible solution to the issue of racism in education as a public health issue is to integrate Restorative Justice Practices into the K – 12 education system. This would entail a comprehensive curriculum change that would be present at the classroom, campus, and community levels. For this to be possible, it needs to be wholly undertaken by educators and as a result become the new norm and standard for discipline in education and replace zero-tolerance policies and all similar policies.

#### 6.1.1 Background on Restorative Justice

We propose restorative justice in schools as a solution to the issue at hand. However, it remains that the term Restorative Justice needs to be further specified as it refers to a wide variety of practices. These practices aim to get at the fact that humans learn based on their

positive interactions and relationships with others. This is especially important in education because it is where children, in their formative years, spend most of their time. It is highly crucial to cultivate these positive relationships and interactions in the school environment because it is also where children learn to socialize, therefore creating the foundation with which they will interact with others in relationships as adults. By cultivating these positive relationships and interactions, schools will be putting the mental and emotional health of students first, thereby allowing for greater education that mitigates some of the negative effects experienced by students in the Pittsburgh area. These practices aim to replace the *zero-tolerance* policies that, until now, have become the norm in the current education system. It replaces those methods and standards of discipline with a much more open and positive-looking mindset. More specifically, restorative practices do this in five ways. These include addressing and discussing the needs of school communities, building healthy relationships between educators and students, preventing harmful behavior, repairing harm and restoring positive relationships, and resolving conflict by holding individuals and groups accountable for their actions.<sup>83</sup>

These aims can actually be realized in a variety of ways. There are several tools and practices that have been developed to do exactly this. This section will go into some of the tools we propose that the Pittsburgh public education system put in place.

### 6.1.2 Types of Restorative Justice

One of the most effective ways of preventing school conflict is by instituting the practice of community conferencing. Community conferencing replaces older methods of conflict

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<sup>83</sup>“Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools,” Schott Foundations for Public Education, <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf>.

resolution where school officials decided punishments without input from all stakeholders. This often led to students feeling as though their opinion and perspective on the conflict didn't matter; influencing students to feel powerless over their situations. In the community conferencing model, all stakeholders are given the chance to participate in the conflict resolution process. This is very similar to another tactic under the restorative justice umbrella called peer mediation. Peer mediation actively allows students to become leaders while addressing their own conflicts. This facilitates healthier relationships and reduces the need for discipline referrals, violence rates, and suspension rates.<sup>84</sup>

Under the category of restorative justice, there are two other practices that go hand in hand in further encouraging healthy relationships before conflict even erupts. These are called informal restorative practices and Social-emotional learning or SEL. Informal restorative practices refers to the smaller, more everyday actions that can be taken by educators to create a more positive environment. These can be especially effective in the earlier years of a child's life as they can be taught through the positive affirmation of feelings as well as active reflection on actions. This is closely tied with Social-emotional learning because social emotional learning specifically cultivates skills such as "recognizing and managing emotions, developing caring and concern for others, establishing positive relationships, making responsible decisions, and handling challenging situations constructively and ethically."<sup>85</sup> These skills are especially important to the issue we are attempting to solve because they allow for students to develop the skills necessary to look out for their own mental health from a young age, therefore helping to

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<sup>84</sup> "Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools," Schott Foundations for Public Education, <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf>.

<sup>85</sup> "Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools," Schott Foundations for Public Education, <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf>.

lessen high occurrence levels of issues such as violence leading to incarcerations later on down the line.

Restorative justice practices extend beyond the classroom and campus and include within them practices such as community service. By bringing community service into the discussion of discipline in schools, it allows for students to right harms that they may have caused by servicing their own community. By allowing students to serve their own community, they are not only growing themselves, but they are helping to relieve the community-wide issues discussed earlier.

Restorative justice encompasses these tactics and many more. However, it is important to note that they all share the common desire to cultivate positive relationships and emotions that give all stakeholders the chance to be heard and the chance to restore whatever harm has been caused. They also all allow for students to be part of their own discipline and gives them the chance to see how the way in which they interact with others can cultivate positivity in the face of conflict.

### 6.1.3 Current Situation

In the Pittsburgh area, currently there are very few programs designed to achieve restorative justice. There are however, some smaller scale leadership programs that have shown the possibility of the practices being implemented and actually achieving what they set out to do. One of these programs is called *Just Discipline*. *Just Discipline* is a program created in the Woodland Hills Intermediate school that aims at decreasing racial disparities in school discipline by developing school leaders equipped with peer-mediation skills. This program allows students to grow personally by working on their leadership skills, which in turn creates a more positive



self-mindset, improving their mental health. This also obviously allows for students to have leaders in their community whom they can trust in peer-mediation talks. It is highly important for students to have leaders whom they feel that they can trust because it makes all the difference when it comes to how students view themselves after having experienced discipline as a result of their actions.

#### 6.1.4 Available Options

Given the wide variety of ways in which restorative justice can be implemented, it would follow that there are several ways in which schools can begin to implement changes. Restorative justice, however, is not as effective if it isn't being implemented by the whole community. Therefore, the school district must be fully prepared to change current curriculum and discipline guidelines in an effort to remove harmful and problematic policies and replace them with practices that fall under the restorative justice pedagogical philosophy.

This begins by ensuring that there will be proper funding to support this sort of overhaul of the disciplinary system in schools. Since restorative justice includes within it a commitment to maintain a positive mindset for mental health growth, it will be necessary for educators to become acquainted with the philosophy and change some of their methods. Educators will have to participate in continuing education, which can be provided at the community level by the district, in order to effectively integrate restorative justice practices into the classroom. School districts will also have to make sure that this education is available to other staff members who are adjacent to the disciplining of students. This includes school safety officers, nurses, and administrative staff.

The move towards restorative justice must also include changes to the curriculum that encourage the aims of the practice as mentioned earlier. This will lead to students and educators

having more options when it comes to disciplinary matters, and will lessen the amount of cases being funneled into the juvenile prison system due to lack of options.

With a change towards restorative justice, schools will be able to see a marked improvement in the mental health of black students. This will be evident in the fact that the schools will overall end up making having a much lower rate of police involvement in schools disciplinary involvement due to lower rates of students ending up in conflict with one another or their teachers. Students will be better equipped at handling challenges to their mental health as they will be learning how to build healthy relationships with themselves and others in school. This will lead to students being better able to care for themselves in the future.

#### 6.1.5 Recommended Action

We recommend that schools begin to make these changes by phasing out the current practices such as zero-tolerance, and ensure that restorative justice practices are written into disciplinary guidelines as the standard for conduct. We also recommend that the school districts put its funding behind restorative justice to ensure that it succeeds in achieving its goal. Transitioning from existing policies to restorative justice practices will take time as educators and staff will also have to unlearn the harmful practices that they have been complicit in, however, with proper dedication it is fully possible for schools to make the change. It is worth noting that restorative justice as a practice puts positive relationship building at the helm of mental health, but does not necessarily have a dedicated sector within its framework dedicated to more traditional practices such as mental health counseling. When implementing restorative justice, this will need to be considered as counselors still need to be available for students who continue to have trouble.

## 6.2 Invest in Mental Health Counseling to Prevent Infractions

Pittsburgh's educational systems have historically approached in-school discipline through a framework that emphasizes zero tolerance and strict consequences -- and while this sounds reasonable in theory, in practice it often ends up disproportionately punishing students of color. Several reports compiled over the past few years have established a clear link between the unequal application of discipline in schools and the damaging consequences of this disparity upon students' long-term performance as well as their mental health. After a careful analysis of the collected data and corresponding solutions proposed by several think tanks on both a local and national level, we have concluded that these detrimental effects can be prevented by reallocating funding currently assigned to increased police presence in schools towards instead supporting better mental health facilities for students. It is our belief that restructuring our school systems in this way can help prevent the majority of disciplinary actions before they occur by offering more thorough, targeted support to minority students.

The current system leaves too much potential for such vital decision-making to be influenced by any variety of underlying prejudice, conscious or otherwise-- and while it is not within the scope of any one policy action to correct for decades of systemic inequity, it is possible to reduce the manifestation of this school-to-prison cycle by providing disadvantaged students with the resources they need to be heard and understood, and to cope with the unique circumstances they face without allowing anyone to use those disadvantages as justification for further harm. Improving mental health infrastructure is a solution which addresses both sides of the problem-- the students' need for more effective support as well as the system's need for

reduced police presence-- without completely uprooting the disciplinary framework which remains so thoroughly entrenched in our school systems.

At a local level, progress towards this goal has been modest though not insignificant. In response to a recent report on race-based educational disparities in Pittsburgh, the city held a press conference in September 2020. Among the attendees was Anthony Hamlet, Pittsburgh Public Schools [PPS] Superintendent. In his comments, Hamlet acknowledged that while the county had found some success in reducing suspension rates and “prohibiting non-violent suspensions for students during his tenure,” those broad reductions were not enough to address the larger problem.<sup>86</sup>

Similar efforts to tackle the issue of overzealous discipline have taken place in Philadelphia, where the results have been more prominent. A recent petition from the Philadelphia Student Union, for example, calls upon lawmakers to (1) remove all police and school resource officers from schools, (2) have the Office of School Safety replace school police with community members trained in de-escalation, restorative justice, and other skills that support healthy schools and communities, and (3) end its memorandum of understanding with the Philadelphia Police Department so that disciplinary and other school infractions may be dealt with by administration and staff, not the police.<sup>87</sup> Like Pittsburgh, Philadelphia has been contemplating methods of reducing police presence for the past few years, but solutions are targeted towards reducing police presence rather than eliminating the use of officers in schools altogether. To this effect, a representative from the Philadelphia Board of Education stated that

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<sup>86</sup> Burkholder, Sophie. “Report: Pittsburgh Schools Play Outsized Role in Juvenile Justice Disparities.” PublicSource, 14 Sept. 2020.

<sup>87</sup> “PSU Presents: A Digital Rally for Police Free Schools.” Philly Protest, Philadelphia Student Union, June 2020, [phillyprotest.com/event/psu-presents-a-digital-rally-for-police-free-schools/](https://phillyprotest.com/event/psu-presents-a-digital-rally-for-police-free-schools/).

she sees a “repackaged system with minor changes, not an overall climate and culture shift.”<sup>88</sup>

Philadelphia’s approach, however, stands in stark contrast with actions from districts in Denver, Oakland, and Minneapolis who, among others, severed ties with police departments following the death of George Floyd.<sup>89</sup>

In response to growing awareness regarding local effects of the school-to-prison pipeline, the Pittsburgh Foundation recently launched the Juvenile Justice Pilot, which they described in their *Youth and Juvenile Justice Report* as an initiative created to support young people in impoverished communities and to shed light on the growing damage inflicted on local children by the pipeline. Through extensive data analysis and workshops with local youth, the report defends the Foundation’s central assertion that “our review of our own research locally and others’ nationally make it clear that system involvement is a direct result of poverty and near-poverty conditions, as well as structural racism.” Among the recommendations listed at the conclusion of the report is the Foundation’s method of engaging directly with the youth affected by disparities within our education system, and integrating their voices into the solutions we offer to their schools. Without understanding the perspectives of students, no policymaker can hope to create a system which effectively addresses their needs-- a fact which the creators of the report found proof for in reflective sessions with students.

By using a system which prioritizes active listening, activists have the opportunity to connect lawmakers with students and educators in a discussion setting where students can communicate their individual needs to officials, as well as the circumstances which affect their mental health and by extension, ability to learn. Students in these sessions described personal

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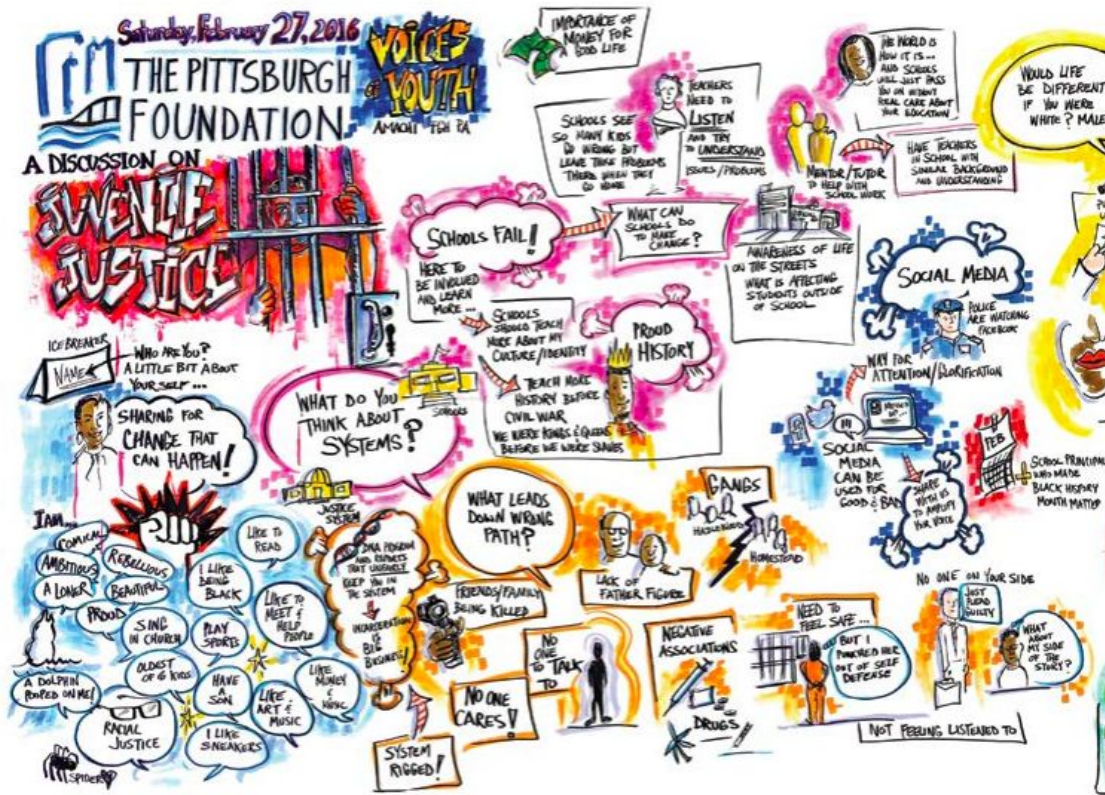
<sup>88</sup> Mezzacappa, Dale. “Board Supports 'Re-Imagining,' but Not Disbanding, School Police.” *The Notebook*, 30 June 2020.

<sup>89</sup> Camera, Lauren. “The End of Police in Schools.” *U.S. News & World Report*, U.S. News & World Report, 12 June 2020.

hardships and threats to their safety that understandably took priority over school-- the issues they described spanned several themes, from sexual assault to the responsibilities of caring for siblings and ensuring that they had enough food on the table. Each of the circumstances they described had obvious significance for mental health, and yet the resources they named were clearly not adequate for the magnitude of the problem. “Kids don’t have a safe place to go to when they don’t have access to food or their parents can’t pay their bills,” one student explained. “It’s embarrassing for them to ask for help. They end up trying to steal to get their own food.” Students were also quick to name the specific components of their school environments that caused the most damage: “Metal detectors are assuming that you’re already a criminal,” one student said. “They’re just waiting to catch you... And they have a probation officer’s office for you, even though you can’t even go see your counselor to get better classes for school. But you could go to your probation officer’s office. It’s already set up for you to fail.” Another student explained, “kids can get in trouble for smaller things that add up, like possession of weed or missing school, and then eventually they are just looked at as criminals and end up on probation... I just wouldn’t lock kids up that quickly, small things shouldn’t lead to probation, or the label of probation that makes them a ‘bad kid.’ It always starts with in-school probation and then escalates from there.”<sup>90</sup>

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<sup>90</sup> “A QUALITATIVE STUDY OF YOUTH AND THE JUVENILE JUSTICE SYSTEM: a 100 Percent Pittsburgh Pilot Project.” The Pittsburgh Foundation, 100 Percent Pittsburgh, 2017.



## 6.2.1 Background on Mental Health Counseling

When students were asked about what they needed from their communities and local administration, they answered with specific action items. “There needs to be somebody who sits down [and who] gets to the root of the issue before the court is getting involved,” one student said. “At least 90 percent of the people, there is a deeper issue that they’re doing what they’re doing...I feel like if there’s somebody who can get to the deeper issue and get to the root of that and try to help that before getting into the courts, there would be less kids getting juvenile probation and everything else.” Another offered: “it could start with after-school programs just asking kids if things are okay at home, or if they have enough food. And that has to be someone

that they trust — not a random person. Kids don't trust probation officers, and even though probation officers might not mean to, they pressure and threaten the kids to talk.”<sup>91</sup>

Throughout the report, students consistently brought up not being heard despite having clearly articulated what they needed from their schools. Each of the selected statements emphasizes two things: the mental strain induced by overuse of police presence in schools, and the need for more targeted mental health services staffed by professionals that are specifically trained to relate to the demographic of students they serve.

## 6.2.2 The Current Efforts for Mental Health Counseling

Each of the above goals are addressed in a bill introduced by Senator Chris Murphy and Representative Ayanna Pressley in July 2020 titled the Counseling not Criminalization in Schools Act. If enacted, this bill would prohibit the use of federal funds or public safety and community policing grants towards the placement of law enforcement officers in schools. It would simultaneously direct the Department of Education to provide grants to local educational institutions for replacing these officers with mental health services. These grants come with the stipulations that while schools can use these funds towards hiring and training specified staff and offering similar training to teachers, schools may not use funding towards “establishing or enforcing zero-tolerance policies, purchasing or installing surveillance equipment (e.g., metal detectors), or arming teachers or other school personnel.”<sup>92</sup> By eliminating several of the concerns which students pointed to in the Pittsburgh Foundation’s report, this act would help

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<sup>91</sup> “A QUALITATIVE STUDY OF YOUTH AND THE JUVENILE JUSTICE SYSTEM: a 100 Percent Pittsburgh Pilot Project.” The Pittsburgh Foundation, 100 Percent Pittsburgh, 2017.

<sup>92</sup>Murphy, Christopher. “S.4360 - 116th Congress (2019-2020): Counseling Not Criminalization in Schools Act.” Congress.gov, U.S. House of Representatives , 29 July 2020



schools transition away from damaging disciplinary policies and towards an evidence-based, preventative model that operates separately from the criminal justice system.

### 6.2.3 Available Options

As of November 2020, the Counseling not Criminalization in Schools Act has not passed either the Senate or the House, and is a long way from becoming a law. We strongly encourage local policymakers and independent grassroots organizations to advocate for its passage, and to consider on a local level how similar actions may be implemented. While federal funding is a long way from being available, school administrators can begin working towards the recommended model by reallocating funding away from discipline and towards better mental health services in future budgets. Enacting policy which prioritizes protecting students over punishing them allows us to take the first step towards a preventative model-- if we can listen to our students and provide the support and resources which they need, perhaps we can prevent disruptive behavior before it occurs. When adolescents act out there is almost always an underlying reason, and with the appropriate coping strategies students can learn to process their emotions and ask for what they need before their confusion and anger finds a disruptive outlet.

It's worth mentioning, however, that no policy solution will ever be enough to keep kids from acting out: no matter what we do, adolescents will skip classes. Many of them will drink, smoke, and cause trouble the way society collectively expects them to. When we describe a preventative model, we aren't promising a system in which students are magically emptied of all disruptive intent. What we're proposing is a system in which students are allowed to make mistakes without risking a criminal record; where discipline is dispensed impartially and in

direct proportion to the infraction committed; where guidance counselors have more interactions with “problem” students than probation officers do. As summarized in the Pittsburgh Foundation’s report, “youth are only ‘at-risk’ when they are inadequately served by the adults in systems who surround them.”<sup>93</sup> Bringing students to the table in future discussions allows the city of Pittsburgh to understand students’ needs and thus take the necessary steps towards adequately meeting them.

#### 6.2.4 Recommended Action

The comments compiled by researchers in cited reflective sessions highlight the need for improved mental health resources, and by association, the need to reduce the police presence which creates this need by consistently harming students’ mental health. The first step is gathering legislators, educators, administrative officials, and students for an informed conversation about the school-to-prison pipeline, institutional racism, inequity in resources and the several other factors which collectively impair the efficacy of our educational systems. Ultimately, it is our belief that an effective policy solution will require a combination of the actions we have laid out. Offering improved professional development to teachers and staff which is informed by the unique needs of their students works towards promoting a healthier student body, and becomes even more effective when supplemented by a plan to gradually reduce the involvement of police presence in school settings.

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<sup>93</sup> “A QUALITATIVE STUDY OF YOUTH AND THE JUVENILE JUSTICE SYSTEM: a 100 Percent Pittsburgh Pilot Project.” The Pittsburgh Foundation, 100 Percent Pittsburgh, 2017.

## 6.3 Restructure Disciplinary Practices to Increase Fairness

As explained in section 2.2, Pittsburgh public schools determine consequences based on the Code of Student Conduct. Since consequences are unequal, the determination methods should change. As such, the Code of Student Conduct must be modified to decrease unequal discipline.

### 6.3.1 Background on School Codes of Conduct

The best school codes of conduct “offer and encourage teachers and administrators to use a mix of supportive, positive interventions and disciplinary consequences.”<sup>94</sup> There needs to be a balance between, restorative, therapeutic, and administrative actions implemented. Administrative punishments such as suspensions and expulsions push students of color out of school and threaten their long term health.<sup>95</sup>

### 6.3.2 The Current Code of Student Conduct in Pittsburgh

The current Pittsburgh Public Schools Code of Student Conduct has many flaws that lead to unequal discipline. The Advancement project gives several categories to consider when analyzing a code of conduct.

1. Intent: The goals and purposes “are important to moving away from exclusionary discipline.”<sup>96</sup> It is clear that the document intends to minimize “the use of exclusionary

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<sup>94</sup> “Model School Discipline Policy.” *NJJN*, The Advancement Project, [https://www.njjn.org/uploads/digital-library/AdvProject\\_Code-of-Conduct-Tips-Examples.pdf](https://www.njjn.org/uploads/digital-library/AdvProject_Code-of-Conduct-Tips-Examples.pdf)

<sup>95</sup> “Model School Discipline Policy.” *NJJN*, The Advancement Project, [https://www.njjn.org/uploads/digital-library/AdvProject\\_Code-of-Conduct-Tips-Examples.pdf](https://www.njjn.org/uploads/digital-library/AdvProject_Code-of-Conduct-Tips-Examples.pdf)

<sup>96</sup> “Model School Discipline Policy.” *NJJN*, The Advancement Project, [https://www.njjn.org/uploads/digital-library/AdvProject\\_Code-of-Conduct-Tips-Examples.pdf](https://www.njjn.org/uploads/digital-library/AdvProject_Code-of-Conduct-Tips-Examples.pdf)

interventions for violations of the Code of Student Conduct.<sup>97</sup> Therefore, the Code of Student Conduct has productive intent.

2. Discretion: Discretion is important to allow discipline to be more lenient for circumstances but discretion is also dangerous for unfairly severe punishments. As such, codes of conduct should not have minimums but should have maximums. Since the Pittsburgh Code of Student Conduct has minimums rather than maximums, the discretion is problematic.
3. Interventions: There should be a mixture of supportive, positive interventions and disciplinary consequences. However, Pittsburgh Public Schools use far too many disciplinary consequences. Since Pittsburgh utilizes disciplinary practices at high rates and this largely impacts minority students, the types of interventions must be changed.
4. Definitions: The document must be easy to understand with clear definitions. While the Pittsburgh Code of Student Conduct is a little hard to navigate, the definitions and expectations are clear.
5. Law Enforcement or Security: Not only should the role of law enforcement be clear, but limitations should also be explored. Since “Pittsburgh's public schools refer more students to police than 95 percent of school districts in similar cities,” it is evident that there should be more limitations on the school system’s involvement of law enforcement.
6. Due Process: There should be “an opportunity to challenge the disciplinary decision before a student is excluded from class time, include prompt notification of parents/guardians, and offer an appeals process.” While the Code of Student Conduct

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<sup>97</sup> “Code of Student Conduct.” *Pittsburgh Public Schools*, 2020, [www.pghschools.org/site/handlers/filedownload.ashx?moduleinstanceid=1326](http://www.pghschools.org/site/handlers/filedownload.ashx?moduleinstanceid=1326).

does require notification of parents, students may not be permitted to argue their case for as long as three days into an out of school suspension. Moreover, there is no process for appealing a decision. As such, the due process in Pittsburgh Public Schools is inadequate.

### 6.3.3 Available Options

Here are some modifications to the Code of Student Conduct that will decrease disproportionate punishment of minorities.

1. **Modify or Eliminate the Infraction Levels:** While Pittsburgh could eliminate the levels all together, it is advised by the research above to limit the infractions in which severe punishments are an available option to limit bias. However, if the policy is modified so that there are no mandatory minimum consequences and only maximum consequences, there will be less administrative punishments. This will primarily apply to more severe offenses that simply have more nuance than the code permits.
2. **Create a Disciplinary Board:** By expanding the decision to multiple people instead of one, there is a smaller chance of one racist person causing massive damage. A person serving on board should specialize in diversity and inclusion. There should also be student representation on the board. This would allow a more fair decision process and room for appeals. The difficulty of this solution is that it will be more logistically challenging than letting the principal make the decisions. However, the benefit of decreasing biased disciplinary decisions outweighs the logistical challenge, because this board could significantly reduce the long term health consequences of unequal discipline.
3. **Eliminate Suspensions and Expulsions:** While this would limit problematic and unproductive solutions, there are some situations in which a student must be removed for

the benefit of other students. If a student poses a threat to the physical or mental health of another student, this must be a viable option. However, by reducing the use of suspensions and expulsions, Pittsburgh Public Schools can minimize this practice that harms the long term health of students.

4. **Eliminate Referrals to Police:** This is a good option because it maintains the schools freedom to intervene as necessary without such grave consequences for the student in question. If the offense is severe enough that another student presses charges or the police must intervene in the situation, the school could still cooperate with the investigation. This solution may face opposition from the Pittsburgh community. However, there is national support explained in section 6 to reduce police presence in schools.

#### 6.3.4 Recommended Action

Based on the above options, the first action that must be taken is to eliminate minimum punishments and create maximum punishments. Additionally, the school board should create a disciplinary board to handle hearings and appeals with at least one member trained in diversity and inclusion. Finally, there should be a smaller emphasis on referrals to police, suspensions, and expulsions. These changes are all necessary to reduce the unequal discipline.

## 7. Conclusion

There is no singular solution that will eliminate bias in school discipline. As long as the administration and teachers lack diversity, they will make bias decisions. Yet, as long as there is bias in discipline, the administrations and teachers will lack diversity. This cycle is a key contributor to the Pittsburgh public health crisis of racism. In order to disrupt this cycle to decrease racism in school discipline, there are a few recommended actions. First, the Code of Student Conduct must be modified to minimize exclusionary practices. This means eliminating minimum punishments and instituting maximum consequences, creating a disciplinary board to handle hearings and appeals, and minimizing referrals to police, suspensions, and expulsions. In place of these exclusionary practices, there must be other forms restorative and therapeutic practices. This will require increased funding for restorative justice training for teachers so that they can address misbehavior without administrative consequences. There will also need to be more funding for mental health consequences so that students can be helped rather than punished for undesirable behavior. Ultimately, the combination of these three solutions will make progress towards limiting bias in exclusionary practices. In turn, this will help more minority students complete school without obstacles, leading to better health outcomes in life. Not only will this benefit the individuals, but society as a whole as we remove the unjust barriers to success so that everyone can pursue their desired paths in life.

## 8. Appendix

### 8.1 Appendix A: Pittsburgh Code of Student Conduct Infractions Levels

The Pittsburgh Code of Student Conduct infractions levels are summarized in the tables below<sup>98</sup>.

#### Level 1 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
101	Tardiness	1-3, 11, 12	4, 6-10, 13, 14, 16, 17, 20, 21
102	Truancy and Cutting Class	1-3, 11, 12	4-10, 13, 14, 16, 17, 20, 21
103	Inappropriate Personal Property	1-3	4-7, 9, 16, 17, 20, 21
104	Pestering, Teasing or Horseplay	1-3	4-8, 10, 11, 13, 14, 16-18, 20, 21, 40
105	Inappropriate Language or Gestures	1-3	4-11, 13-18, 20, 21, 40
106	Minor Disruption of School/Bus	1-3	4-11, 13-17, 20, 21, 40
107	Refusal to Comply with Posted and Published School Rules and Regulations	1-3	4-11, 13, 15-18, 20, 21, 40
109	Major or Repeated Disruption of School/Bus	1-3	4-8, 10, 11, 13-16, 17, 20, 21, 40
111	Possession of Electronic Devices	1-3	4-8, 10, 11, 16, 17, 20, 21, 40
112	Disruption of Class	1-3	4-11, 13-17, 20, 21, 40
114	Misuse of Computers/Electronic Device	1-3	4-8, 10, 11, 16, 17, 20, 21, 40

<sup>98</sup> “Code of Student Conduct.” *Pittsburgh Public Schools*, 2020, [www.pghschools.org/site/handlers/filedownload.ashx?moduleinstanceid=1326](http://www.pghschools.org/site/handlers/filedownload.ashx?moduleinstanceid=1326).



## Level 2 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
202, 203	Damage, Destruction or Vandalism of Property	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41, 50
209	Unauthorized Presence of Students During School Hours (School or Private Property)	2, 3, 5, 11	1, 4, 6–10, 13, 16, 17, 20–23, 30, 40, 41
210	Possession or Use of Tobacco or Electronic Smoking Devices	2, 3, 5, 11	1, 4, 6–10, 13, 17, 20–23, 30, 40, 41
212	Academic Dishonesty	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41
213	Harassment	2, 3, 5, 11	1, 4, 6–10, 13, 15–18, 20–23, 30, 40, 41, 50
214	Misuse of Computers/Electronic Devices	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41
215	Undesirable Group Activity	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41
216	Fighting	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41, 50
217	Bullying/Cyberbullying	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41
218	Hazing	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41, 50
219	Profanity & Vulgarity/Verbal Altercation (Student)	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41
220	Physical Aggression/Altercation	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41
221	Terroristic Threats or Conspiracies to Commit Violent Acts	2, 3, 5, 11	1, 4, 6–10, 14–17, 20–23, 30, 40, 41, 50
222	Inappropriate Sexual Behavior	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41, 50
223	Inciting a Disturbance or Melee	2, 3, 5, 11	1, 4, 6–10, 13, 14, 16–18, 20–23, 30, 40, 41, 50
224	Profanity & Vulgarity/Verbal Altercation (Staff)	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41
225	Threats/Intimidation	2, 3, 5, 11	1, 4, 6–10, 14–17, 20–23, 30, 40, 41, 50
226, 227	Theft, Burglary, or Robbery of School Property	2, 3, 5, 11	1, 4, 6–10, 13–17, 20–23, 30, 40, 41, 50
228	Repeated Level 2 Infractions	2, 3, 5, 11	1, 4, 6–10, 13–18, 20–23, 30, 40, 41
229	Disorderly Conduct	2, 3, 11	1, 4–7, 9, 10, 13–18, 20–23, 30, 40, 41, 42, 50

### Level 3 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
302, 303	Damage, Destruction or Vandalism of Property	2, 3, 11	1, 4-10, 13-17, 20-23, 30, 40, 41, 42, 50
307**	Possession or Use of Drugs or Alcohol	2, 3, 10, 11, 19, 42, 50	1, 4-9, 13-17, 20-23, 30, 40, 41
309	Disorderly Conduct	2, 3, 11	1, 4-7, 9, 10, 13-18, 20-23, 30, 40, 41, 42, 50
313	Harassment	2, 3, 11	1, 4-10, 13-18, 20-23, 30, 40, 41, 42, 50
314	Misuse of Computers/Electronic Devices	2, 3, 11	1, 4-10, 13-17, 20-23, 30, 40, 41, 42, 50
317	Bullying/Cyberbullying	2, 3, 11	1, 4-10, 13-18, 20-23, 30, 40, 41, 42
318	Hazing	2, 3, 11	1, 4-10, 13-18, 20-23, 30, 40, 41, 42, 50
321	Terroristic Threats	2, 3, 11	1, 4-10, 13-17, 20-23, 30, 40, 41, 42, 50
322	Sexual Act/Misconduct	2, 3, 11	1, 4-10, 13-17, 20-23, 30, 40, 41, 42, 50
323	Inciting a Disturbance or Melee	2, 3, 11	1, 4-10, 13-18, 20-23, 30, 40, 41, 42, 50
326, 327	Theft, Burglary, or Robbery of Property	2, 3, 11	1, 4-10, 13-18, 20-23, 30, 40, 41, 42, 50

### Level 4 Infractions

Rule	Infractions	Mandatory Guidance Intervention/Disciplinary Action	Applicable Guidance Intervention/Disciplinary Action
404	Assault on a School Employee	2, 3, 10, 11, 42, 43, 50	1, 4-9, 13-18, 20-23, 30, 40, 41, 44
405	Assault on a Student	2, 3, 10, 11, 41, 50	1, 4-9, 13-18, 20-23, 30, 40, 42, 43, 44
406	Possession of a Weapon	2, 3, 10, 11, 42, 43, 50	1, 4-9, 13-17, 20-23, 30, 40, 41, 44
407	Possession or Use of Drugs or Alcohol	2, 3, 10, 11, 19, 42, 43, 50	1, 4-9, 13-17, 20-23, 30, 40, 41, 44
408	Arson	2, 10, 11, 42, 50	1, 3-9, 13-17, 20-23, 30, 40, 41, 43, 44
418	Aggravated Hazing	2, 3, 5, 10, 11, 41, 50	1, 4, 6-9, 13-17, 20-23, 30, 41, 42

## 8.2 Appendix B: Pittsburgh Code of Student Conduct Interventions

The list below shows the key for the mandatory and applicable guidance intervention/disciplinary action for the infractions in Appendix A.

1. Student/teacher conversation
2. Phone or written notification to parent/family
3. Parent/teacher conversation and/or conference
4. Reteach/model expectations
5. Student/administrator conference

6. Intervention by counseling staff/guidance conference(s)
7. Written reflection assignment
8. Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan)
9. Change in schedule or class (with notification to parent/guardian)
10. Individual/group counseling
11. Referral to Student Assistance Program (SAP) for prevention (e.g. social emotional skills instruction groups like anger management, aggression replacement, organizational skills) and/or intervention (e.g. behavioral health counseling) services
12. School attendance improvement conference
13. Referral to mentoring program
14. Referral to District-approved Community Based Organization (CBO)
15. Community service (with parent consent)
16. Use of restorative practices (e.g. affective statements, circles, small impromptu conferences, etc.)
17. Positive behavioral management support contract
18. Refer to in-school conflict resolution programs (e.g. peer mediation)
19. Alcohol/drug evaluation referral
20. Detention
21. Suspension of field trips, assemblies, or other special privileges
22. Exclusion from special events or promotion exercises
23. Exclusion from extracurricular activities
30. Suspension of transportation privileges
40. In-school Suspension or other appropriate alternatives to out of school suspension
41. Out-of-school suspension (1–3 days)
42. Out-of-school suspension (4–10 days)
43. Out-of-school suspension (4–10 days) + exclusion/expulsion
44. Alternative education placement
50. Refer and consult with school police