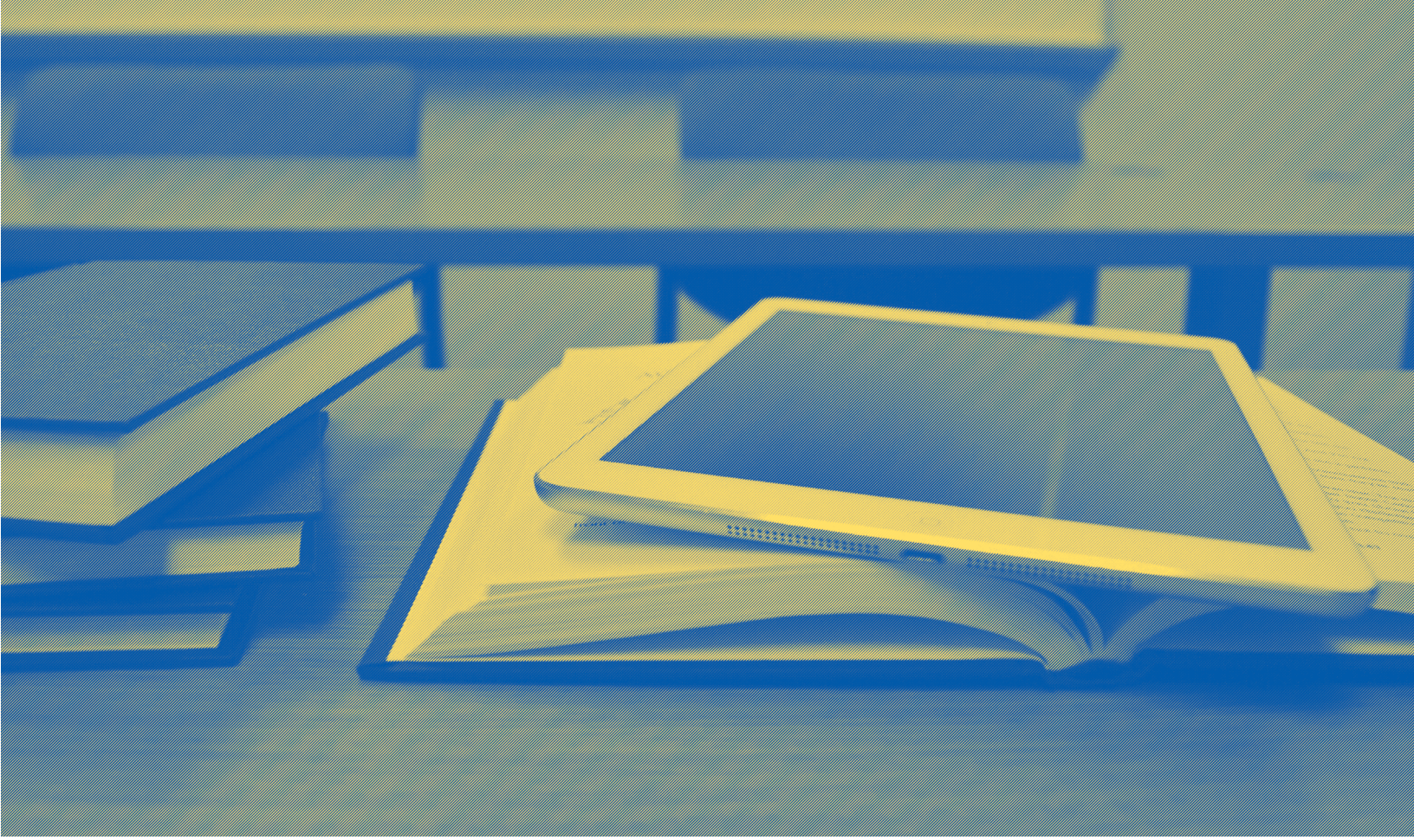
STUDENT ARRESTS IN ALLEGHENY COUNTY PUBLIC SCHOOLS

The Need for Transparency and Accountability

ACLU Pennsylvania

January 2022



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OVERVIEW

Today, interactions between young people and police happen regularly in our nation's K-12 schools, not just on the streets of our communities. The number of school-based law enforcement officers and the roles such officers play have dramatically increased in the last few decades, especially in middle and high schools. Nationally, in the 2017-18 school year, 67% of public middle and high schools had at least one sworn law enforcement officer routinely present at school.[1]

Tracking student arrests and referrals to law enforcement provides crucial information to help members of the community and leaders measure how the presence of police in schools affects students, whether the officers are stationed in school buildings or are called in from the outside. The federal Every Student Succeeds Act (ESSA) requires state and local education agencies to annually report both student referrals to law enforcement and arrests to the public.

In June 2021, the U.S. Department of Education (U.S. DOE) reported that, nationwide, school-related arrests and referrals to law enforcement increased by 5% and 12% respectively between the 2015-16 and 2017-18 school years, even as school suspensions and expulsions declined.[2]

The U.S. DOE also reported that in 2017-18 (most recent nationwide data available), the share of arrests and referrals to law enforcement attributed to Black students was nearly twice the size of their share of enrollment. Black students made up 15.1% of total enrollment, but 28.7% of all students referred to law enforcement and 31.6% of all students arrested at school or during a school-related activity.

Black students with disabilities (served under the federal Individuals with Disabilities Education Act) accounted for 2.3% of total student enrollment, but 8.4% of students referred to law enforcement and 9.1% of students who were arrested.

In Allegheny County

Allegheny County data mirrored the national trends, but the degree of disproportionality in arrests for Black students and students with disabilities was even greater.

Our report offers unique insights into how these issues have played out in Allegheny County's 43 public school districts. We examined student arrest patterns, referrals to police, juvenile justice involvement and the use of "summary citations" (tickets issued to students by police). We also compared juvenile justice system data for Allegheny County to the data that schools provided to federal and state education departments.

The data shortcomings raise serious concerns about whether Black students and students with disabilities are receiving the protections from discrimination guaranteed by law.

In Pennsylvania, student arrests are overwhelmingly concentrated among students in grades 5-12 and in the 10-18 age range. Age 10 is the minimum age at which a child can be arrested and adjudicated delinquent in the juvenile system. Therefore, this report focuses on the experiences of adolescents in Allegheny County, where available data permit such analysis.[3]

It is important to note that school-related arrest data from the juvenile justice system capture only allegations that were subsequently referred for adjudication in the juvenile courts. In most cases,

these allegations are filed by a police officer when a student is arrested. Not included are arrests when youth are taken into custody, then released without being charged (such as when they were found to be under age 10) and arrests in a few other special circumstances.[4]

In theory, the number of arrests reported by schools should be greater than those recorded in juvenile court system data. But we found that school-related arrest numbers recorded by the juvenile court system tended to be higher than what school districts reported to federal and state education departments. This indicates that **some school districts are failing their obligation to accurately report student arrest data.**

Our report also calls attention to serious problems with gaining access to accurate and timely data from education agencies; the lack of transparency in the way that certain districts report student arrests and referrals to law enforcement; and the need for these districts to be held accountable for the accuracy of the information they release.

Key Findings

Our key findings, then, cover these two broader topics: disparities in arrest rates and shortcomings in data reporting.

Disparities in arrest rates and justice system involvement:

- Allegheny County students encountered the juvenile and criminal justice systems at higher rates than those in Philadelphia County and Pennsylvania, overall.
- In Allegheny County, the infractions for which students were arrested were often relatively minor.
- Black male students and students with disabilities were at greatest risk for arrest or referral to law enforcement.
- Black girls were the only demographic group for which most juvenile arrests countywide were school-related. Some of the largest disparities were between the arrest rates of Black girls and white girls.

Key Terms

Referral to law enforcement: The U.S. Department of Education defines a referral as an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement. This definition attempts to capture data on a broad range of contact between students and police. However, it likely does not capture all of it, such as when police serve on a threat assessment team.

School-related arrest: The U.S. Department of Education defines a school-related arrest as being an arrest of a student for any activity conducted on school grounds, during off-campus school activities, while taking school transportation, or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement.

Allegation: In the juvenile justice system an allegation (or referral to the juvenile justice system) is a formal accusation that a young person has violated the law (committed a delinquent act). It initiates a young person's entry into the juvenile justice system. Juvenile allegations are most often filed by police or a magisterial district judge. At school, allegations are typically the result of a school-related arrest.

Summary citation: In Pennsylvania, students enter the criminal justice system when police issue them summary citations (tickets) for minor infractions such as disorderly conduct. These citations are separate from any arrests. They order recipients to appear before a magisterial district judge, where they typically are assessed fines. Failure to pay results in a referral to juvenile court. Arrest data do not capture this type of contact with the justice system. Pennsylvania does not post statewide data, but some districts and police departments do maintain this data.

- A few Allegheny County districts, such as Pittsburgh Public Schools, played outsized roles in driving the county's high rates of justice system involvement for students.
- Significant disparities by race, negatively impacting Black students, existed in districts of all sizes of enrollment, as well as in those with small and large enrollments of Black students.
- Despite underreporting of arrests, the data were sufficient to see the disparity in arrest rates between Black and white students and between students with disabilities and those without.

Shortcomings in data reporting:

- Juvenile arrest data suggested that some districts in the county underreported student arrests. For example, Pittsburgh Public Schools (PPS) incorrectly reported zero arrests to the U.S. Department of Education for the 2017-18 school year. PPS subsequently produced non-zero arrest data for that year, but it has not corrected publicly posted data. Even the revised figures undercount the true number of student arrests. And PPS is not alone in undercounting arrests.
- Every Student Succeeds Act Report Cards for 2018, 2019, and 2020 reported data on arrests and referrals to law enforcement from the 2015-16 school year for all public schools in the state.[5] Yet all public schools have reported more current arrest data to the U.S. and Pennsylvania Departments of Education. Congress wrote the report-card requirement into federal law so that parents could see what is happening in schools, but that effort is thwarted when the figures are outdated.

Researchers on racial differences in rates of student punishment by school staff have examined what might explain the extent of the disparities in school-administered discipline, such as out-of-school suspensions. For example, they have found that the explanation is not differential rates of misbehavior by Black students. Although there is no equivalent research on student arrests taken in isolation, there is a body of related research suggesting that the differential treatment of Black students, especially those with disabilities, may be a major contributor to arrest patterns as well. In fact, racial patterns in student arrests, out-of-school suspensions, and referrals to law enforcement (when an officer intervenes regardless of outcome) strongly mirror each other. We discuss this research in Section IV.

Accountability to the public suffers when school districts do not meet their obligation to accurately report student arrests and referrals to law enforcement. The data shortcomings raise serious concerns about whether Black students and students with disabilities are receiving the protections from discrimination guaranteed by law.

Goals of Report

One of our goals in producing this report is to **inform school administrators, board members, and parent and student stakeholders**, giving details about which groups of students are **disproportionately arrested** and about the **gaps that exist in data reporting**.

We also want to **provide guidance on how to address these issues**. We conclude by presenting recommendations to parents, advocates, school districts, and governmental agencies about (1) how to improve the collection and reporting of student arrest numbers and trends and (2) how to reduce arrests and referrals for minor infractions.

Where to Find Student Arrest Data

Education System

Civil Rights Data Collection
U.S. Department of Education, every two years
ocrdata.ed.gov

Every Student Succeeds Act Report Card
Pennsylvania Department of Education, annual
tinyurl.com/ESSAReportCard

Safe Schools Report
Pennsylvania Department of Education, annual
www.safeschools.pa.gov

RMC Research Corporation
Covers Pittsburgh Public Schools

Juvenile Court

Allegheny County Juvenile Offense Trends Dashboard
tinyurl.com/ACJOTD

Municipality

Burgh's Eye View
City of Pittsburgh
tinyurl.com/BurghsEyeView

All public schools are required to report data to several agencies on student arrests and incidents involving law enforcement contact with students, regardless of outcome. The data are used to enforce civil rights laws, to assess school safety, and to inform the public about the school experiences of students. A summary of this data is posted to public websites.

Here, we review data from all available public sources, focusing on the 2018-19 school year unless otherwise noted. In addition, we have obtained data through requests made to school districts using Pennsylvania's Right to Know Act. Finally, we obtained data from the staff of public agencies, including the Allegheny County Juvenile Probation Department and the Department of Human Services. The latter agency produces the Allegheny County Juvenile Offense Trends Dashboard, the primary source of data used in this report. Details on the methodology and limitations of the data are reviewed in the Appendix.

Allegheny County Juvenile Offense Trends Dashboard (ACJD). This dashboard displays where juvenile offenses occurred in Allegheny County and provides information about the offenses and the students alleged to have committed them, such as race, gender, age, most serious alleged charge, and whether an allegation is school-related. It reports allegations or referrals to juvenile court. In this report we use *arrest* because most, if not all, of these allegations stem from school-related arrests by police officers.

Civil Rights Data Collection (CRDC). The U.S. Department of Education's Office of Civil Rights collects a comprehensive set of data from the nation's public schools. The CRDC contains data about student enrollment, school discipline, and educational programs and services, disaggregated by race/ethnicity, gender, English learners, and disability. Schools are required to submit data every other year. The most recent CRDC release, covering the 2017-18 school year, was posted in October 2020. The CRDC for the 2019-20 school year was postponed due to the COVID-19 pandemic. Data will be collected for 2020-21 and 2021-22, marking the first time that OCR will collect data for two years in a row.

Pennsylvania Safe Schools Report. Since 1997, the Pennsylvania Department of Education (PDE) has collected "safe schools" data on the state's public schools. This dataset, originally known as the "Violence, Weapons Possessions and Incident Report," records the number of infractions (from a prescribed list) that occur in schools. In 2005,

the collection expanded to include data on all instances of exclusionary discipline, including arrests. All publicly funded schools are required to submit this data annually, shortly after the completion of the school year.

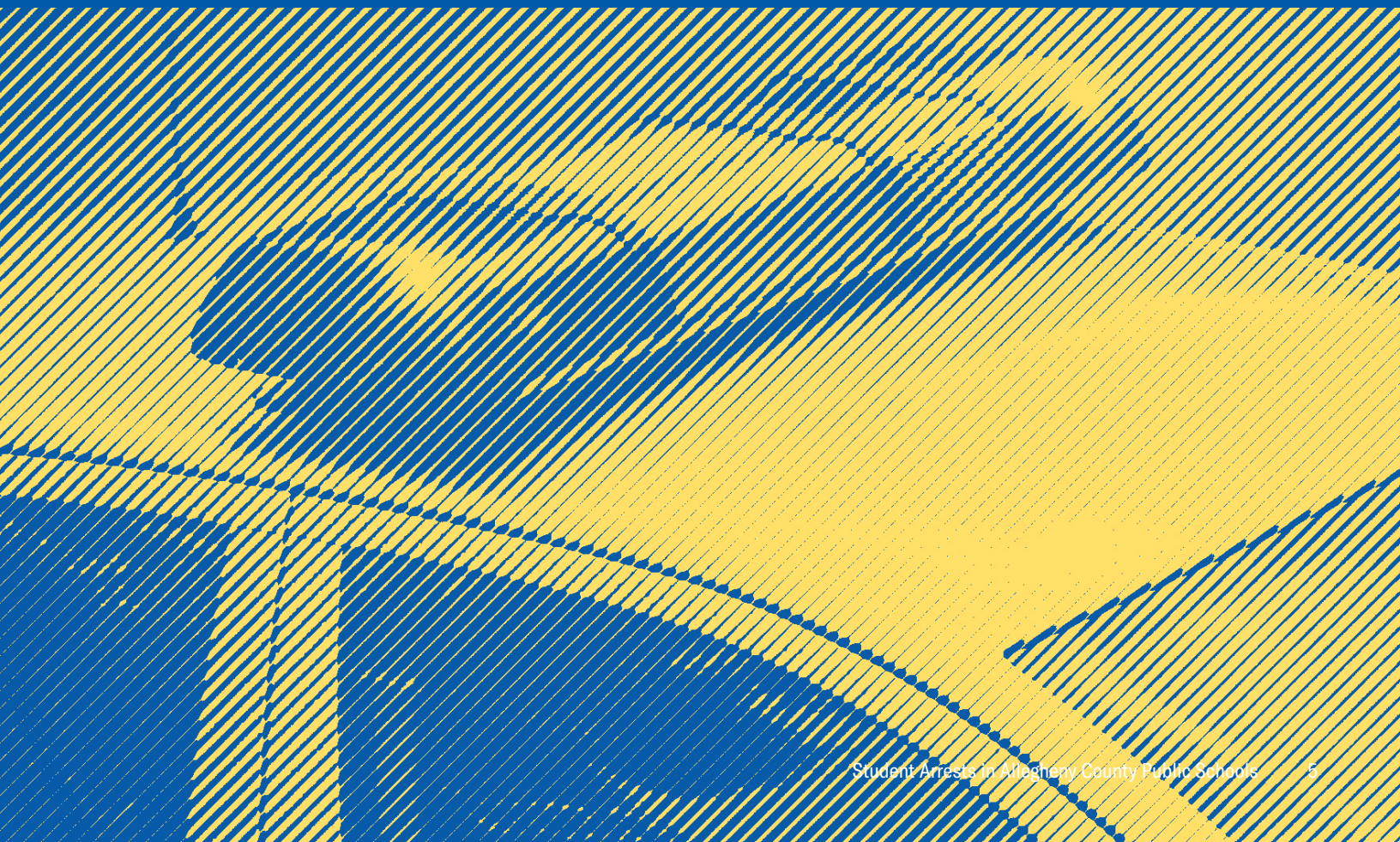
Every Student Succeeds Act (ESSA) Report Cards. The federal ESSA requires that each state and local education agency publicly report data on the performance of students and schools annually. These report cards must include the numbers of student arrests and referrals to law enforcement. The 2020 ESSA Report Cards for Pennsylvania schools, posted by the Pennsylvania Department of Education, report arrest and referral data from 2015-16, though more recent data are available from the CRDC and Pennsylvania Safe Schools collections.

RMC Research Corporation. In September 2020, Pittsburgh Public Schools contracted with RMC Research Corporation to "conduct analyses of data from the PPS Police Data System and demographic student data from the district Student Information System to examine questions about the incidence of calls for service, arrests, and citations and their variation over time, and across schools, officers, and student groups." The report was released in March 2021.

Burgh's Eye View. The City of Pittsburgh publicly reports all arrest data for the city through this portal by age, race, gender, date, and location of incident and arrest.

A Note about Racial and Gender Subgroups

This report focuses on the experiences of Black and white students, as they account for 98.2% of the student-related arrests in the county public schools. During the 2018-19 school year, students who identified as white or Black had enrollments of 68.4% and 20%, respectively. All other students, including multi-racial, Asian, Latinx, Native Hawaiian/Pacific Islander, and Indigenous students, accounted for less than 11% of student enrollment. Data for non-binary students or students who otherwise do not identify as solely "boy" or "girl" do not exist.



I. ALLEGHENY COUNTY STUDENT ARRESTS: **TRENDS**

The countywide student arrest rate exceeds the rates in Philadelphia and statewide.

During the 2018-19 school year, Allegheny County's public school students in grades 5-12 were arrested at more than twice the overall state rate and almost four times (3.6) the rate of public school students in Philadelphia County.

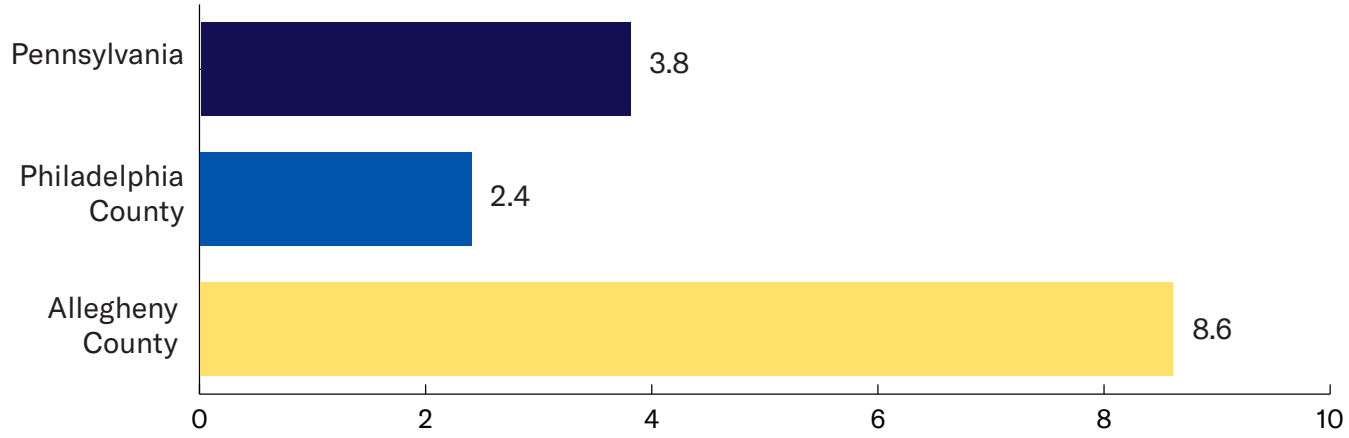
During that year, 726 public school-related arrests (of 658 students) were processed in Allegheny County's juvenile justice system.[6] In comparison, the Pennsylvania Department of Education reports 187 school-related arrests in Philadelphia County.[7] Although some discrepancies in the Philadelphia data are possible, they are likely to be small, as Philadelphia's student arrest trends have been carefully studied by researchers.[8]

Student arrest rates exceed the state's rate in nearly half of county school districts.

During the 2018-19 school year, the county districts with the highest rates of arrest for students in grades 5-12 were Sto-Rox (1 out of every 24 students), Pittsburgh Public Schools (1 out of 34 students), and South Allegheny (1 out of 57 students). Here we calculated arrest rates by dividing the number of arrests by the total enrollment of students in grades 5-12; all the students arrested and referred to juvenile court were ages 10-18.

The Allegheny County school districts with the highest rates of student arrest for both the 2017-18 and 2018-19 school years included Pittsburgh Public Schools, Sto-Rox, Penn Hills, South Allegheny, Baldwin-Whitehall, and Shaler Area.

Arrests per 1000 Students (Grades 5-12) in Pennsylvania, Philadelphia County and Allegheny County (2018-19)



Sources: Allegheny County Juvenile Offense Trends Dashboard, Pennsylvania Department of Education Safe Schools Report, Pennsylvania Department of Education Enrollment Report

Arrests per 1000 Students for Allegheny County School Districts (Grades 5-12)

(in order of highest rate)

2017-18			2018-19		
School District Name	**Total Arrests**	**Arrests per 1000**	**School District Name**	**Total Arrests**	**Arrests per 1000**
Allegheny County	**867**	**10.3**	**Allegheny County**	**726**	**8.63**
Pittsburgh Public SD*	499	37.74	Sto-Rox SD*	30	42.08
Sto-Rox SD*	17	24.67	Pittsburgh Public SD*	389	29.45
Penn Hills SD*	41	18.70	South Allegheny SD*	17	17.65
Woodland Hills SD	37	16.86	Clairton City SD	6	13.07
South Allegheny SD*	13	13.49	Steel Valley SD	10	11.59
Highlands SD	20	13.00	Baldwin-Whitehall SD*	29	10.78
East Allegheny SD	9	9.37	Wilkinsburg Borough SD	1	8.77
Shaler Area SD*	25	9.32	Shaler Area SD*	21	8.06
Baldwin-Whitehall SD*	24	8.96	Moon Area SD	18	7.52
Quaker Valley SD	9	7.06	Penn Hills SD*	16	7.34
West Allegheny SD	14	6.84	Chartiers Valley SD	14	7.18
McKeesport Area SD	14	6.71	West Mifflin Area SD	13	7.14
Carlynton SD	5	6.26	McKeesport Area SD	13	6.30
Steel Valley SD	5	5.54	Cornell SD	2	5.87
Moon Area SD	13	5.46	West Allegheny SD	11	5.40
Northgate SD	3	4.85	Bethel Park SD	14	5.18
Clairton City SD	2	4.74	West Jefferson Hills SD	9	4.87
Hampton Township SD	8	4.26	Plum Borough SD	10	4.18
Bethel Park SD	10	3.62	North Hills SD	11	4.14
Chartiers Valley SD	7	3.51	East Allegheny SD	4	4.03

Sources: Allegheny County Juvenile Offense Trends Dashboard, Pennsylvania Department of Education Enrollment Report.

Notes: Includes only school districts in Allegheny County that had at least three arrests. See Appendix B for the complete list of school districts. A small number of arrests outside the city of Pittsburgh may have occurred at charter schools.

II. ALLEGHENY COUNTY STUDENT ARRESTS: **RACE AND GENDER**

Black students were arrested at much higher rates than their peers.

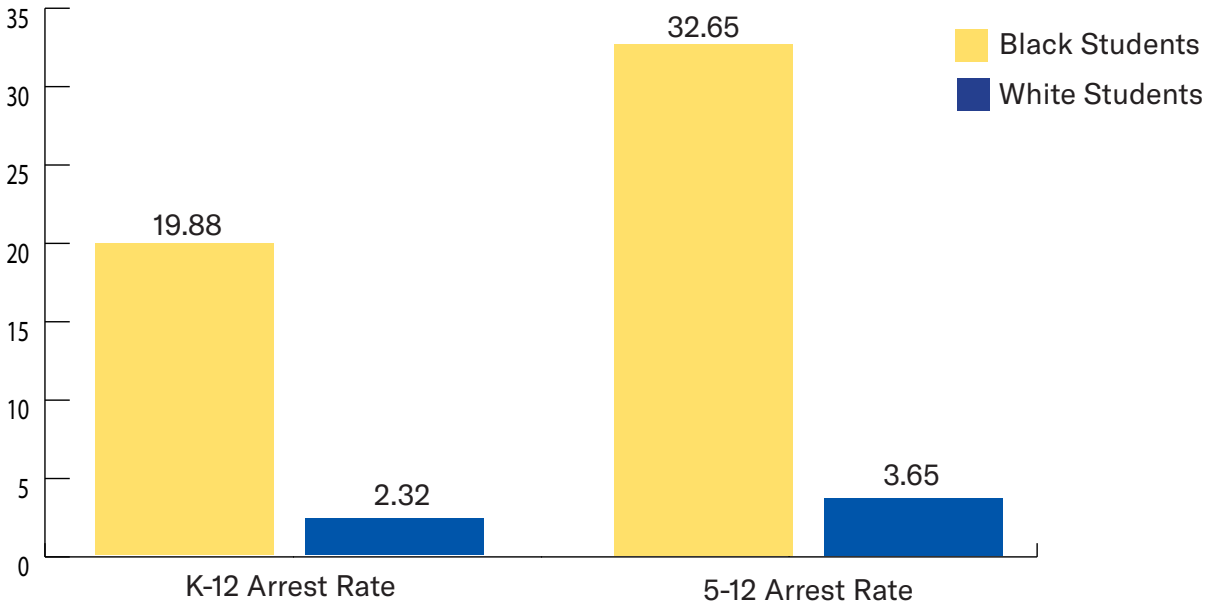
In Allegheny County, the disparities between Black and white student arrest rates were even more egregious than for the nation as a whole. The county's Black public school students were arrested at nearly nine times the rate of white students during the 2018-19 school year. (See chart, below.)

To better understand these impacts, we also considered the *differences in arrest rates* between white and Black students, not just the Black-white arrest *ratio*. This *arrest gap* may be a better way of comparing districts of different sizes, and it provided a more useful measure of improvement over time. If districts or schools can track these arrest gaps, they can look into what causes them and set goals to reduce them.[9]

In the table on the following page, we examine these gaps at the district level using K-12, instead of 5-12, data. A few school districts had such low enrollments of Black students in certain grades that the Pennsylvania Department of Education did not provide exact Black enrollment numbers for those grade levels.[10] Therefore, we were unable to calculate a 5-12 arrest rates for all districts in the county. However, if we were to examine only arrests of students in middle and high school, ages 10 and above, the arrest rate would be much higher. To put this in perspective, in the 2017-18 school year, there were seven arrests of Black students in the South Allegheny School District. Looking at K-12 data would indicate that 1 out of every 12 Black students was arrested in that district. The reality was that there were seven arrests of Black students out of the 28 Black students enrolled in the middle/high school (meaning 1 out of every 4 Black students was arrested that school year, not 1 out of 12).

The next school year, the South Allegheny district, with a Black student enrollment of 6.86%, had both the greatest arrest gap – an 80-point difference in

Allegheny County Arrests per 1000 Students: Black vs. White (2018-19)



Sources: Allegheny County Juvenile Offense Trends Dashboard, Pennsylvania Department of Education Enrollment Report

Arrests per 1000 for White and Black Students by School District, Grades K-12 (2018-19)
(in order of greatest arrest gap between Black and white students)

School District Name	% White Student Enrollment	Arrest of White Students	Arrests per 1000 of White Students	% Black Student Enrollment	Arrest of Black Students	Arrests per 1000 of Black Students	Black-White Arrest Gap
Allegheny County	**68.46%**	**216**	**2.3**	**18.18%**	**497**	**20.2**	**17.9**
South Allegheny SD	89.81%	7	5.09	6.86%	9	85.71	80.62
Baldwin-Whitehall SD	72.66%	11	3.47	5.61%	14	57.14	53.67
Moon Area SD	78.45%	9	2.98	5.04%	9	46.39	43.41
West Jefferson SD	91.79%	6	2.17	2.38%	3	41.67	39.50
North Hills SD	85.65%	4	1.04	3.93%	7	39.77	38.73
Sto-Rox SD	28.04%	3	8.62	56.49%	27	38.52	29.90
Chartiers Valley SD	80.57%	11	4.16	3.05%	3	30.00	25.84
Pittsburgh Public SD	32.22%	52	7.36	51.72%	332	29.29	21.92
Upper St. Clair SD	82.02%	0	0.00	1.28%	1	19.23	19.23
North Allegheny SD	77.79%	11	1.66	1.78%	3	19.87	18.20
Steel Valley SD	53.31%	0	0.00	37.02%	9	17.68	17.68
Shaler SD	90.80%	19	5.03	2.35%	2	20.41	15.38
Brentwood Borough SD	81.32%	0	0.00	5.55%	1	14.71	14.71
Keystone Oaks SD	78.35%	0	0.00	4.45%	1	11.76	11.76
South Fayette SD	74.29%	4	1.60	2.23%	1	13.33	11.73
Mt. Lebanon SD	85.71%	8	1.69	1.68%	1	10.75	9.06
West Mifflin Area SD	61.82%	5	2.98	25.07%	8	11.75	8.77
West Allegheny SD	88.74%	10	3.37	2.60%	1	11.49	8.13
Penn Hills SD	27.99%	0	0.00	62.99%	16	7.64	7.64
McKeesport Area SD	42.44%	2	1.46	44.73%	11	7.62	6.16
Montour SD	84.99%	1	0.41	5.93%	1	5.85	5.44
Highlands SD	79.00%	0	0.00	9.42%	1	4.33	4.33
Gateway SD	53.74%	0	0.00	25.16%	3	3.57	3.57
Woodland Hills SD	27.04%	0	0.00	62.37%	6	2.96	2.96
Clairton SD	17.84%	1	6.90	65.68%	5	9.36	2.47
East Allegheny SD	57.18%	2	2.26	28.33%	2	4.57	2.30
Plum SD	88.60%	9	2.78	5.98%	1	4.59	1.80

Sources: Allegheny County Juvenile Offense Trends Dashboard, PA Department of Education Enrollment Numbers
Notes: Districts with fewer than three total arrests were excluded. A handful of arrests may have occurred at charter schools outside the city of Pittsburgh.

the arrest rates of Black and white students – and the highest overall arrest rate of Black students, with 1 out of every 13 Black students arrested, compared with 1 out of every 196 white students arrested.

In Baldwin-Whitehall, 1 out of every 18 Black students was arrested, compared with 1 out of 288 white students enrolled. In Moon Area, 1 out of every 22 Black students was arrested, compared to 1 out of every 432 white students; and in West Jefferson Hills, 1 out of 24 Black students enrolled was arrested, compared to 1 out of 554 white students.

Racial disparities in arrests persisted in school districts with both large and small percentages of Black students. Eight out of the 10 school districts with the greatest gap in arrest rates between Black and white students had an enrollment of Black students that was less than 10% of their total student population.

Black boys were the students most at risk of arrest.

Allegheny County's Black boys were at the greatest risk of arrest of any racial/gender subgroup. In 2018-19, 1 out of every 51 Black boys enrolled in schools in K-12 in Allegheny County was arrested, compared with 1 out of every 316 white boys. Although the overall number of arrests decreased between 2017-18 and 2018-19, the gap in arrest rates between Black boys and other students remained great.

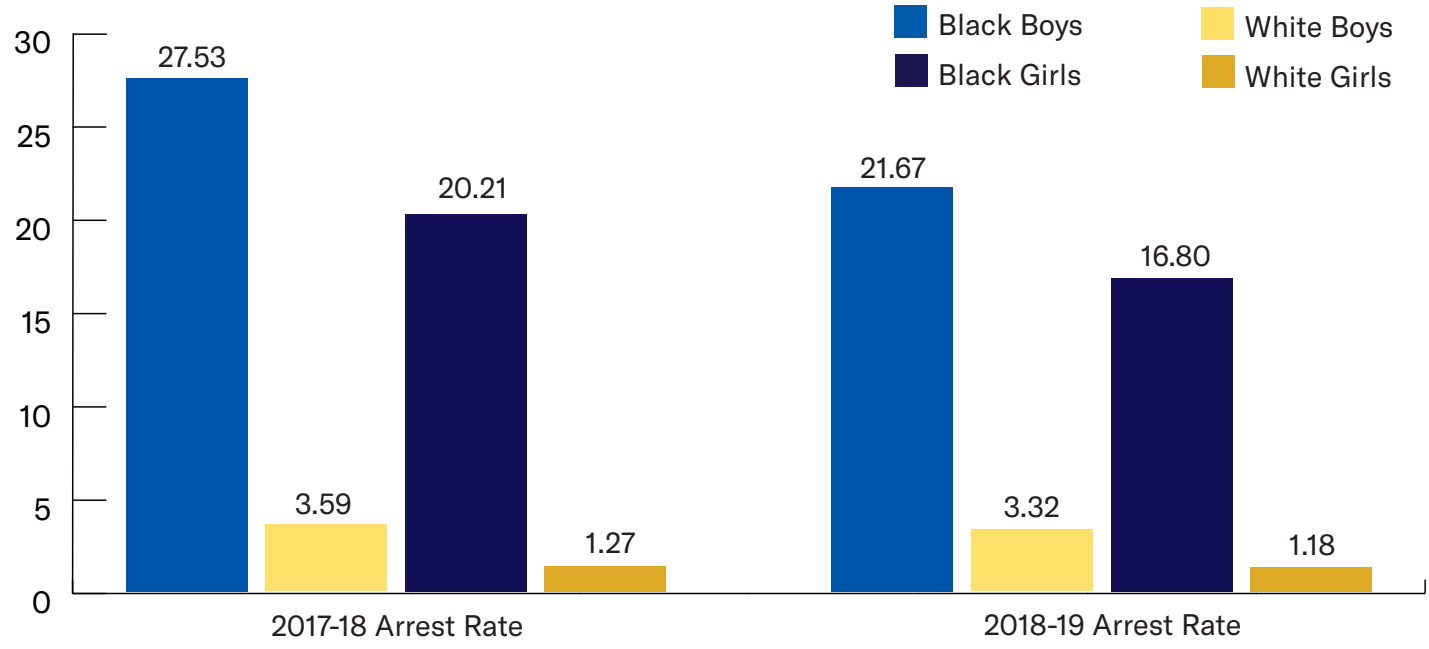
Black girls were arrested at alarmingly high rates.

In 2018-19, 1 out of every 69 Black girls enrolled in K-12 in Allegheny County schools was arrested, compared with 1 of out of every 894 white girls. Black girls were arrested at 14 times the rate of white girls in school-related matters.

More than half of all arrests of Black girls in Allegheny County were school-related, the only demographic group for which most juvenile arrests were school-related.[11]

Recent research by the Pittsburgh-based Black Girls Equity Alliance found that "Pittsburgh Public Schools (PPS) police are the largest single juvenile justice referral source for Black girls," accounting for 32% of all referrals of Black girls to juvenile justice in the entire county.[12]

Allegheny County Arrests per 1000 Students: Race and Gender (Grades K-12)



Source: Allegheny County Juvenile Offense Trends Dashboard

III. ALLEGHENY COUNTY STUDENT ARRESTS: **DISABILITY**

Disparity tied to disabilities in countywide student arrest rates exceeds nationwide disparities.

The high arrest rates of students with disabilities are well documented.

In Allegheny County, students with disabilities (served by the Individuals with Disabilities Education Act) were arrested at *nearly three times* the rate of students without disabilities.

It is especially challenging to accurately determine the arrest rates of Allegheny County public school students with disabilities, because juvenile justice system data do not identify which students have a disability. Therefore, in this section of our analysis we use only education data.

In the following graph, we address this limitation by combining CRDC data for all districts in Allegheny County except PPS, since PPS reported zero arrests. We then add in PPS data contained in the RMC Research Corporation report that was commissioned by PPS, which contained the most accurate data on student arrests in that district.

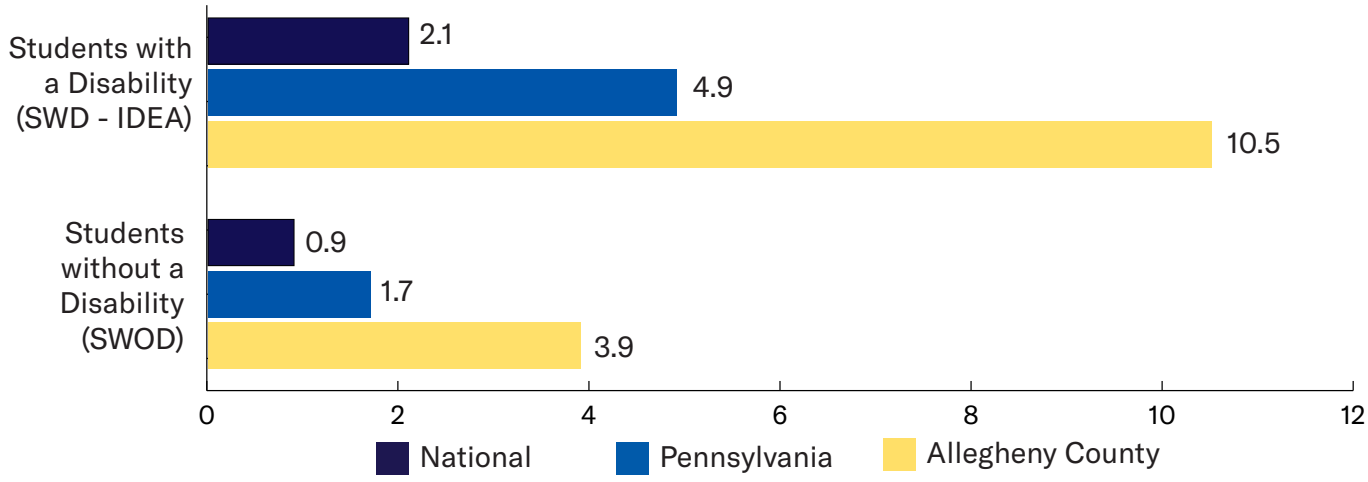
Key Terms

Individuals with Disabilities Education Act (IDEA): In 2019-20, 7.3 million students, ages 3–21, received special education services under the federal Individuals with Disabilities Education Act. This group makes up 14% of all public school students. They are entitled to receive a "free appropriate public education" that emphasizes special education and related services designed to meet their unique needs. The document with a specific plan for their education is known as an **Individualized Education Plan (IEP)**, agreed upon by a group of school staff and the parent or guardian. Most popular references to "students with disabilities," including in this report, refer to students who qualify for supports under IDEA.

Section 504 of the Rehabilitation Act of 1973 (Section 504): A law that requires all public schools that receive federal funds to identify and serve students who have a disability that substantially limits one or more major life activities, but who do not require specially designed instruction.

A student may receive services under IDEA, Section 504, or both.

Student Arrests per 1000 by Disability Status, Grades K-12 (2017-18)



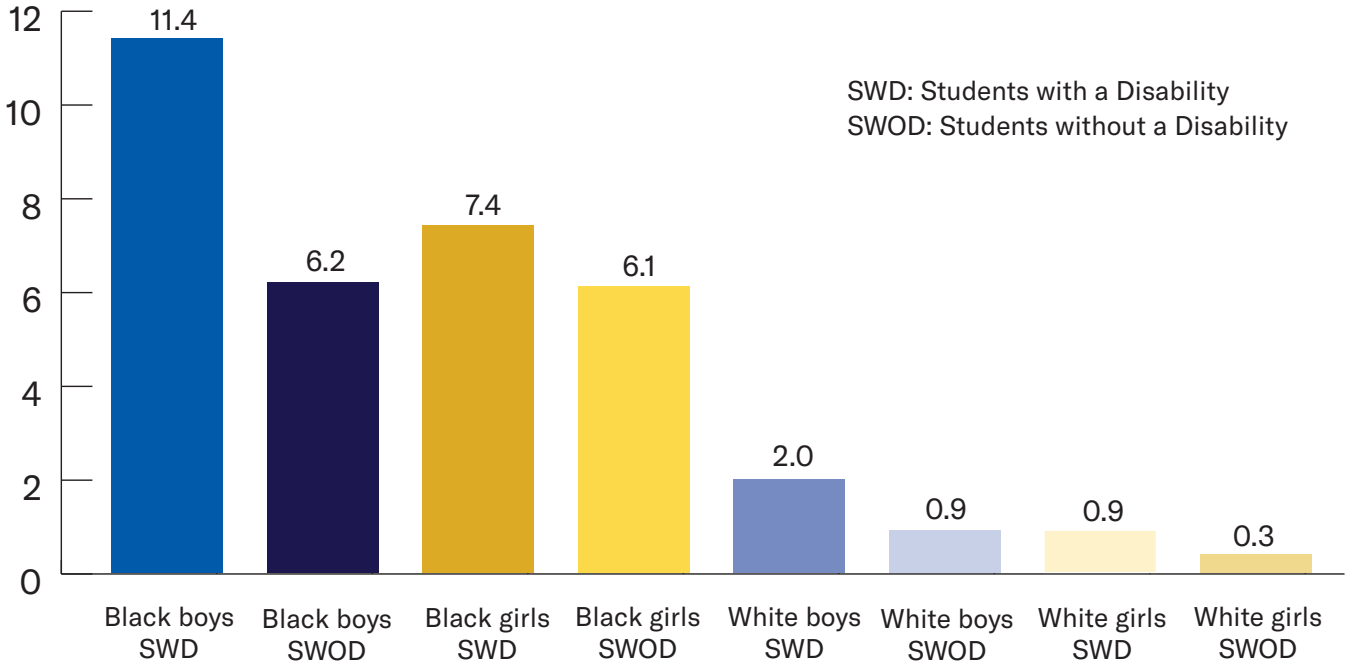
Sources: 2017-18 Civil Rights Data Collection (arrests and enrollment), RMC Research Corporation

When race, gender, and disability intersect.

Black boys with a disability were the public school students at greatest risk of arrest in Allegheny County. Black girls with a disability have the second highest rate of any race-gender group.

Black boys with a disability were arrested at 5.7 times the rate of white boys with a disability, while Black girls with a disability were arrested at 8.2 times the rate of white girls. The countywide rates in the above graph do not include Pittsburgh Public Schools (PPS) because it has not released intersectional student arrest data by race, disability, and gender. Our analysis of PPS trends later in this report strongly suggests that if the district released intersectional data, the rate of disproportionality of arrests of Black boys and girls with disabilities would be even higher for Allegheny County as a whole.

Allegheny County Student Arrests per 1000 (K-12) by Race, Gender and Disability, Excluding Pittsburgh Public Schools (2017-18)



Source: 2017-18 Civil Rights Data Collection (excluding Pittsburgh, which incorrectly reported 0 arrests)

Summary Citations: A Second Route into the Justice System

Students generally enter the justice system in one of two ways: ***by being arrested and referred to juvenile court or by receiving a summary citation*** ordering them to appear before a magisterial district judge in the adult criminal justice system, usually without being arrested. The citations look like traffic tickets. Students are not provided lawyers. Although this report focuses on student arrests, summary citations are another way that police discipline students. If these citations are included in the count, the number of students subjected to contact with the justice system increases substantially beyond those who are arrested.

Officers in Pennsylvania, including school-based police, can issue summary citations for minor infractions such as disorderly conduct, obscene language or gestures, possession of alcohol, or vaping. A conviction usually results in a fine, but it can have major, lasting consequences as well.[13] ***Because the conviction is in the adult criminal justice system, it must be disclosed on applications for jobs, college, or the military that ask whether the applicant has ever been convicted of a crime.*** Failure to pay these fines results in a referral to juvenile court.

It is not known the extent to which summary citations are issued statewide to students for school-related alleged infractions. The state court administration does not release data, and juvenile courts don't have data because the citations were not handled by their courts.

Some data are available from select districts, however. Here is what we have learned.

In the Erie City School District (Erie County), which has its own police department, Black students were issued summary citations by district officers in school-related matters at four times the rate of their white peers. Students with disabilities (served by IDEA) were issued summary citations at twice the rate of students without disabilities during the 2017-18 and 2018-19 school years. In the latter year, 40% of students cited were students with disabilities (with Individualized Education Plans), 60% of whom were also Black. The district's enrollment is 34% Black.[14]

There, school police may issue citations even when they are not called to intervene in incidents, based on a review of students' records. Typically, students are double-punished – by the school district (out-of-school suspension) and by police (citations). The

youngest student issued a citation was a Latinx child in 3rd grade, for obscene gesture/language. The district also had a high rate of student arrests, especially for students with disabilities and for Black and Latinx students.[15]

A *Lancaster News* investigation of the use of summary citations in Lancaster County schools found that about 370 were issued in the first seven months of the 2017-18 school year.[16] The investigation found that ticketing policies are not transparent in Pennsylvania. There is no central source that keeps track of citations, even within school districts. It also found that the cash from paid fines for disorderly conduct charges, the most common reason for citations, was sent to the municipality, which, in many instances, employed the police that worked in schools.

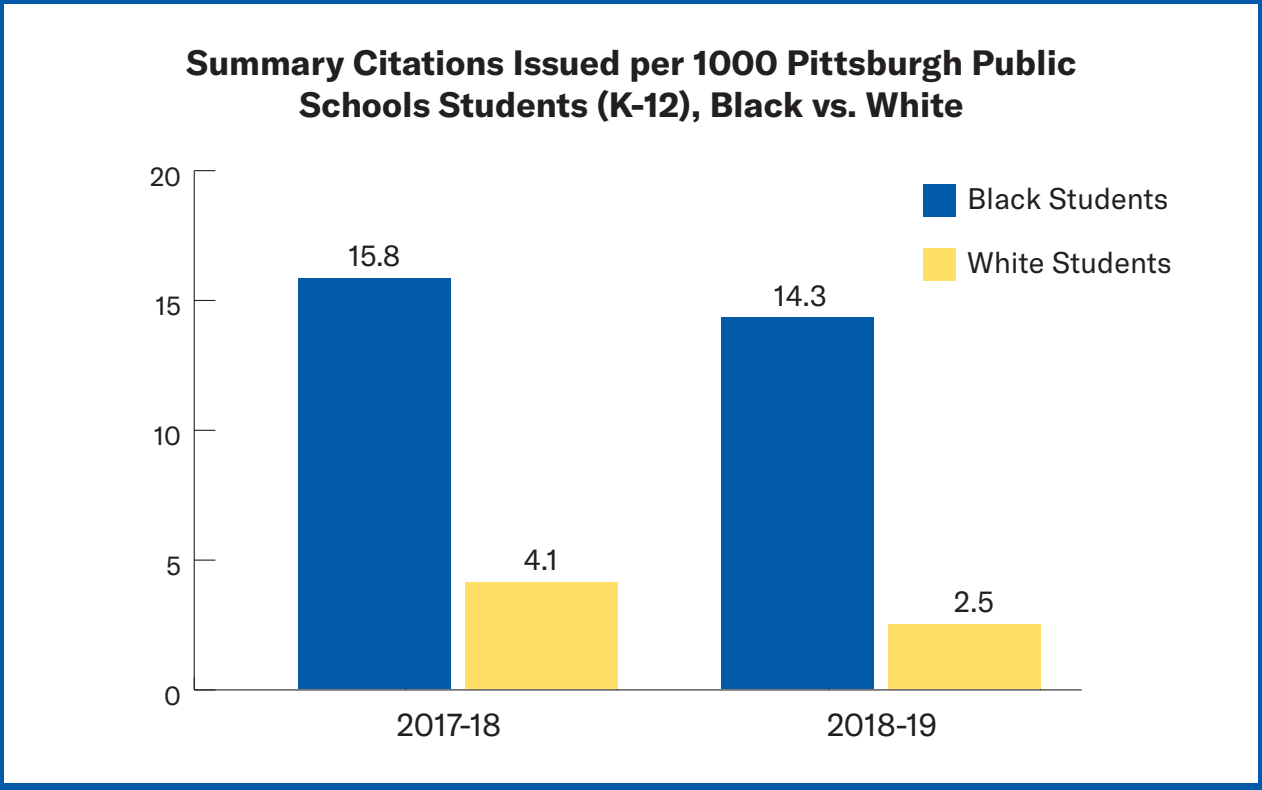
In Pittsburgh Public Schools (PPS), Black students were issued summary citations at much higher rates than other students, a pattern that parallels arrest trends. One out of every 70 Black students was issued a summary citation, compared with 1 out of every 400 white students enrolled in PPS. Analysis by RMC Research Corporation for a study commissioned by Pittsburgh Public Schools determined that "over three-fourths of the incidents leading to a citation involved an African American/Black student during 2013/14 through 2019/20, higher than the proportion of these students in the district."[17]

Most school districts do not track summary citations issued to students. PPS did release data; however, they are inconsistent, sometimes significantly so. The district released the following numbers for the 2018-19 school year:

Data Released by Pittsburgh Public Schools for 2018-19	**School Board Meeting** (August 17, 2020)	**Right-to-Know Request** (June 2019)	**RMC Report** (June 2021)
Citations Total	**113**	**189***	**171**
Citations, Black students	91	171*	144
Citations, White students	12	18*	25

**Data for citations provided by PPS Police covers August 1, 2018, to May 14, 2019*

Despite the inconsistencies, all of the data indicated significant disparities in the number of summary citations issued to Black students (over 80%) relative to their share of enrollment in the district (53%).



Data provided by Pittsburgh School Police (June 2019)

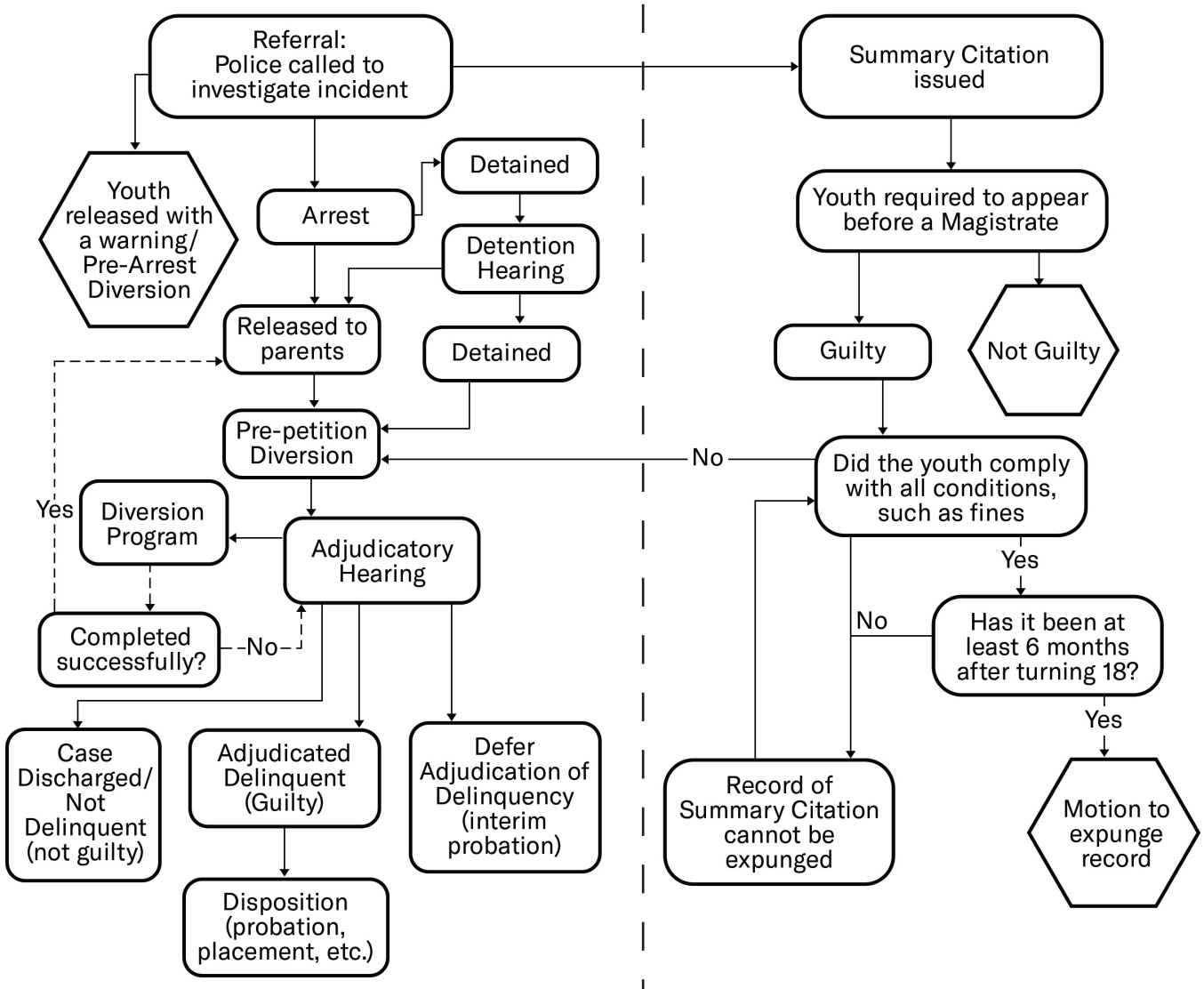
PATHWAYS THROUGH THE JUVENILE AND CRIMINAL LEGAL SYSTEM

Juvenile Legal System (Youth)

A youth who is between 10 and 21 alleged to have committed a delinquent act before reaching 18 or to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

Summary Citations (Adult Criminal Legal System)

No minimum age at which a person can be issued a summary citation



Expungement - immediately if not guilty; 6 months after successful diversion program; 5 years after supervision if adjudicated delinquent or deferred adjudication. Felony sexual assaults cannot be expunged.

ACLU Pennsylvania

IV. WHAT RESEARCH HAS FOUND ABOUT STUDENT ARREST TRENDS

A growing body of research examines the disproportionalities in punishment rates and charges that Black adolescents and those with disabilities face.[18]

Research on racial disparities in school-administered punishment (such as out-of-school suspensions and office disciplinary referrals), the punishment of Black youth by the juvenile justice system, and student referrals to law enforcement indicates that these differences in punishment rates cannot be explained by differences in the behaviors of students.

Decisions made by school staff, police, and prosecutors play significant roles in driving the disproportionate arrests of Black students and students with disabilities, as well as in increasing the severity of specific charges brought against them.

Moreover, there is strong evidence that Black youth are disproportionately punished, both inside and outside of schools, for what are typical adolescent behaviors. These patterns of disproportionate punishment persist whether the punishment is administered by school officials or by the police.

Decisions made by school staff, police, and prosecutors play significant roles in driving the disproportionate arrests of Black students and students with disabilities, as well as in increasing the severity of specific charges brought against them.

Race, Disability, and Punishment Trends: A Closer Look

In 2018, the U.S. General Accountability Office (GAO) produced a comprehensive analysis of national data, concluding that disciplinary patterns in student engagement with law enforcement were part of a larger continuum of discipline.[19] Certain types of students were more likely to experience disproportionate punishment in all six major categories of discipline – out-of-school suspension, in-school suspension, referral to law enforcement, expulsion, corporal punishment, and school-related arrest.

Among the GAO's key findings were:

- Black students, boys, and students with disabilities were disproportionately disciplined in K-12 public schools, regardless of the specific type of disciplinary action, level of school poverty, or type of public school these students attended.
- Black students were the only racial group for which both boys and girls were disproportionately disciplined across all six categories.

An August 2021 analysis by the research center Child Trends concluded that, nationally, despite an overall decline in out-of-school suspensions for all demographic groups (by race and ethnicity) since the 2011-12 school year, schools still suspended their Black students and students with disabilities at rates more than twice as high as, respectively, white and Latinx students and students without disabilities.[20]

Child Trends also found that in Pennsylvania, 27.7% of K-12 public schools suspended their Black students at rates that were statistically significantly higher than their white students, compared to 22.5% of schools nationally. Schools also disproportionately suspended their students with disabilities, relative to students without disabilities, a trend that held steady from 2011 to 2018. About 40% of K-12 schools nationwide and 45.9% in Pennsylvania have disproportionately suspended students with disabilities.[21]

Can Differences in Punishment Rates Be Explained by Group Behavior?

Although existing research is limited, available studies showed that racial differences in the rates of suspensions and expulsions could not be explained by different rates of misbehavior. A 2014 review of research studies on racial disparities and discipline concluded: "(T)here is simply no good evidence that racial differences in discipline are due to differences in rates or types of misbehavior by students of different races."[22] The review examined a variety of research studies on the relationship between poverty and racial disparities, the severity of behaviors, the type of disciplinary infraction, and teacher perceptions of the severity of student behaviors. It found no support for the idea that differences in the behaviors of Black students explained the disparities in punishment rates.

> "[S]chools with higher concentrations of minority students are more inclined to rely on heavy-handed measures to maintain order than other schools facing similar crime and discipline issues."
>
> –Jason P. Nance, University of Florida professor of law

Furthermore, it appeared that the *in-school experiences of Black students* mattered in accounting for much of what drove discipline disparities impacting both Black boys and Black girls. A 2020 study in Social Forces, an academic journal, found that differential treatment and support at school accounted for 46% of the Black/white gap in suspension/expulsion, while differences in behavior accounted for 9% of the gap.[23]

Evidence is growing that Black students are punished more frequently and more harshly than other students, even for the same behaviors. A study of Louisiana schools by the Education Research Alliance for New Orleans found that:

- Discipline disparities between Black and white students were large for violent and non-violent infractions.
- Black students were more heavily punished than their peers within individual schools and across schools.
- Black students received slightly longer suspensions than white students for fights involving one white student and one Black student, even after accounting for students' prior discipline records and background characteristics.[24]

Are Black Students Overexposed to Police?

Black children are substantially more likely to attend public schools that have police officers stationed in them. In other words, they are more likely than their peers to have contact with police in their everyday schooling experiences.[25]

An empirical study of national data released by the U.S. DOE after the 2012 Sandy Hook Elementary School shooting found that schools with higher concentrations of students of color were more likely than other schools to employ strict surveillance and security measures, including police officers. These trends held even when controlling for the levels of crime in surrounding communities and misconduct in schools (as measured by the perception of the schools' principals). The author, University of Florida law professor Jason P. Nance, concluded "the data suggest that schools with higher concentrations of minority students are more inclined to rely on heavy-handed measures to maintain order than other schools facing similar crime and discipline issues."[26]

Are Police Too Involved in Disciplining Black Students?

Recent research has found that school-based police are heavily involved in routine discipline

issues, despite calls to limit their involvement to investigating serious crime.[27] Typically, these officers described their activities as being something other than disciplinary.

A 2020 study looked at the extent to which the racial composition of schools shaped the perceptions of school-based officers about what constitutes a threat to the school community. The study was based on interviews with school-based officers. It found that officers in urban schools with higher proportions of students of color perceived the students themselves as threats, while in suburban schools that had lower proportions of students of color, the officers perceived students as needing protection from outside threats (persons entering the schools to cause harm to students).[28]

In Pennsylvania, some districts require or strongly encourage school officials to notify the police when a broad range of incidents occur, even when state law does not require it. State law specifies a list of incidents for which immediate reporting is mandatory.[29] However, both the law itself and the Model Memorandum of Understanding between districts and law enforcement approved by the state Board of Education contain a list of incidents where notification is discretionary.[30]

Some administrators are legitimately confused about what the law requires of them, while others wrongly insist that they must call the police when incidents fall on the discretionary list. The net effect has been to overreport less serious incidents to police departments. Notably, disorderly conduct, simple assault, failure of disorderly persons to disperse upon official order, and theft are among the incidents on the discretionary reporting list. Black students are overrepresented in arrests in several of these "discretionary" categories, as our report shows.

In October 2016, the Pennsylvania Joint State Government Commission released a report to the Pennsylvania House of Representatives recommending that the state Board of Education change the language of the model MOU to eliminate mention of infractions where notification is discretionary.[31] Yet, the confusing language remains in state policy documents to this date.

Why are So Many Black Youth with Disabilities Referred to Law Enforcement?

To better understand the intersection of race and disability, analysts are looking beyond arrest numbers to what is known as "referrals to law enforcement," a broad category that includes all contact between students and police, regardless of the outcome.[32]

In a July 2019 report, the U.S. Commission on Civil Rights noted that "with the exception of Latinx and Asian American students, all other students of color with disabilities were more likely to be referred to law enforcement compared to white students with disabilities."[33] Nationally, Black students with disabilities were more than 2.5 times as likely to be referred to law enforcement

compared to white students with disabilities.[34]

The report explored possible causal factors, noting that **a police officer's "decision about how to handle a student's behavioral infraction may be influenced by conscious or unconscious racial bias or disability-related biases or being untrained in how to properly handle disability-related behaviors, and these may affect the outcome of the punishment a student receives (e.g., a warning, detention, suspension, expulsion, or arrest)."**[35]

Furthermore, the Individuals with Disabilities Education Act (IDEA) provides procedural protections for students with disabilities, to ensure that when behavior is disruptive, it is first addressed as an educational issue in most cases, before it becomes subject to formal discipline. However, the data suggest that this is not happening consistently.[36]

Disabling Inequity, a 2021 report from the Center for Civil Rights Remedies at The Civil Rights Project at UCLA, also documented the high rates of referrals to law enforcement for Black students with disabilities. The report questioned whether, before students were referred to police, these procedural safeguards under federal law (IDEA) were followed:[37]

- Did the misconduct warrant a referral of students with IEPs to law enforcement?
- Did students with disabilities (served under IDEA) who were referred to law enforcement ever have *functional behavioral assessments* and/or a *behavioral intervention plan*?[38] Were these measures taken before or after the referrals?
- What is the number and percentage of students with disabilities (under IDEA) who have had a *manifestation determination* meeting? What were the determinations from those meetings? What are the referral and arrest rates for students who have had such meetings?

The report also raised an important data issue: "[T]here are no data on the extent to which the IDEA's procedural safeguards were used and, therefore, one cannot determine whether the procedural protections helped reduce disciplinary removals or arrests of students with disabilities (IDEA)."

Key Terms

Functional behavioral assessment: The Pennsylvania Bureau of Special Education defines functional behavioral assessment as a process for identifying problem behaviors and developing interventions to improve or eliminate those behaviors. Information gathered is used to develop an effective and efficient behavior plan.

Behavioral intervention plan: Known in Pennsylvania as a Positive Behavior Support Plan, this is an individualized plan for how to change problem behaviors. Based, in part, on the findings from the functional behavioral assessment, the plan offers positive rewards for the desired behavior.

Manifestation determination: This is a meeting where the parents of a student with an IEP and school staff determine whether the behavior of the student was caused by the child's disability, whether it has a direct and substantial relationship to the child's disability, and whether the behavior was the direct result of the school's failure to implement the child's IEP. An important and often missing part of a manifestation determination meeting is a discussion of whether services and supports need to be added to the IEP.

The high rates of punishment of students with disabilities reflect a choice by some school officials to turn students over to the police rather than to provide them with appropriate interventions, services, and supports required under federal law. The decision to involve police may be made for reasons of convenience, because the needed supports are not readily available in a school, or because they are costly.

When police officers are embedded in schools, there is often a temptation to have them serve as the adults who intervene with young people, including those who should be receiving other services and supports.

What Factors Help Explain High Arrest Rates for Black Youth?

The experiences of Black students in schools mirror the treatment of Black youth generally. Although a full exploration of these issues is beyond the scope of this report, researchers and juvenile justice experts have identified several factors that help explain high arrest rates for Black youth:

- **Implicit bias:** Unconscious attitudes and stereotypes can impact how adults deal with youth, including the decisions that police make about how or whether to detain, interrogate, or arrest a youth.[39] Moreover, implicit bias may impact whether police see the young person as being a physical threat.
- **Adultification bias:** Some adults see Black children as less deserving of the protections traditionally afforded to young people. Often, wrong-headed assumptions are made about their behaviors, triggering harsh judgments and responses.[40] Black boys are often seen by police as being older, less innocent, and more aggressive and threatening than non-Black adolescents. Black girls are often seen by adults as being older, more mature, more independent, less in need of nurturing and support, and more sexually experienced than white girls their age.
- **Overcharging:** This is when police or prosecutors add more serious charges than are ordinarily warranted by the situation, add multiple charges for the same infraction, or add charges that may not be provable with the goal of getting an accused person to plea bargain. For example, in our review of arrests in Pittsburgh Public Schools, we found 25 instances in Burgh's Eye View data when a Black student was charged by Pittsburgh City police officers with "riot" (a felony), in addition to misdemeanor charges such as disorderly conduct or simple assault.[41] These felony charges were issued to Black students in what appeared to be simple fights with no injuries.[42] Similar overcharging was not seen when looking at arrests of white students.

Kristin Henning, a professor at Georgetown Law and expert in U.S. juvenile justice, noted in her review of several studies about race and juvenile justice that the studies suggested that there may be "an unwillingness among stakeholders to apply theories of diminished culpability and immaturity to youth of color and suggest that contemporary juvenile justice policies have been implemented unevenly based on distorted perceptions of race, crime, and threat."[43]

> "For many students, schools have become a literal and figurative extension of the criminal legal system."
>
> -Kristin Henning, Georgetown Law professor

Henning, who has represented D.C. children in court for more than 25 years, reflected on school policing trends in her recent book, *The Rage of Innocence: How America Criminalizes Black Youth*. An excerpt was published in *Vox*.

> *For many students, schools have become a literal and figurative extension of the criminal legal system. As schools increasingly rely on police officers to monitor the hallways and control classroom behavior, students feel anxious and alienated by the constant surveillance and fear of police brutality. Over time, students transfer their distrust, resentment, and hostility toward the police to school authorities. Teachers become interchangeable with the police, principals become wardens, and students no longer see school staff as educators, advocates, and protectors. ...*
>
> *Black students who feel devalued by unfair disciplinary practices are more likely to withdraw and become delinquent. Policing in schools creates a vicious vortex. Students in heavily policed environments are less likely to be engaged and more likely to drop out. Youth who drop out are more likely to be arrested.*[44]

V. ALLEGHENY COUNTY: **WHAT OFFENSES LEAD TO STUDENT ARRESTS?**

Minor offenses account for almost half of school-related arrests countywide.

Minor offenses, such as simple assault[45] (24.2%) and drug charges (17.9%), accounted for nearly half of all school-related arrests in Allegheny County.

The vast majority of drug charges (90%) that students faced related to the possession of a small amount of marijuana.[46]

Two possible scenarios in which a student could be charged with simple assault are: throwing a ball at another student that misses or making a motion toward another student as if to hit them (a.k.a. bucking). It is important to note that, in either instance, if the behavior was directed at a school employee (e.g., a teacher), the student would be charged with *aggravated assault* instead of simple assault.

Another example of an incident leading to a charge of aggravated assault against a teacher might start when a student with a disability has a meltdown in a classroom. The classroom is cleared of all students, and the teacher or crisis team enter to calm the student down, but the student throws a chair in the opposite direction of the teacher and yells to be left alone. Or if students who are fighting inadvertently hit a teacher or staff member trying to intervene, the students could be charged with aggravated assault.

A charge of *riot – intent to commit a crime* is another one that sounds more serious than it often is. This charge can be issued in situations where more than two students are fighting and they do not cease immediately upon an order from an adult. No physical injury or contact needs to have occurred. This felony charge often appeared alongside simple assault and disorderly conduct, which are misdemeanors.

Key Terms

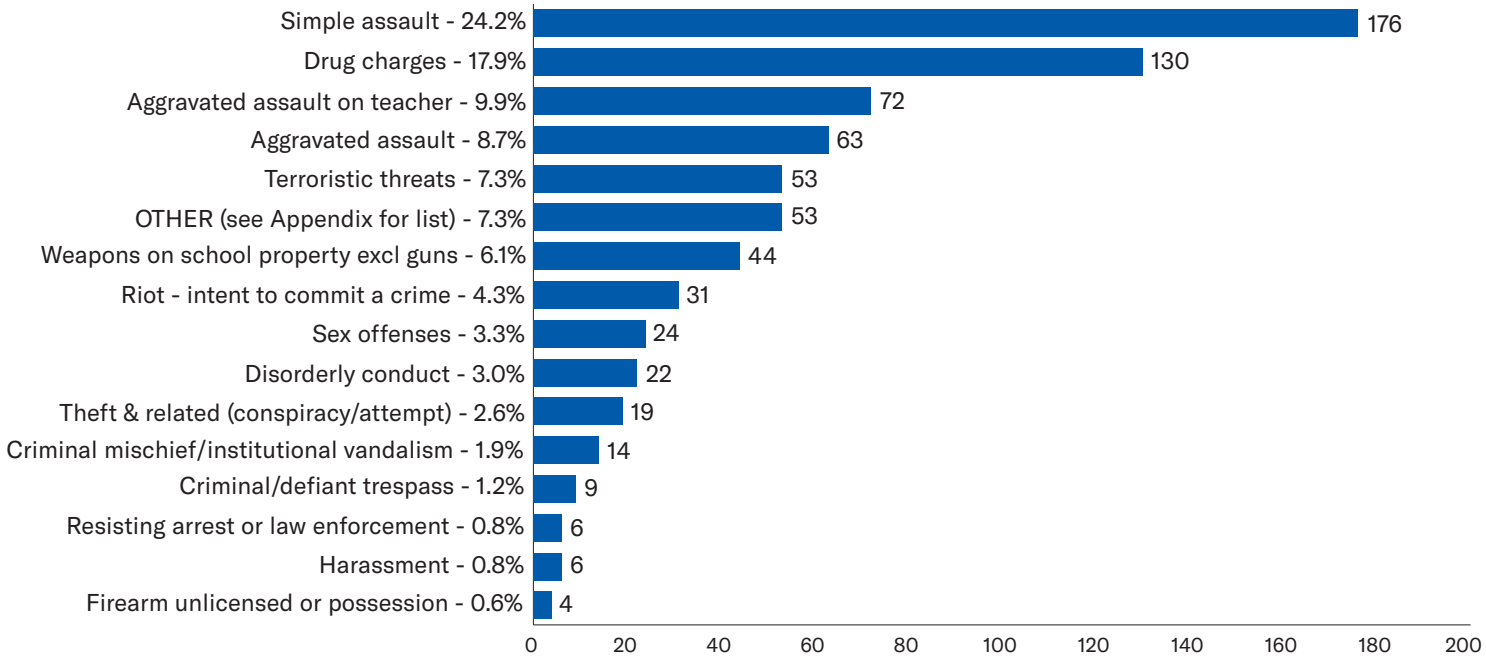
Simple assault is a misdemeanor charge issued for an intentional attempt to cause another person bodily harm. This may include fights, threats, and roughhousing. It does not require any injury or even physical contact.

Aggravated assault is a felony charge issued for inflicting serious bodily injury on another (or attempting to do so), assaulting someone with a deadly weapon, or assaults (including simple assault) against certain public officials or school employees.

Weapons on school property does not include firearms, which is a separate category that accounted in 2018-19 for less than 1% of arrests (or 4 incidents) in Allegheny County. Examples of a weapon include a knife, cutting instrument, or replica of a weapon.

Riot, a felony charge of the third degree, is when someone participates with two or more others in a course of disorderly conduct.

Arrest Charges by Category for Students (ages 10-18) - Allegheny County (2018-19)



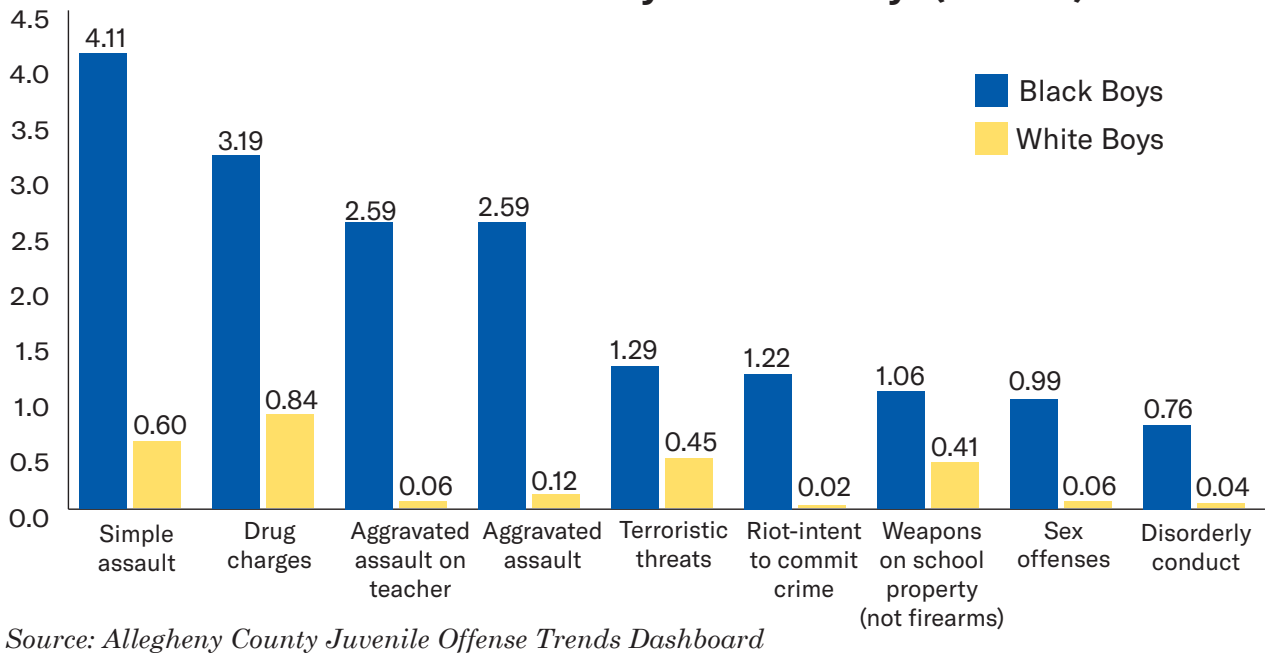
Source: Allegheny County Juvenile Offense Trends Dashboard

Black students are arrested at higher rates in almost every charge category.

Black boys are arrested at much higher rates than other students in every charge category except simple assault, where Black girls top the list. Black girls had the highest rates of arrest for simple assault of any student group, male or female.

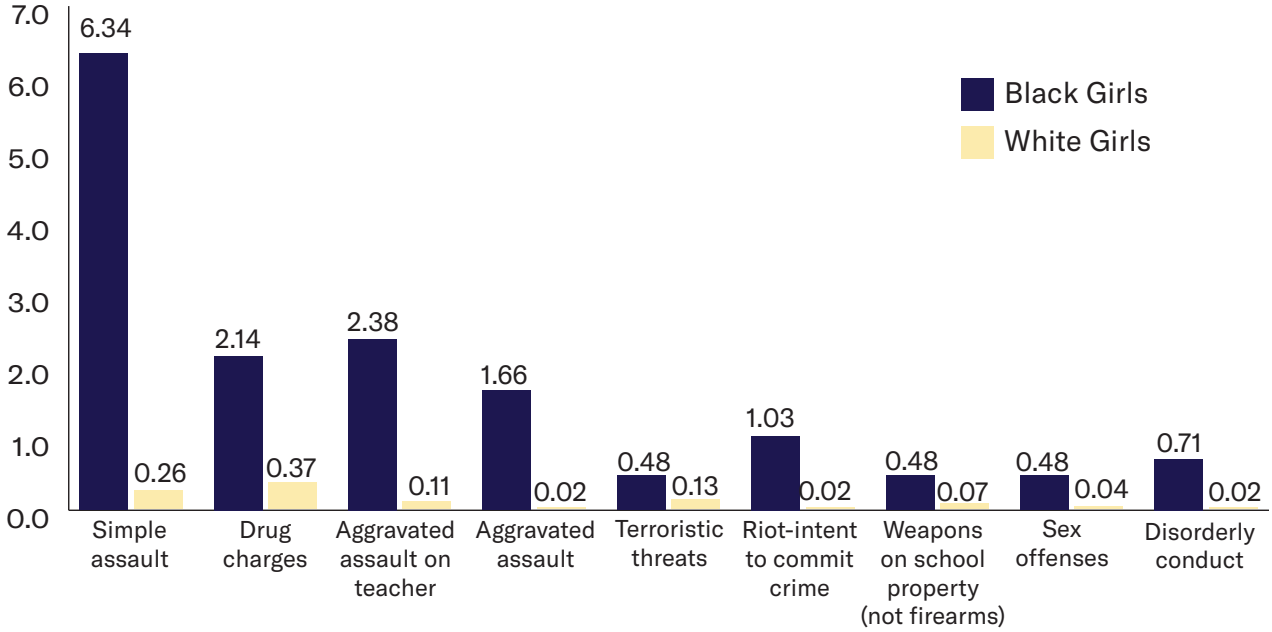
Some of the disparities in what students are charged with for school-related arrests may be due to implicit or racial bias, as Black students are often viewed as more aggressive or threatening than other students.[47]

Allegheny County Arrests per 1000 Students by Charge (K-12), Gender and Race: Black Boys vs. White Boys (2018-19)



Source: Allegheny County Juvenile Offense Trends Dashboard

Allegheny County Arrests per 1000 Students by Charge (K-12), Gender and Race: Black Girls vs. White Girls (2018-19)



Source: Allegheny County Juvenile Offense Trends Dashboard

What is the Problem with Student Arrest Data?

The underreporting of student arrests is a problem that extends beyond Pennsylvania. Other school districts around the country have, at times, significantly underreported student arrests, including such large districts such as New York City and Los Angeles. ***The erroneous reporting of zero arrests for several large school districts has persisted over several years.*** In recent years, two media outlets have conducted in-depth investigations of problems with student arrest reporting.

In 2016, the Courier-Journal (Louisville, Kentucky) published a report[48] documenting the discrepancy between the 117 student arrests reported by Jefferson County Public Schools to the state's Department of Education and about 500 arrests found in state court records. Even the 500 figure is likely to be an undercount, because the analysis did not count students who had turned 18. The underreporting of student arrests appeared to stem from the district using a narrower definition of arrest than law enforcement and a simple failure to record arrests at all, even using the narrow definition.

In 2020, Illinois Public Media reported[49] on the serious undercounting of arrest and law enforcement referral numbers reported to the U.S. Education Department by many Central and Southern Illinois school districts. Illinois Newsroom submitted records requests under Illinois' Right-to-Know law to school districts across the state seeking arrest and law enforcement referral data. About 15 out of two dozen districts responded that "they did not possess any records related to student arrests or law enforcement referrals," despite the fact that the federal government requires them to collect and report such data. In some cases, the reporter was able to obtain data from the school district that did not match what that district reported to the federal government.

A recent analysis[50] of federal CRDC data for the 2017-18 school year found that ***nationwide, 61% of school districts with 1,000 or more secondary students reported zero student arrests.*** Some of these data indicating zeros are accurate, but some, like New York City and Pittsburgh, Pennsylvania, are clearly not, according to data from other sources. It is not possible in all cases to distinguish districts reporting true zeros from those simply failing to collect or report these data.

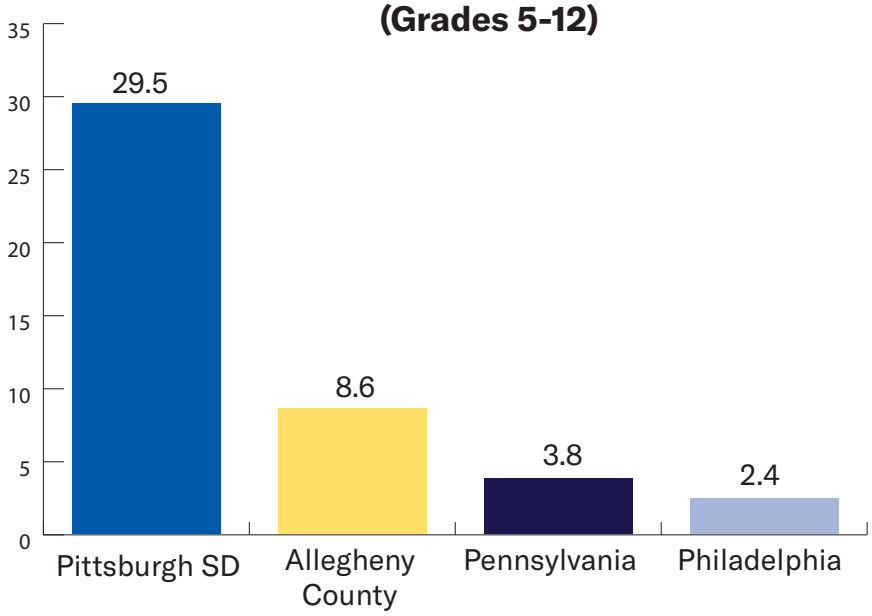
After years of advocacy, New York City's Student Safety Act was signed into law in 2011. The law requires quarterly reports on school safety and discipline be provided to City Council by the New York Department of Education and the New York Police Department. These reports[51] include information about arrests, the use of metal detectors, handcuffs, and other restraints on students.

SPOTLIGHT:
PITTSBURGH PUBLIC SCHOOLS

Key Trends

- Higher rates of student arrests compared to the state, Allegheny County, and Philadelphia.
- High rates of referrals and arrests of students.
- High rates of issuing summary citations to students.

2018-19 Comparative Arrests per 1000 Students (Grades 5-12)



Sources: PDE Safe Schools Report, PDE Enrollment Report, Allegheny County Juvenile Offense Trends Dashboard

Higher Rates in Pittsburgh Public Schools Than in State and County

Earlier in this report, we showed that the student arrest rate in Allegheny County greatly exceeds the rates for the state and Philadelphia. In this section, we break out the rates for Pittsburgh Public Schools (PPS) and see that PPS students were arrested at 3.4 times the rate of students in Allegheny County as a whole for the 2018-19 school year.

To determine which students are most at risk of arrest, the ACLU of Pennsylvania requested detailed data from PPS using Pennsylvania's Right-to-Know law. Also, in September 2020, PPS contracted with RMC Research Corporation to analyze data from the PPS Police Data System and demographic student data from the district's Student Information System to look into "questions about the incidence of calls for service, arrests, and citations and their variation over time, and across schools, officers, and student groups."[52] RMC issued a report with its findings in March 2021.

PPS did not provide cross-sectional data – which combine race, gender and disability – and the information was not reported that way by RMC. Therefore, it was not possible to determine, for example, rates for Black girls with a disability, although PPS has data that could be used to calculate such rates.

However, both analyses confirmed two key trends in the district: Students with disabilities and Black students are at much greater risk of arrest than other students.

Higher Rates of Arrest for Black Students

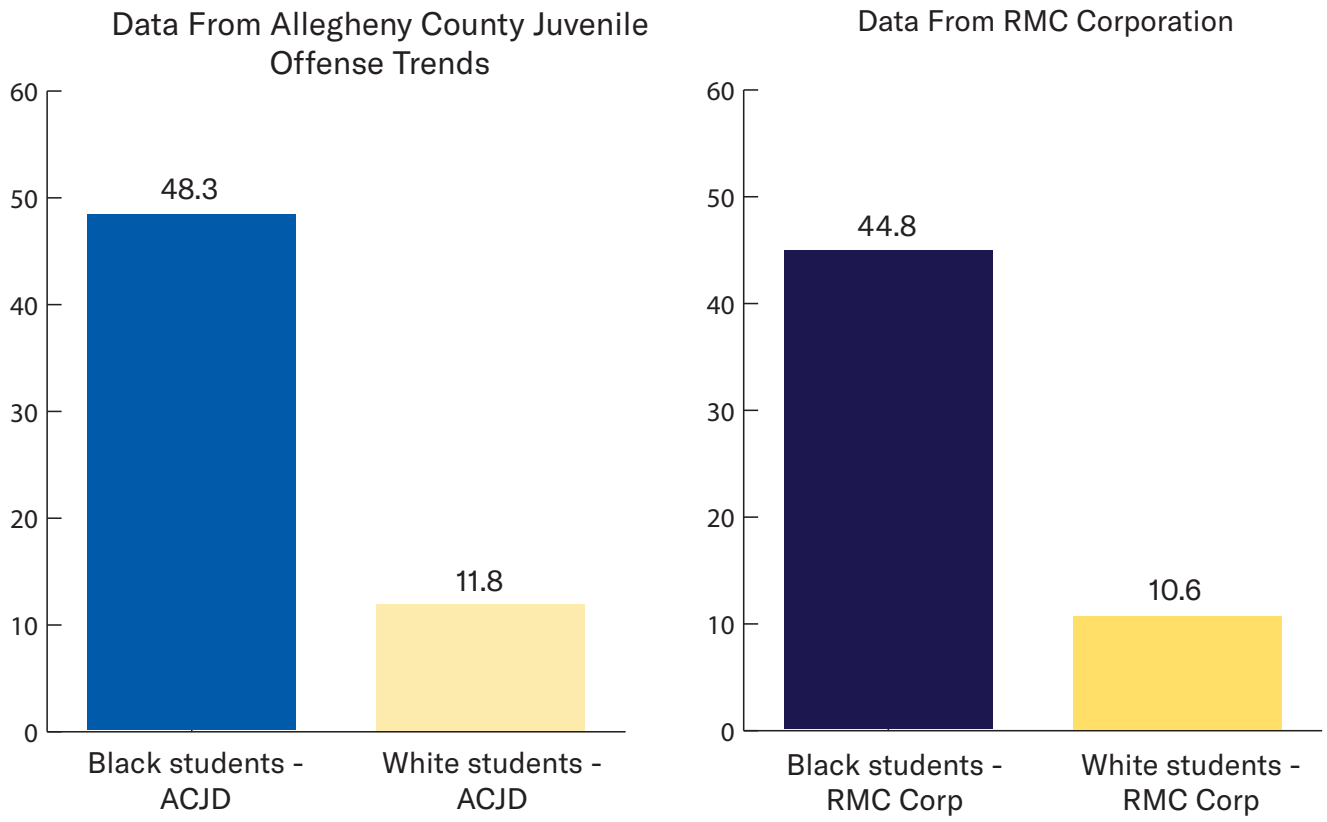
Black students are arrested at more than four times the rate of white students.

The RMC report concluded that "approximately 80% of the incidents that resulted in an arrest involved an African American/Black student, which is higher than the proportion of these students in the district."[53]

Although data released by PPS would not permit an intersectional analysis of arrests by race, gender, and disability status, we know from data from the CRDC that Black students with disabilities are arrested at even higher rates than their peers.[54]

For PPS to address discipline disparities, it is important that the district track and report arrests at the intersections of race, gender, and disability to determine which students have the highest rates of arrest and take steps to address these inequities.

Pittsburgh Public Schools Arrests per 1000 Students, Grades 5-12: Black vs. White (2018-19)



Sources: Allegheny County Juvenile Offense Trends Dashboard (ACJD) Data and RMC Research Corporation Report (June 9, 2021)

Higher Rates of Arrest for Students with Disabilities

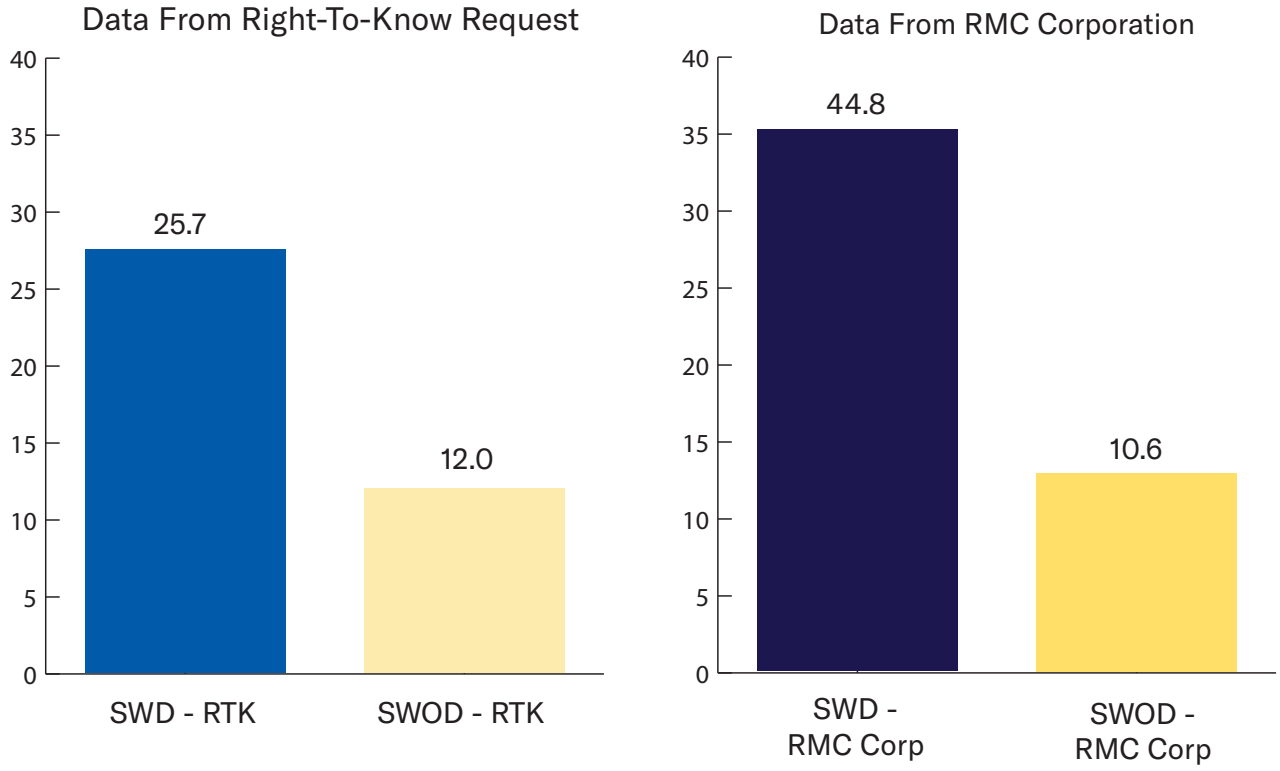
Students with disabilities (SWD), served under IDEA, are arrested at two to four times the rate of students without disabilities (SWOD).

Impacts on Pittsburgh Public Schools Students – Longitudinal Study

A recent report by the Allegheny County Department of Human Services found that students at Pittsburgh Public Schools who were referred to juvenile court had more school absences and suspensions throughout their time in school than those without.[55]

A first-time arrest, even for minor incidents, also resulted in a decrease in those students' grade point averages when compared to their grade point averages prior to arrest, and they were more likely (53%) than their peers (14%) to have criminal justice system involvement as young adults.[56]

Pittsburgh Public Schools Arrests per 1000 Students, Grades K-12, by Disability Status (2018-19)



VI. UNDERREPORTING AND INCONSISTENCY IN DATA

Data Problems Seen in Many School Districts

Reporting accurate data and identifying the trends that they show are two ways to help school districts change policies and procedures that unnecessarily criminalize students. School districts need reliable data to understand the extent to which they may be contributing to, and perpetuating, inequities based on race, gender, and disability. **When school districts fail to track the number of students arrested, they are left without the information necessary to address arrest trends or issues in disproportionality.** Furthermore, when districts underreport arrest data, community members, and officials may believe incorrectly that issues of student arrests and disparities among those arrests are not a sizable problem in their district.

Underreporting of arrests has been a concern in school districts across the country for several years. As noted in the *Lost Opportunities* report from UCLA's Center for Civil Rights Remedies at The Civil Rights Project: "Widespread reporting noncompliance has meant that the public cannot tell how often most districts called upon police and security to enforce school rules. Without reliable public reporting of the data, the true extent of the school policing disparities and their impact on students by race and disability remain hidden. Further, without a substantial improvement to the collection and reporting of the school policing data, it will remain difficult to evaluate reform efforts."[57]

We found significant inconsistencies in student arrest data reported by public schools in Allegheny County to state and federal education agencies. Compared to juvenile court data, most districts underreported arrest numbers (see table on the next page).

We compared the arrest numbers that school districts reported to the state for the annual Pennsylvania Department of Education Safe Schools Report and those reported to the federal government for the U.S. Department of Education Civil Rights Data Collections (2017-18) to the juvenile justice data reported in the Allegheny County Analytics Juvenile Offense Trends Dashboard.[58]

> "Without reliable public reporting of the data, the true extent of the school policing disparities and their impact on students by race and disability remain hidden."
>
> -Civil Rights Project at UCLA

In our review, we saw that several school districts, including Baldwin-Whitehall, Penn Hills, and Shaler Area, reported one or zero arrests of students, while juvenile court data reflected more than 20 student arrests in those districts.

Pittsburgh Public Schools (PPS), the largest school district in Allegheny County, reported to the federal Civil Rights Data Collection that zero students were arrested and 188 students were referred to law enforcement during the 2017-18 school year. But this would mean that none of the students referred to law enforcement were arrested. For the same school year, PPS reported to the Pennsylvania Department of Education that there were 86 arrests and 395 incidents referred to local law enforcement.

In contrast, juvenile justice system data from Allegheny County Juvenile Probation reported 499 school-related arrests of 432 students within the Pittsburgh Public Schools during the 2017-18 school year.

Inconsistencies in Reporting of Student Arrests (2017-18)[59]

School District Name (alphabetical)	Total Number of Students Arrested		Total Number of Arrests	
	ACJD	CRDC	ACJD	PDE
Allegheny Valley SD	**0**	0	**0**	0
Avonworth SD	**2**	0	**2**	0
Baldwin-Whitehall SD	**23**	0	**24**	1
Bethel Park SD	**9**	0	**10**	3
Brentwood Borough SD	**1**	0	**1**	0
Carlynton SD	**4**	0	**5**	1
Chartiers Valley SD	**7**	1	**7**	0
Clairton City SD	**2**	0	**2**	0
Cornell SD	**0**	0	**0**	0
Deer Lakes SD	**0**	0	**0**	2
Duquesne City SD	**0**	0	**0**	0
East Allegheny SD	**9**	5	**9**	0
Elizabeth-Forward SD	**3**	0	**3**	1
Fox Chapel Area SD	**7**	10	**7**	8
Gateway SD	**1**	0	**1**	1
Hampton Township SD	**7**	1	**8**	8
Highlands SD	**18**	4	**20**	2
Keystone Oaks SD	**3**	18	**3**	0
McKeesport Area SD	**11**	1	**14**	0
Montour SD	**3**	0	**3**	0
Moon Area SD	**13**	0	**13**	0
Mt. Lebanon SD	**10**	0	**10**	0
North Allegheny SD	**17**	34	**17**	0
North Hills SD	**6**	0	**6**	1
Northgate SD	**3**	4	**3**	12
Penn Hills SD	**39**	0	**41**	0
Pine-Richland SD	**1**	0	**1**	0
Pittsburgh Public SD	**432**	0	**499**	86
Plum Borough SD	**3**	0	**3**	0
Quaker Valley SD	**7**	0	**9**	0
Riverview SD	**2**	0	**2**	0
Shaler Area SD	**21**	1	**25**	0
South Allegheny SD	**11**	0	**13**	0
South Fayette Twp SD	**2**	2	**2**	2
South Park SD	**1**	0	**1**	0
Steel Valley SD	**4**	10	**5**	0
Sto-Rox SD	**16**	30	**17**	0
Upper St. Clair SD	**5**	0	**5**	0
West Allegheny SD	**14**	0	**14**	0
West Jefferson Hills SD	**4**	0	**5**	0
West Mifflin Area SD	**5**	0	**5**	0
Wilkinsburg Borough SD	**0**	0	**0**	0
Woodland Hills SD	**36**	46	**37**	22

Pittsburgh Public Schools: Multiple Data Sources, Multiple Inconsistencies

It is clear from the table above that data from school districts across Allegheny County are often underreported and inconsistent with juvenile court data. However, PPS data show additional instances of inconsistency.

The table below tracks referrals to law enforcement and arrests of students, highlighting the differences between data provided by PPS in a public school board meeting (August 17, 2020), data in the RMC Corporation report commissioned by Pittsburgh Public Schools, and data received from a Right-to-Know request made by the ACLU of Pennsylvania. It is unclear why data provided by a school district should vary so significantly.

Comparing Referral and Arrest Data Released by Pittsburgh Public Schools (2018-19)

	Public School Board Meeting (August 17, 2020)	**Right-to-Know Request** (August 18, 2020)	**RMC Research Corporation Report** (June 8, 2021)
Arrests Total	**266**	**323**	**381**
Arrests – Black students	219	262	308
Arrests – White students	30	34	47
Arrests – Students with disabilities	No data provided	114	156

VII. RECOMMENDATIONS

Our report lays out the details about discrepancies in student arrest rates in Allegheny County and about gaps in data reporting. Here are some suggestions on how to make improvements.

1. Reform Policing Policies

- Restrict police involvement in **ordinary school discipline**, barring them from enforcing low-level and vague infractions, such as disorderly conduct.
- Clarify that Pennsylvania law requires school administrators to **notify police immediately only when an alleged infraction is on the mandatory list** spelled out in the education code. Adopt policies that do not result in an automatic referral to law enforcement when referrals are discretionary.
- Ensure that local education agencies implement with fidelity **the assessments and interventions guaranteed by the Individuals with Disabilities Education Act.**
- Adopt a moratorium on the issuance of **summary citations** to students.
- Eliminate the everyday presence of police in school, restricting them to **involvement in emergencies and dangerous incidents.** Under Pennsylvania law, schools always retain the ability to call community police for assistance in serious or violent incidents, which occur very infrequently.

2. Invest in Students' Behavioral and Emotional Development

- Reinvest the **funds used for police** into adding student support resources, including funding for school psychologists, nurses, counselors, and social workers.

3. Maintain and Disseminate Accurate Data

- Ensure that data on student arrests and referrals to law enforcement are **accurate** and reported to the public on an **annual and timely basis.**
- Ensure that annual **Every Student Succeeds Act report cards** from state and local education agencies contain up-to-date data on student arrests and referrals to law enforcement.

Our Implementation Guide begins on the following page, offering detailed guidance about these recommendations.

IMPLEMENTATION GUIDE

Adopt a policy restricting police involvement in ordinary school discipline for low-level infractions.	
What problem this addresses	• Incidents sometimes escalate when the intervening adult is an officer. • Police become involved in everyday school matters that are not dangerous crimes, increasing the likelihood of a student having justice system contact and a law enforcement record. • Police make or influence decisions best made by educators. • Conflicts or infractions may have other causes – such as trauma, unfair treatment, or family problems – that are best addressed by adults who are trained to support young people.
Who would act	• School district administrators and school board members can set a policy limiting the involvement of police.
How	• Restrict police involvement in minor matters. • Change the code of conduct to reduce the range of infractions that could result in law enforcement referral, especially focusing on low-level infractions that disproportionately impact Black students and students with disabilities.
Benefits	• Students are not denied education for low-level infractions, and fewer students are impacted by the juvenile justice system. These situations are better handled by adults who have trusting relationships with the youth involved, which enables them to get to the root of problems and conflicts more easily.

Limit the immediate notification of local law enforcement to infractions on the mandatory reporting list.	
What problem this addresses	• Administrators and school boards often report minor incidents to the police, triggering excessive contact between police and students. Internal school intervention and support processes would handle these situations better.
Who would act	• Local school boards have this power under the Pennsylvania School Code. • The Pennsylvania State Board of Education should issue a clarification on this policy to school districts.
How	• Issue policy guidance clarifying that current law requires immediate incident notification of local law enforcement only for infractions on the mandatory reporting list. • Revise the Model Memorandum of Understanding between districts and law enforcement.
Benefits	• Fewer students referred to law enforcement for minor infractions. • May help reduce racial and disability bias in referrals to law enforcement.

Protect students who receive services under the Individuals with Disabilities Education Act (IDEA) from inappropriate law enforcement referrals.	
What problem this addresses	• Students are referred to law enforcement for conduct that is a manifestation of their disability.
Who would act	• School district staff have obligations. • Monitoring by the Pennsylvania Special Education Bureau is required. • Parents and guardians have the right to participate in decisions.
How	• Ensure that local education agencies conduct the assessment and intervention protocols specified in IDEA, such as manifestation reviews, functional behavioral assessments, and behavior intervention plans.
Benefits	• The root of the behavior is addressed, and the student is provided with needed supports and interventions. • More students with disabilities remain in school and out of the juvenile justice system.

Adopt a moratorium on summary citations issued at school.	
What problem this addresses	• These infractions are by definition minor, and they would not ordinarily justify an arrest. • Young people get a record in the criminal justice system, which can negatively impact their future.
Who would act	• Policy set by school district administrators or school board. • Incorporate the policy in MOUs with law enforcement. • School districts have direct authority per Pennsylvania School Code, and they can codify these policies in MOUs with law enforcement.
How	By administrative action of a school district: • School district police officers are no longer permitted to issue citations. • Districts include a ban in any agreements with law enforcement.
Benefits	• Fewer kids with criminal records and with fines.

Eliminate the everyday presence of police in schools.	
What problem this addresses	• Schools with police in the building tend to be more focused on law and order and less focused on students' social and emotional needs.
Who would act	• School district administrators or school board. • Pennsylvania law does not require schools to have a standing law enforcement presence in schools.
How	• Cancel school resource officer contracts with local law enforcement. • Eliminate district sworn law enforcement positions.
Benefits	• Fewer children referred to law enforcement for minor infractions. • The root of the behavior is addressed, and the student is provided with needed supports and interventions.

Reinvest funds used for police into student support resources.	
What problem this addresses	• School districts do not adequately invest in student support services that create better school environments. Most schools do not have enough school psychologists, nurses, counselors, social workers, and non-teaching assistants.
Who would act	• School districts have direct authority over spending and budget decisions in the Pennsylvania School Code.
How	• Adopt school budgets reallocating funds formerly spent on law enforcement. • Apply for state grants for alternative school safety programs for restorative justice, social emotional learning, conflict resolution, etc. • Reallocate funds formerly used for law enforcement to hire additional school counselors, social workers, and psychologists.
Benefits	• Students have more opportunities to develop relationships with supportive adults. • The root of the behavior is addressed by professionals who understand adolescent behavior/development.

Accurately collect and publicly report arrest, referral and citation data.	
What problem this addresses	• Inaccurate data on student contact with law enforcement and arrests make it impossible to spot any issues with arrests and referrals.
Who would act	• Both local education agencies (such as school districts, charters, Intermediate Units, and career and technical education) and the Pennsylvania Department of Education (PDE) have reporting responsibilities under the Every Student Succeeds Act (ESSA), the Civil Rights Data Collection, and Pennsylvania's Safe Schools Act (known as Act 104). Also, PDE's Office of Safe Schools is required to collect such data.
How	• Data should be collected and reported at the intersection of race, gender, age, disability, foster youth status, and school in a disaggregated format that is consistent with Civil Rights Data Collection reporting requirements. • Collect and publicly report data on summary citations issued to students in school-related matters.
Benefits	• The public and district staff gain an accurate picture of how students are impacted by justice system involvement.

Update ESSA Annual Report Cards.	
What problem this addresses	• Pennsylvania ESSA report cards for 2017 through 2020 still use old data, from 2015-16, even though more recent data are available.
Who would act	• Under ESSA, state and local education agencies are required to report this data annually for the most recently completed school year by December 31.
How	• Pennsylvania Department of Education and local education agencies already collect this data for annual Safe Schools reports and the biennial CRDC. • Best practice: Require local education agencies to collect one set of data on law enforcement involvement and arrests in a form that is consistent with the requirements of the CRDC – disaggregated by race/ethnicity, gender, disability status, and English proficiency status.
Benefits	• This would simplify data collection work for education agencies and increase the likelihood of consistent data across different collections.

APPENDIX

Appendix A: Methodology, Data Cleaning, and Limitations

Background

Across Pennsylvania, identifying a school arrest in schools that do not have their own school police is very difficult using just arrest data. In Allegheny County, the Juvenile Court Management System does collect the variable of school-based referral for arrests. However, in general, unless it is specifically written on law enforcement's referral that the arrest was due to a school-based incident, there would be no way to tell, for example, whether it was a simple assault in school or a simple assault in the community. Allegheny County is unique in that it provides a publicly accessible dashboard (Allegheny County Juvenile Offense Trends Dashboard) that captures all referrals of juveniles to juvenile justice with data that is disaggregated by race, gender, age, and location, with the option to select "school-related" as a parameter.

Arrest Rate

The arrest rate is calculated by dividing the total number of arrests by the total number of students enrolled in grades 5-12 or K-12 (depending on the table), or the total number of students in grades 5-12 or K-12 in a particular subgroup (e.g. Black boys) and multiplying this by 1000. We did this calculation for all figures in the report.

Focus on 2018-19 school year

For this report, we tracked arrest rates for three school years (2017-18, 2018-19, and 2019-20), with a focus on the 2018-19 school year. 2018-19 was selected because it provides the most recent and accurate data for a complete school year. During the 2019-20 school year, Governor Tom Wolf required all schools in Pennsylvania to close in-person learning (effective March 15, 2020) due to the Covid-19 pandemic. The closing of schools for in-person learning during the 2019-20 school year made it appear as if arrests had declined, when, in fact, March 2020 arrest numbers before the closure were in line with previous years at that same point in the school year.

Data parameters

Only arrest data for students attending public school districts were used in this report, with a focus on the 43 school districts in Allegheny County. However, public charter schools and alternative schools did account for some of the arrests in the county, as determined by matching the address of the incident, using Burgh's Eye View data crosschecked with data from the Allegheny County Juvenile Offense Trends Dashboard. Because charter schools within Allegheny County reported zero arrests, we were only able to identify 10 arrests within the city of Pittsburgh (Hill House Charter School, Watson Institute/Friendship Academy, New Academy Charter School, and Pressley Ridge).

Public school districts that had fewer than three arrests were excluded from tables in the main report. The full list of school-related arrests by school district in Allegheny County is included in Appendix B.

Data Cleaning and Limitations:

Allegheny County Juvenile Offense Trends Dashboard. The Allegheny County Department of Human Services hosts the Allegheny County Juvenile Offense Trends Dashboard on its website. This dashboard provides data on all juvenile allegations (referrals to juvenile justice, most commonly arrests by police) within Allegheny County by race, gender, age, neighborhood of the offense, and most serious offense alleged. Although the dashboard allows users to select only school-related arrests, arrest figures are listed by neighborhood, not by school district. To determine which school districts were connected to these allegations, we needed to sort and categorize each neighborhood into its corresponding school district. Doing so allows for the possibility that in certain school districts (McKeesport, Sto-Rox, Penn Hills, Woodland Hills, Gateway, East Allegheny, and Keystone Oaks), a handful of arrests may have occurred at charter schools, despite charter schools in Allegheny County reporting zero arrests. To determine which arrests were school-related, data

entry staff from the Information Management Department within Allegheny County Juvenile Probation read through each case to make that determination and marked it as school-related or not in the database.

Limitations: Arrests that take place on school property as the result of an outstanding warrant for an incident outside of school were not considered school-related allegations. Staff also did not indicate the school or school district that the allegation was attributed to, so some of arrests in the districts noted above might have occurred at charter schools. Additionally, arrests of students that did not result in a referral to juvenile court were not considered.

Burgh's Eye View. The city of Pittsburgh publicly reports all arrest data for the city through its Burgh's Eye View app, by age, race, gender, date and location of incident and arrest. Using this data, it is possible to see how many total arrests there were in the city and identify any disparities in arrests by race, age, or location. A complete list of charges issued during the arrest is also available.

Limitations: The exact location where the incident took place is not provided; instead, the block where the incident occurred is listed (for example, 2400 Block Shady Ave.). Although it is possible to use those locations to determine whether the incident occurred at a school, this will not yield a complete list of school-related arrests in Pittsburgh, because arrests can occur at school-sponsored events or on school buses.

FBI Arrest Databases and Limitations:

The FBI's National Incident-Based Reporting System (NIBRS) keeps records on school-related arrests. However, it was not used in this report because it had several limitations. Law enforcement agencies are encouraged, but not required, to report to the NIBRS, which collects data on crime incidents, alleged offender, victim, and location of arrest. However, although "school" is one of the variables for location, this detail is not reported reliably for all agencies that report to NIBRS. Also, "school" in the reporting system represents not only public elementary, middle, and high schools, but also universities, and it is not possible to disaggregate the counts.

Appendix B: Tables

Data for Student Arrest Rates in Pennsylvania, Philadelphia County, and Allegheny County (Grades 5-12)

Student Arrest Rates	Pennsylvania	Arrest rate/1000	Philadelphia County	Arrest rate/1000	Allegheny County	Arrest rate/1000
Arrests 2017-18	3,814	3.9	310	4.2	867	10.3
Enrollment 5th-12th grade	976,620		74,364		84,369	
Arrests 2018-19	3,757	3.8	187	2.4	726	8.6
Enrollment 5th-12th grade	979,083		76,572		84,197	

Enrollment numbers were retrieved from the Pennsylvania Department of Education Annual Enrollment Reports. Arrest numbers were retrieved from the Pennsylvania Department of Education Safe Schools Annual Report for Pennsylvania and Philadelphia County, and from the Allegheny County Analytics Juvenile Offense Trends Dashboard for Allegheny County. Arrest rate was calculated using these formulas:

Arrests per 1000 = (Total Arrests/Enrollment)*1000

Arrests per 1000 = (Total Arrests of subgroup/Enrollment of subgroup)*1000

Complete List of Arrests per 1000 Students for Allegheny County School Districts[60]

Grades 5-12 (by highest arrest rate)

2017-18 School District Name	Total Arrests	Arrests per 1000	2018-19 School District Name	Total Arrests	Arrests per 1000
Pittsburgh Public SD	499	37.74	Sto-Rox SD*	30	42.08
Sto-Rox SD*	17	24.67	Pittsburgh Public SD	389	29.45
Penn Hills SD*	41	18.70	South Allegheny SD	17	17.65
Woodland Hills SD*	37	16.86	Clariton City SD	6	13.07
South Allegheny SD	13	13.49	Steel Valley SD	10	11.59
Highlands SD	20	13.00	Baldwin-Whitehall SD	29	10.78
East Allegheny SD*	9	9.37	Wilkinsburg Borough SD	1	8.77
Shaler Area SD	25	9.32	Shaler Area SD	21	8.06
Baldwin-Whitehall SD	24	8.96	Moon Area SD	18	7.52
Quaker Valley SD	9	7.06	Penn Hills SD*	16	7.34
West Allegheny SD	14	6.84	Chartiers Valley SD	14	7.18
McKeesport Area SD*	14	6.71	West Mifflin Area SD	13	7.14
Carlynton SD	5	6.26	McKeesport Area SD*	13	6.30
Steel Valley SD	5	5.54	Cornell SD	2	5.87
Moon Area SD	13	5.46	West Allegheny SD	11	5.40
Northgate SD	3	4.85	Bethel Park SD	14	5.18
Clariton City SD	2	4.74	West Jefferson SD	9	4.87
Hampton SD	8	4.26	Plum Borough SD	10	4.18
Bethel Park SD	10	3.62	North Hills SD	11	4.14
Chartiers Valley SD	7	3.51	East Allegheny SD*	4	4.03
Riverview SD	2	3.37	Woodland Hills SD*	6	3.02
North Allegheny SD	17	3.17	Hampton SD	5	2.68
Mt. Lebanon SD	10	2.82	North Allegheny SD	14	2.60
West Jefferson Hills SD	5	2.80	Mt. Lebanon SD	9	2.53
Fox Chapel Area SD	7	2.73	South Fayette Twp SD	5	2.38
West Mifflin Area SD	5	2.72	Quaker Valley SD	3	2.33
Keystone Oaks SD[61]	3	2.55	Riverview SD	1	1.75
North Hills SD	6	2.28	Montour SD	3	1.69
Plum Borough SD	5	2.11	Deer Lakes SD	2	1.67
Elizabeth-Forward SD	3	2.05	Northgate SD	1	1.60
Avonworth SD	2	2.02	Gateway SD*	3	1.43
Upper St. Clair SD	5	1.86	Elizabeth-Forward SD	2	1.36
Montour SD	3	1.68	Brentwood Borough SD	1	1.36
Brentwood Borough SD	1	1.34	Keystone Oaks SD*	1	0.86
South Fayette Twp SD	2	1.01	Fox Chapel Area SD	2	0.79
South Park SD	1	0.86	Pine-Richland SD	2	0.67
Gateway SD*	1	0.48	Highlands SD	1	0.64
Pine-Richland SD	1	0.34	Upper St. Clair SD	1	0.38
Allegheny Valley SD	0	0.00	Allegheny Valley SD	0	0.00
Cornell SD	0	0.00	Avonworth SD	0	0.00
Deer Lakes SD	0	0.00	Carlynton SD	0	0.00
Duquesne City SD	0	0.00	Duquesne City SD	0	0.00
Wilkinsburg Borough SD	0	0.00	South Park SD	0	0.00

2018-19 Complete List of Comparative Arrests per 1000 Black and White Students[62]

Grades K-12 (by greatest gap in arrest rates)

School District Name	% White Student Enrollment	Arrests of White students	Arrests per 1000 White students	% Black Student Enrollment	Arrests of Black students	Arrests per 1000 Black students	Rate Gap (Black-White)
South Allegheny SD	89.81%	7	5.09	6.86%	9	85.71	80.62
Baldwin-Whitehall SD	72.66%	11	3.47	5.61%	14	57.14	53.67
Moon Area SD	78.45%	9	2.98	5.04%	9	46.39	43.41
West Jefferson SD	91.79%	6	2.17	2.38%	3	41.67	39.50
North Hills SD	85.65%	4	1.04	3.93%	7	39.77	38.73
Sto-Rox SD	28.04%	3	8.62	56.49%	27	38.52	29.90
Chartiers Valley SD	80.57%	11	4.16	3.05%	3	30.00	25.84
Pittsburgh Public SD	32.22%	52	7.36	51.72%	332	29.29	21.92
Upper St. Clair SD	82.02%	0	0.00	1.28%	1	19.23	19.23
North Allegheny SD	77.79%	11	1.66	1.78%	3	19.87	18.20
Steel Valley SD	53.31%	0	0.00	37.02%	9	17.68	17.68
Shaler SD	90.80%	19	5.03	2.35%	2	20.41	15.38
Brentwood Borough SD	81.32%	0	0.00	5.55%	1	14.71	14.71
Keystone Oaks SD	78.35%	0	0.00	4.45%	1	11.76	11.76
South Fayette SD	74.29%	4	1.60	2.23%	1	13.33	11.73
Mt. Lebanon SD	85.71%	8	1.69	1.68%	1	10.75	9.06
West Mifflin Area SD	61.82%	5	2.98	25.07%	8	11.75	8.77
West Allegheny SD	88.74%	10	3.37	2.60%	1	11.49	8.13
Penn Hills SD	27.99%	0	0.00	62.99%	16	7.64	7.64
McKeesport Area SD	42.44%	2	1.46	44.73%	11	7.62	6.16
Montour SD	84.99%	1	0.41	5.93%	1	5.85	5.44
Highlands SD	79.00%	0	0.00	9.42%	1	4.33	4.33
Gateway SD	53.74%	0	0.00	25.16%	3	3.57	3.57
Woodland Hills SD	27.04%	0	0.00	62.37%	6	2.96	2.96
Clairton SD	17.84%	1	6.90	65.68%	5	9.36	2.47
East Allegheny SD	57.18%	2	2.26	28.33%	2	4.57	2.30
Plum SD	88.60%	9	2.78	5.98%	1	4.59	1.80
Allegheny Valley SD	92.17%	0	0.00	1.93%	0	0.00	0.00
Avonworth SD	90.16%	0	0.00	2.17%	0	0.00	0.00
Carlynton SD	70.68%	0	0.00	11.97%	0	0.00	0.00
Duquesne City SD	9.51%	0	0.00	73.31%	0	0.00	0.00
South Park SD	89.89%	0	0.00	3.73%	0	0.00	0.00
Wilkinsburg SD	*	1	*	93.68%	0	0.00	0.00
Pine-Richland SD	88.88%	2	0.49	1.32%	0	0.00	(0.49)
Fox Chapel Area SD	81.13%	2	0.61	3.76%	0	0.00	(0.61)
Elizabeth-Forward SD	92.96%	2	0.92	2.96%	0	0.00	(0.92)
Deer Lakes SD	95.45%	2	1.11	1.11%	0	0.00	(1.11)
Riverview SD	86.48%	1	1.21	7.65%	0	0.00	(1.21)
Quaker Valley SD	84.13%	2	1.23	3.82%	0	0.00	(1.23)
Northgate SD	69.00%	1	1.37	13.65%	0	0.00	(1.37)
Hampton SD	91.74%	5	1.95	0.82%	0	0.00	(1.95)
Bethel Park SD	91.46%	14	3.77	2.53%	0	0.00	(3.77)
Cornell SD	61.20%	2	5.76	14.81%	0	0.00	(5.76)

Student Arrest by Disability Status (Grades K-12)

2017-18 CRDC Data	Enrollment	School-Related Arrests	Arrest Rate
Allegheny County*			
SWOD	111,994	436	3.89
SWD (IDEA)	21,514	225	10.46
Pennsylvania			
SWOD	1,435,248	2,408	1.68
SWD (IDEA)	284,916	1,406	4.93
National			
SWOD	44,193,978	40,325	0.91
SWD (IDEA)	6,728,046	13,996	2.08

Note: Students with disabilities (SWD) includes only students served under IDEA.

Arrests were underreported by multiple school districts, such as Pittsburgh Public Schools (PPS), Penn Hills, Baldwin-Whitehall, and Shaler school districts. We were able to get data from PPS on arrests of students with and without disabilities from a report published by RMC Corporation, commissioned by PPS, and we added that information to the above counts. We were unable to gather similar data for other districts with known underreported arrest counts.

Student Arrest Charges by Category – Allegheny County (2018-19)
List of "Other" charges

Charge Description	Total Instances
Burglary	6
Robbery & related	5
Cyber harassment of a child	4
False alarms to public safety agency	4
Receiving stolen property	4
Forgery	3
Unknown	3
Arson	2
Ethnic intimidation	2
Failure to disperse	2
Recklessly endangering another person	2
Stalking	2
Unlawful restraint	2
Assault of law enforcement 1st degree	1
Auto theft related	1
False report to law enforcement	1
Making child pornography	1
Obstructing adm of law or gov function	1
Propulsion of missiles occupied vehicle	1
Retaliation against a witness or victim	1
Strangulation	1
Supplying or furnishing alcohol	1
Threats to use weapon of mass destruction	1
Unlawful use of computer access	1
Wiretapping	1

Endnotes

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2 *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year*, Office for Civil Rights, U.S. Department of Education (June 2021). https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf

3 In a few districts, the number of Black students in specific grades is so small that it is not reported by the Pennsylvania Department of Education in official enrollment reports. Such is the case when there are fewer than 10 Black students in a particular grade. In these instances, we report K-12 rates.

4 Individual police departments should have data on the young people released without charges. Student arrests are also not included in juvenile court data when a young person participates in a diversion program, receives adjustment (where charges are dropped after a period of time if a young person meets certain requirements), or is tried as an adult.

5 Pennsylvania Department of Education. https://www.education.pa.gov/K-12/ESSA/ESSAReportCard/Pages/default.aspx

6 *Juvenile Offense Trends: Interactive Dashboard*, Allegheny County Analytics, Allegheny County Department of Human Services. https://www.alleghenycountyanalytics.us/index.php/2017/09/25/juvenile-offense-trends-interactive-dashboard/

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8 Drexel University's Juvenile Justice Research and Reform Lab reports 251 school-related arrests for that year, a figure that includes charter schools. http://www.jjrrlab.com/diversion-program.html

9 In a sense, the "arrest gap" is similar to the way schools measure student performance on exams, grade completion, and graduation rates. In this instance, the "arrest gap" can speak to the performance of schools as to whether they treat students fairly in decisions made about a reliance on law enforcement.

10 It is standard practice for education agencies to round or omit data for groups of students when their relative numbers are small. This procedure is undertaken in order to protect the privacy of these students. The idea is that, otherwise, it would be easy for the public to identify specific students.

11 *Juvenile Offense Trends: Interactive Dashboard*, Allegheny County Analytics.

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Police Research Briefing Series #2, November 2021. https://www.endzerotolerance.org/school-policing-research-brief-1 This paper provides a summary of the latest research on school policing issues.

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32 By this U.S. Education Department measure, all arrests are included in "referrals to law enforcement," but not all referrals to law enforcement result in arrest. The Pennsylvania Department of Education requires schools to report "incidents involving law enforcement," a similar but slightly different

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59 2017-18 Civil Rights Data Collection (CRDC), Pennsylvania Department Education Safe Schools Report (PDE), Allegheny County Juvenile Offense Trends Dashboard (ACJD)

60 Arrests may have occurred at charter schools in these districts

61 Because Keystone Oaks MS/HS is actually located in Mt. Lebanon, the arrest will appear as occurring in Mt. Lebanon in the Allegheny County Juvenile Offense Dashboard. It is difficult to pinpoint whether the arrests happened in the Mount Lebanon or Keystone Oaks school district.

62 Arrests may have occurred at charter schools in these districts.