

April 3, 2024

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Dr. Mawhinney and Dr. Lehew:

We write to you on behalf of the Urban League of Greater Pittsburgh (Urban League)<sup>1</sup> and the Education Law Center (ELC)<sup>2</sup>, organizations committed to promoting equity and racial justice in the Pittsburgh area. As part of our ongoing commitment to fostering constructive and positive change, we wish to address several deeply concerning issues plaguing the Highlands School District (“Highlands” or “District”) and encourage you to implement a series of reforms and actionable steps to make Highlands School District a welcoming and supportive space for all students, particularly students of color and students with disabilities. Our goal is to work collaboratively with you to restore trust, foster inclusivity, and create a positive environment where every student can thrive academically, socially, and emotionally.

## **Background**

In July 2023, Highlands community members reached out to the Urban League and detailed a lengthy history of issues they have faced within the Highlands School District. These community

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<sup>1</sup> The mission of the Urban League of Greater Pittsburgh is to enable African Americans to secure economic self-reliance, parity and power, and civil rights.

<sup>2</sup> The Education Law Center is a non-profit, legal advocacy organization dedicated to ensuring that all children in Pennsylvania have access to a quality public education by focusing on the most underserved students.

members said they have tried to remedy the situation on their own through meeting with the School Board and Superintendent, but they have not seen positive changes. In response, the Urban League engaged in crucial conversations with alumni, parents, and students across all grades within the Highlands School District. These discussions unearthed a disconcerting array of challenges, discriminatory conduct, and intergenerational harm that demand immediate attention.

During this initial meeting with parents and students we heard about many instances of racism and discrimination that have persisted in the school environment for decades without redress and despite knowledge by the District. There were many allegations against faculty members and staff, as well as unaddressed racial discrimination and harassment by students which have culminated to create a hostile environment where discrimination, prejudice, and harm are allowed to flourish. These incidents, ranging from insensitive remarks by a school bus driver to physical intimidation against Black students, contribute to an atmosphere of fear and intimidation. In addition, we learned of concerns regarding students with disabilities who are failing to receive the supports and services they need and to which they are entitled as outlined in their IEPs. For example, one parent shared an incident involving her son, whose IEP was not implemented due in part to lack of adequate resources and alternatives, such as a designated safe and quiet space. The failure to implement his IEP not only hindered the student's ability to manage his medical diagnosis but underscored systemic shortcomings within the District impacting students. Equally disheartening was the consistent failure of the District to address these issues.

Taking what we heard in the summer of 2023, the Urban League sent a letter to the Superintendent of Highlands School District, Dr. Monique Mawhinney on July 21, 2023, which explained concerns regarding racial discrimination and discrimination based on disability (see enclosed letter). In October 2023, the Urban League and ELC met with Dr. Mawhinney to discuss community concerns in greater detail. The organizations proposed working with the community to create an action plan to fix these longstanding issues. We then held additional meetings with families in October 2023 and January 2024 which revealed additional issues such as disproportionate discipline against students with disabilities and additional issues with compliance with disability rights laws. Disturbingly, one family explained that they were compelled to withdraw their child from the school and relocate from the community altogether due to the ongoing challenges her child faced in the District due to exclusionary practices based on her disability. Students of various age groups also spoke to us about the severe emotional and psychological toll that unaddressed issues of race-based and disability-based discrimination have placed on them. The students feel excluded and demotivated resulting in them disengaging from school altogether instead of engaging in what should be inclusive and engaging learning environments.

In short, the Highlands school community is hurting, and the voices of students who have been harmed and marginalized for years have reached us loud and clear. Changes to the policies and practices of the District are crucial to addressing these issues and will require leadership from both the School Board and District administration. Through the Action Plan proposed below we aim to collaborate with the Highlands School District administration and School Board and all relevant stakeholders to formulate and implement meaningful solutions and sustainable change to end ongoing harm, build trust, and create an affirming school environment for all children.

## **Legal Claims**

Based on feedback provided through community listening sessions, an online community survey, and individual intensive discussions with parents and students currently enrolled in Highlands, we have identified several pressing concerns and potential legal claims that the Board of Directors must address to ensure that Highlands schools are free from racial and disability discrimination and provide affirming spaces for all students.

### ***Racially Hostile Learning Environment***

Parents have consistently shared that students of color have faced racial harassment from both staff and other students. These incidents have caused intergenerational harm and continue to occur this school year. The instances include racially insensitive remarks by a school bus driver and physical intimidation against Black students, contributing to an atmosphere of fear and insecurity. In one instance, a member of the faculty told a non-Black student that she should not associate herself with her Black classmates. Additionally, Black students have repeatedly told District administrators about physical intimidation they have faced from white peers based on their race, but no action has been taken to protect Black students.

A school district violates Title VI of the Civil Rights Act of 1964 if it creates, encourages, accepts, tolerates, exacerbates, or leaves unchecked a racially hostile environment that is severe and/or pervasive such that it interferes with a student's ability to participate in or benefit from the services, activities, or privileges that school district provides. Based on the information we have obtained, a racially hostile environment exists at Highlands. Community members have shared that they have raised issues of racial discrimination in the District's schools before both the school administration and the School Board but have not received adequate support nor effective redress. Instead, the District has failed to appropriately investigate these disheartening and discriminatory instances and concerns regarding ongoing conduct. In addition, the District has failed to review and revise its policies and practices for reporting and appropriately investigating harassment, immediately address reports of racial harassment, and provide training to staff to address and eliminate practices that can create a racially hostile environment.

### ***Racially Discriminatory School Discipline***

Parents and students at Highlands have concerns that the District is disproportionately suspending Black students for misbehavior in comparison to their non-Black peers and is excluding children from school based on subjective interpretations of vague infractions delineated in the Code of Conduct. Data shows that Black and Brown students nationwide and in Pennsylvania follow school rules at the same rates as their white peers and yet they experience higher rates of exclusionary suspension in schools due to individual racial bias and systemic racism.<sup>3</sup> Pursuant to Title VI of the Civil Rights Act of 1964 and Title IV of the Civil Rights Act of 1964, the Office for Civil Rights of the U.S. Department of Education and the Civil Rights Division of the U.S. Department of Justice have conducted numerous

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<sup>3</sup> Melanie Leung-Gagne et al., *Pushed Out: Trends and Disparities in Out-of-School Suspension* vi, 18 (2022); Pa. Advisory Comm'n to the U.S. Comm'n on Civil Rights, *The Civil Rights Impacts of Disparate Exclusionary and Punitive Discipline on Students of Color, Students with Disabilities and LGBTQ Students in Pennsylvania Public Schools* 12 (2021).

investigations into student discipline and practices of school districts.<sup>4</sup> When investigating whether a District has engaged in racially disproportionate discipline, these agencies consider, among other things, whether a district or school’s statistics regarding discipline demonstrate disproportionality, audit instances of discipline to determine whether students receive harsher discipline based on race, and examine whether the school district is using subjective categories of offenses that could lead to biases in discipline.<sup>5</sup>

Data submitted by Highlands to the Civil Rights Data Collection (CRDC) demonstrates that Black students are suspended at higher rates than their non-Black peers.<sup>6</sup> For example, in the 2017-2018 school year, Black students made up 9.1% of student enrollment in preschool through 12<sup>th</sup> grade.<sup>7</sup> However, in the same school year, Black students made up 28.6% of K-12 District students without disabilities who received one or more out of school suspensions and 23.8% of students with disabilities who received one or more out of school suspensions. These percentages are likely undercounting the number of students who identify as Black and who have been suspended because the percentages do not include “biracial” students who were suspended one or more times during the 2017-2018 school year. In addition to this reported data, several parents have shared that their child was moved from in-person learning to the Highlands Virtual Academy (HVA) as a form of discipline, without any informal or formal hearing or notification process. Such a unilateral transfer and deprivation of in-person instruction and other educational opportunities available to students in a classroom setting constitutes school exclusion and yet is not reported and is not subject to due process protections as required. Reliance on this practice reflects that the District is underreporting the number of students who are subject to exclusionary discipline. Given this alarmingly disproportionate data, the District must investigate why it subjects Black students to higher rates of discipline in comparison to non-Black students and immediately implement remedies to address these harmful practices. The failure to address such a clear example of racial disproportionality violates federal regulations that prohibit schools from engaging in practices that have the effect of discriminating against students of color.<sup>8</sup>

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<sup>4</sup> Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance, and Title IV of the Civil Rights Act of 1964 (Title IV) authorizes the Attorney General to address denials of equal protection based on race, color, national origin, sex, or religion in public schools. For examples of Office for Civil Rights resolutions with school districts involving discriminatory discipline see *Resource on Confronting Racial Discrimination in Student Discipline*, Office for Civil Rights, U.S. Dept. Of Education and Civil Rights Division, U.S. Department of Justice (May 2023), available at

<https://www2.ed.gov/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf> (last visited February 1, 2024).

<sup>5</sup> See *Resource on Confronting Racial Discrimination in Student Discipline*, available at <https://www2.ed.gov/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf> (last visited February 1, 2024).

<sup>6</sup> Civil Rights Data Collection, Office for Civil Rights, Dept. of Education, available at [https://civilrightsdata.ed.gov/profile/us/pa/highlands\\_sd?surveyYear=2017&nces=4211880](https://civilrightsdata.ed.gov/profile/us/pa/highlands_sd?surveyYear=2017&nces=4211880) (last visited February 1, 2024).

<sup>7</sup> Data from 2017-2018 is best representative of discipline trends because it is the last year available in the current Civil Rights Data Collection when schools were fully in-person, prior to the COVID-19 pandemic. The most recent CRDC data from 2020-2021 may not accurately reflect discipline at the District because Highlands provided hybrid and fully remote schooling and, for some months, closed entirely to in person learning for health safety concerns. See [What the Most Recent CRDC Can Tell Us About Student Discipline, March 13, 2024 - The Education Trust \(edtrust.org\)](#) (guidance regarding how to interpret most recent school discipline data reflecting COVID-19 closures).

<sup>8</sup> 34 C.F.R. 100(b)(2)(prohibiting “criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin”).

Similarly, CRDC data from Highlands regarding student referrals to law enforcement also demonstrates that Black students are far more likely to be referred to law enforcement than their non-Black peers. For example, in the 2017-2018 school year, Black students made up 30.6% of all reported referrals to law enforcement for students without disabilities, but only 9.1% of preschool through 12<sup>th</sup> grade enrollment numbers. Black male students received 37.5% of all law enforcement referrals for male students in the 2017-2018 school year despite making up only 9.6% of total male student enrollment.<sup>9</sup> Many of these referrals resulted in summary citations. Although summary citations are issued for minor infractions, convictions for summary offenses are adult criminal convictions and require court involvement. These convictions can lead to long-term consequences for youth, including negatively impacting college admission and employment opportunities. The impact of fines and fees from summary convictions can be economically debilitating to students and families, and, if left unpaid, can lead to juvenile court involvement.<sup>10</sup> Moreover, a review of data from the Administrative Office of Pennsylvania Courts from 2018-2022 shows that the majority of summary citations issued by Highlands school police were for summary “disorderly conduct.” Disorderly conduct is a subjective category that provides significant discretion to those charged with its enforcement, as the provisions often do not distinguish ordinary childhood misbehavior from criminal conduct.<sup>11</sup>

### ***Discrimination Based on Disability***

Highlands community members also shared that many students with disabilities have not been provided with a free, appropriate public education (FAPE) and have been discriminated against based on their disability while attending Highlands. A parent shared that their child’s accommodations were never followed for an entire marking period and in another instance, the IEP team for a student did not meet to discuss necessary evaluations or different supports even when the student was subject to repeated exclusionary discipline. Another parent shared that her child was denied participation in an extracurricular activity based on the student’s disability. Community members also highlighted specific systemic concerns. Several parents noted that they were not invited to IEP meetings for their child, or the school refused to reschedule IEP meetings when they were unable to attend. There are additional concerns that Highlands is disciplining students based on manifestations of their disability in contravention of federal laws that protect students with disabilities from discrimination.<sup>12</sup> Finally, parents are frustrated with the District’s lack of understanding of how mental health can affect a student’s attendance, behavior, and learning at school. Many students with qualifying disabilities fail to be identified as eligible for a 504 Plan and are deprived of the supports and accommodations needed to

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<sup>9</sup> United States Department of Education. Office For Civil Rights. *Dataset from Civil Rights Data Collection CRDC for the - 18 School Year*, available at <https://civilrightsdata.ed.gov/>. Students of two or more races made up an additional 11.1% of referrals to law enforcement and school-based arrests, despite making up only 8.4% of the district’s population.

<sup>10</sup> See U.S. Dep’t of Justice, *Dear Colleague Letter*, April 20, 2023, available at <https://www.justice.gov/opa/press-release/file/1580546/download> (“the imposition of any fine or fee on youth has the potential to be an excessive and unreasonable burden”).

<sup>11</sup> See *Carolina Youth Action Project v. Wilson*, 60 F.4th 770 (4th Cir. 2023) (holding that “disorderly conduct” laws did not give students fair warning about what expressive behaviors could expose them to criminal penalties or contain sufficient guardrails to prevent arbitrary or discriminatory enforcement).

<sup>12</sup> For example, when a change of placement takes place as a result of discipline, the district must conduct a manifestation determination review to determine whether the behavior which led to the proposed discipline was caused by, or had a direct or substantial relationship to, the student’s disability or was the direct result of a failure to implement the IEP. 20 U.S.C. § 1415(k)(E); 34 C.F.R. § 300.530(e)(1)(ii-ii).

address their mental health condition in violation of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act which prohibit discrimination based on disability.

Highlands is legally obligated to provide a free appropriate public education (“FAPE”) FAPE to qualified students with disabilities under the Individuals with Disabilities Education Act (“IDEA”) and its implementing regulation, 34 C.F.R. Part 300, Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and its implementing regulation, 34 C.F.R. Part 104, Chapter 14 of the Pennsylvania Code, 22 Pa. Code Chapter 14, and Chapter 15 of the Pennsylvania Code, 22 Pa. Code Chapter 15. Additionally, Section 504 prohibits individuals with a disability from being “excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance” solely based on that individual’s disability, which applies to public schools such as Highlands. It is the District’s responsibility to ensure that its staff follows regulations regarding, among other things, the creation and implementation of IEPs and 504 Plans, ensuring parent participation, and timely evaluations.

In addition, the IDEA imposes specific and clearly defined limitations on the District’s authority to discipline students for actions that are a manifestation of their disability or for actions that happened because of the District’s failure to implement a student’s IEP or 504 Plan. Accordingly, it is anticipated that students with disabilities would be disciplined at lower rates than students without disabilities. Yet, Highlands data discussed above demonstrates that students with disabilities are likely to be disciplined and information obtained through discussions with community members raises concerns as to whether children with disabilities are being suspended without undertaking an appropriate and comprehensive review of whether and to what extent a child’s disabilities caused or are related to their misbehavior or the District’s failure to implement their IEP or 504 Plan.

### ***Discriminatory Dress and Grooming Policy***

Highlands community members also shared instances of racial discrimination based on the District’s policies and practices governing dress and grooming. In some of these instances, Black students were suspended for refusing to remove hair coverings (i.e. headbands) that were being used to protect hair (i.e. prevent breakage) or as part of a culturally significant hairstyle. The Highlands Handbooks for the Early Childhood Center and Elementary Schools expressly prohibit “wave caps” and any head covering of any kind, the Middle School Handbook prohibits “do-rags,” and the High School Handbook prohibits “head coverings.” These dress code provisions that expressly prohibit head coverings commonly used by Black students to protect hair directly target Black students and are racially discriminatory under both the Pennsylvania Human Relations Act (PHRA) and Allegheny County ordinances<sup>13</sup> and should be removed from all handbooks.<sup>14</sup> As these laws reflect, such dress

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<sup>13</sup> 16 Pa. Code §§ 41.204; 41.207.; Allegheny Code of Ordinances, 215-31(M). These are modeled on the Create a Respectful and Open World for Natural Hair (CROWN) Act. See [www.thecrownact.com](http://www.thecrownact.com).

<sup>14</sup> The City of Pittsburgh, for example, has passed a version of the CROWN Act. While not applicable to Highlands, its ordinance defines “protective and cultural hair textures and hairstyles” as “hairstyles and hair textures most commonly associated with race, including, but not limited to braids, cornrows, locs, Bantu knots, Afros, and twists, whether or not hair extensions or treatments are used to create or maintain any such style, and whether or not hair is adorned by hair ornaments, beads, or, headwraps. (emphasis added). Pittsburgh City Code § 651.04(vv); Guidance on the CROWN Act, Human

code policies discriminate against Black students who use head coverings to protect their hair which is a trait related to race. Moreover, “protective styles, locs, headwraps, and do-rags are not just core to the protection of Black hair — they are expressions of culture and identity.”<sup>15</sup> Dress and grooming policies and practices should reflect a commitment to cultural acceptance and respect for students’ diverse backgrounds and identities.

Regulations adopted under the PHRA prohibit discrimination based on “traits associated with race,” which “include, but are not limited to, hair texture and protective hairstyles...”<sup>16</sup> The Pennsylvania Human Relations Commission, which is empowered to investigate complaints under the PHRA, states that “creating school policies restricting how students can wear or treat their hair” is an example of hair discrimination.<sup>17</sup> Prohibitions on head coverings that are used in a culturally significant or protective manner are also contrary to Allegheny County’s ordinance that prohibits public schools from denying any enrolled student access to public education services based on, among other things, the student’s race, color, religion, national origin, gender identity or expression, or hairstyle.<sup>18</sup> The Allegheny County ordinance prohibits schools from undertaking any disciplinary action against students based on protected identities and personal characteristics, including hairstyle. The ordinance defines hairstyle as “any characteristic, texture, form, or manner of wearing an individual’s hair if such characteristic, texture, form or manner is commonly associated with a particular race, national origin, gender, gender identity or expression, sexual orientation, or religion.”

These state and county laws prohibiting racial discrimination based on hairstyle and protective coverings intended to preserve such hairstyles requires Highlands to remove dress and grooming policies in all schools that target Black students based on race-related traits and expressions of Black culture and identity.

## **Proposed Action Plan**

We are sharing a proposed action plan based on community input and a review of resolutions between the Office for Civil Rights and other school districts who have sought to address and resolve similar conditions. Through this action plan, we seek to collaborate with Highlands School District and the Highlands community to formulate and implement meaningful solutions.

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Relations Commission, City of Pittsburgh, available at [https://apps.pittsburghpa.gov/redtail/images/11824\\_CROWN\\_Act\\_Guidance\\_Document.pdf](https://apps.pittsburghpa.gov/redtail/images/11824_CROWN_Act_Guidance_Document.pdf).

<sup>15</sup> *Natural Hair Discrimination, FAQs*, Legal Defense Fund, available at <https://www.naacpldf.org/natural-hair-discrimination> (last visited February 16, 2024).

<sup>16</sup> 16 Pa. Code §§ 41.204; 41.207.

<sup>17</sup> *C.R.O.W.N. Protections*, Pennsylvania Human Relations Commission, available at <https://www.phrc.pa.gov/AboutUs/Documents/Hair%20Discrimination.pdf>.

<sup>18</sup> Allegheny Code of Ordinances, 215-31(M); <https://alleghenycounty.legistar.com/LegislationDetail.aspx?ID=4632585&GUID=1D564F4A-E19F-46C3-8906-2D0963D336E3&Options=ID%7CText%7C&Search=hair+discrimination&FullText=1>

## **ACTION PLAN**

### **Independent Monitor, Expert Consultant, and Stakeholder Engagement**

- **Independent Monitor:** Highlands will employ a new School Climate Director to oversee and implement this Action Plan. The Director shall be employed for 3 years. The Director must have experience with student discipline, alternatives to exclusionary discipline, and promoting and sustaining a positive school climate and educational achievement for students of all racial and ethnic backgrounds. The Director's core responsibility will be to implement the Action Plan with fidelity and successes shall be evaluated by outcome data elements described below. The District will publish the Director's name and job title, office address, email address, and telephone number on its website, in all school publications, and in all relevant notices to parents, including at least an annual notice to parents.
- **Expert Consultant:** In addition, Highlands will retain one or more consultants with expertise in nondiscriminatory discipline practices, data analysis, research-based discipline strategies, and implicit bias to assist Highlands with implementing this Action Plan, developing training, and monitoring and evaluating Highlands' discipline policies and practices.
- **Stakeholder Equity Committee:** Highlands will establish a Stakeholder Equity Committee of community representatives. Such stakeholders will include school representatives, teachers, counselors, special education staff or administrators, students, parents, and members of community organizations. This Committee shall meet on a monthly basis.
- **Student Committee:** Highlands will establish a student committee at each district middle and high school to discuss and make recommendations about the equitable treatment of students in discipline and how to help students be more engaged in the educational program.
- **Community Information Sessions:** Highlands will host quarterly information sessions for parents, guardians, and community members to share the progress the District has made in implementing this Action Plan.

### **Revising Policies and Practices on Reporting, Investigating, and Addressing Racial Harassment**

- **Reporting and Investigating Racial Discrimination:** With input from the Consultant, Highlands will evaluate the current processes for reporting and timely investigating incidents of racial discrimination and shall make changes to the system to encourage reporting and effective timely resolution of such incidents. The reporting mechanism must be clear and accessible, and all reports must be thoroughly investigated with appropriate action taken and recorded. As part of a new process, the District shall undertake interim steps and corrective actions to address all allegations of harassment, any effects on the target of the harassment, and, if applicable, ensure that harassing conduct has stopped and will not recur. This process shall require notice to the students and parents of students involved in any alleged harassment regarding the District's findings and shall include a process for reconsideration of findings by a third party.
- **Guidance on Responding to Racial Harassment:** With input from the committees described herein and the Consultant, Highlands will develop new written guidance to be distributed to all school site administrators regarding appropriately and effectively responding to harassment of students based on race, color, and national origin, and will conduct annual training on the guidance at the School, which will include, but not be limited to, applicable federal and state

laws, District Board Policies and Administrative Regulations, and the process for filing a complaint based on harassment.

- **Mentorship Program:** Highlands will introduce or contract with a mentorship program led by Black role models and other role models of color to provide a mentorship program to students of color within the District.

### **Revising Policies and Practices on Discipline**

- **Code of Conduct Revisions:** With student input, Highlands will review and revise its code of conduct to eliminate subjective rules and require staff to use interventions, restorative justice, and corrective practices before imposing exclusionary discipline, absent a true threat to safety and only when the use of such discipline is consistent with applicable state and federal laws. The district will encourage and rely on community involvement and student input in the development of student discipline practices and the removal of subjective rules.
- **Minimize Loss of Instructional Time:** Highlands will ensure that disciplinary consequences minimize students' loss of instructional time and provide a reasonable opportunity for students to make up missed work. Students will be permitted to make up schoolwork missed due to excused or unexcused absences, tardiness, or discipline removals.
- **Referrals to Law Enforcement:** Highlands will develop policies and procedures to clarify that school administrators, rather than law enforcement or probation officers, are responsible for routine student disciplinary matters.
- **Summary Citation Moratorium:** Highlands will issue a temporary moratorium on summary citations while developing a plan to minimize referrals and eliminate racial disparities in referrals.
- **Expanding Use of Positive Behavior Supports:** Highlands will expand its use of positive behavior supports, ensure individualized interventions for students with disabilities, and identify ways to minimize unnecessary referrals to SROs and other law enforcement personnel;
- **Collection of Discipline Data:** Highlands will accurately collect and maintain detailed discipline data, including data regarding the specific staff members making each disciplinary referral or referral to law enforcement and the staff members deciding each sanction, if any. This data will include in-school suspension as well as disciplinary referrals to and placements in online education, even when information is not required for state or federal reporting. All disciplinary data will be disaggregated by race, gender, and disability status.
- **Review of Discipline Data:** Highlands will annually review all discipline data, including referrals to law enforcement, to identify and analyze racial disparities at the school and district levels. Highlands will identify schools and particular staff members who discipline students of color more harshly or refer them to law enforcement more frequently and provide those staff members and schools with additional targeted training in nondiscrimination in student discipline, implicit bias, and techniques for implementing non-exclusionary discipline interventions. This review must include new data inputted into the Civil Rights Data Collection for school year 2022-2023 and beyond.

## Revising Policies and Practices on Special Education

- **IEP and 504 Review:** Highlands will conduct a thorough review of the district’s policies and practices regarding IEPs and 504 Service Agreements to identify areas of non-compliance and implement corrective measures to address the following issues: (1) parent participation and parent input in the IEP process; (2) policies and practices to ensure implementation of IEPs, (3) evaluation process; (4) manifestation determination reviews; and (5) ensuring equal access to academic and non-academic opportunities.
- **Trainings Regarding Students with Disabilities:** Based on this evaluation of processes, the development of new policies, and with input from community stakeholders, the District shall:
  - Provide workshops and training to teachers on implementing IEPs and 504 Plans; invite PATTAN to assist with these trainings;
  - Provide training and update practices on parent participation in IEP meetings;
  - Provide training to ensure students are not disciplined for manifestations of their disability and create policies and practices to ensure that manifestation determination meetings are held and that IEP teams are convened when behavioral issues arise.
  - Provide training on mental health needs of students and conducting special education evaluations to address mental health needs.
  - Provide training to staff to ensure that students with disabilities are not excluded and discriminated against by being pushed out of extra-curriculars due to their disabilities.

## Training for School Staff to Eliminate Discriminatory Practices

- **Professional Development:** Highlands will develop a professional development plan for training staff on classroom management, trauma-informed practices, implicit racial bias, and nondiscriminatory application of discipline, including information on alternatives to exclusionary discipline, de-escalation techniques, working with students with disabilities, implicit bias training, and positive behavior supports.
- **Districtwide Training:** The district will provide cultural sensitivity, diversity, and inclusion training for all district staff and students.

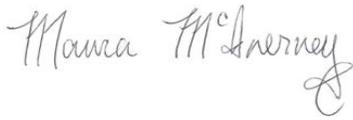
## Revising Policies and Practices on Dress and Grooming Code

- **Dress Code Policy Changes:** Highlands will revise its dress code to include a statement of nondiscrimination and clarify that staff cannot impose their own dress and grooming standards on students that are not authorized by the District’s revised dress code. Highlands will specifically eliminate its ban on head coverings and collect and maintain data regarding dress code violations disaggregated by race and gender.

We look forward to working with the School Board, District administration, and the community to bring about positive change and ensure the well-being of all Highlands School District students. We request that you respond to this letter with urgency, and we welcome the opportunity to discuss these issues and the proposed Action Plan with you in greater detail. With your commitment to improving the

school culture at Highlands and implementing actionable steps, students at Highlands can succeed and feel welcome in their schools.

Sincerely,



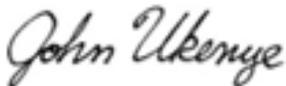
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*Empowering Communities.  
Changing Lives.*

July 21, 2023

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Natrona Heights, PA 15065

Subject: Urgent Concerns Regarding Compliance with Pennsylvania Law and Instances of  
Racism and Discrimination at Highlands Schools

Dear Dr. Mawhinney and Members of the Highlands School District administration,

I am writing to you on behalf of a group of Highlands School District parents, alumni, and the Urban League of Greater Pittsburgh, an organization deeply committed to enabling African Americans and others in marginalized communities to achieve economic self-reliance, parity and power, and civil rights.

Recently, the Urban League held a meeting with alumni, parents, and students at the Highlands School District, ranging from elementary through high school. During this discussion, we were profoundly alarmed by the numerous issues raised by parents concerning the conditions within the school district.

One significant concern expressed by parents is the recurring failure of the school district to comply with Pennsylvania law, particularly regarding Individualized Education Programs (IEPs) and 504 Service Agreements. One mother at our meeting recounted an instance where her son removed himself from a classroom due to an emotionally triggering situation related to a medical diagnosis. A member of staff threatened to call his parents if the student did not return to his classroom. Due to the inadequate resources and alternatives, such as a designated safe and quiet space, available to assist the student in managing his diagnosis, he resorted to taking it upon himself by simply walking out of the room. These legal instruments play a crucial role in ensuring that students with special needs receive the necessary support and accommodations to facilitate their academic success. It is deeply troubling to hear that such compliance issues persist within the district, as they directly impact the well-being and educational opportunities of these students.

Additionally, parents and students alike recounted distressing incidents of racism and discrimination within the school environment going back decades and continuing to the present day. The current allegations were made against faculty members, staff members such as security personnel and bus drivers, as well as other students. In at least one instance, a school bus driver made insensitive and discriminatory remarks about the Black Lives Matter movement, telling Black students that the movement would not be necessary if they would “stop killing each other.” A member of faculty told a white student, a friend of one of the students at our meeting, that she should not associate herself with her Black classmates. Physical intimidation against Black students by non-Black students occurs frequently, including on school busses. When at least one of these physical altercations was reported, the administration allegedly did nothing because the incident did not occur on school grounds. Such instances create a hostile and exclusionary atmosphere,

undermining the principles of equity, respect, and inclusion that should be fostered within our educational institutions. It is imperative that these issues be addressed promptly and decisively to ensure a safe and supportive learning environment for all students.

The Urban League of Greater Pittsburgh urges the Highlands School District administration and the School Board to take immediate action to rectify these deeply troubling matters. We recommend the following steps be taken to address these concerns effectively:

1. Conduct a thorough review of the district's policies and practices regarding IEPs and 504 Service Agreements to identify areas of non-compliance and implement corrective measures.
2. Evaluate the current reporting mechanism for incidents of racism and discrimination and improve the mechanism accordingly. Such a system must be clear and accessible, ensuring that all reports are thoroughly investigated, and appropriate disciplinary actions are taken.
3. Provide comprehensive training and professional development opportunities for faculty, staff, and students on cultural sensitivity, diversity, and inclusion, fostering an environment of mutual respect and understanding.
4. Create a task force or committee comprising representatives from the school district, parents, students, and community organizations to address these issues collaboratively and develop sustainable strategies for improvement such as the introduction of a mentorship program comprised of Black and other positive role models of color.

The Urban League of Greater Pittsburgh is committed to supporting the Highlands School District in its endeavors to create a safe, inclusive, and equitable educational environment for all students. We are ready and willing to collaborate with you and help implement the necessary changes effectively.

We respectfully request a meeting to discuss these concerns further and explore potential avenues for resolving these issues. We truly believe a positive difference can be made in the lives of the students and the greater community in the Highlands School District.

Please contact us at your earliest convenience to schedule a meeting. Thank you for your attention to this urgent matter, and we look forward to your prompt response.

Sincerely,



**Carlos T. Carter**  
President and CEO



**John Ukenye**  
Advocacy and Policy Officer



United Way of  
Southwestern Pennsylvania