



FACT SHEET

STUDENTS' RIGHTS REGARDING SUMMARY CITATIONS & LAW ENFORCEMENT REFERRALS BY SCHOOLS

August 2026

In Pennsylvania, students under age 18 usually enter the court system through one of two ways: (1) arrest and referral directly to the juvenile justice system or (2) by receiving a summary citation charging them with a low-level offense and ordering their appearance in adult criminal court.¹ Filing summary citations has become more common in Pennsylvania than filing juvenile delinquency petitions, and schools and local police often use summary citations as an immediate disciplinary tool for minor rule-breaking. However, summary citations have short-term and long-term negative consequences for students. The role of schools in filing summary citations and referring school-based conduct to local law enforcement has significant consequences for students and their relationship with their school, and significant consequences for their school communities more generally. This fact sheet focuses on students' rights related to the referral process and school-based summary citations. For more information about the rights of students in the juvenile justice system, please see our fact sheet, [Educational Rights of Students in the Juvenile Justice System](#).

WHAT ROLE DO SCHOOLS PLAY IN REFERRALS TO LAW ENFORCEMENT FOR SCHOOL-BASED CONDUCT?

Some public schools commonly make referrals to law enforcement, making school feel like an extension of the juvenile justice and adult criminal systems. This occurs even though courts and state laws have long recognized that children and youth are fundamentally different from adults, possessing a diminished culpability, a lack of maturity, an underdeveloped sense of responsibility, and a greater capacity for rehabilitation and change.²

In many cases, students today are regularly referred to law enforcement and cited for minor misbehaviors that were once handled by school administrators and teachers, such as littering, truancy, vaping, and "disorderly conduct."³ Moreover, students frequently receive discipline from the school, including suspensions and expulsions, in addition to being referred to law enforcement.⁴ Although state law requires school administrators to notify local police when certain serious offenses allegedly occur on school property, in the vast majority of cases, schools have wide discretion as to whether they notify local police.⁵

Notably, many school codes of conduct also mirror the language of criminal offenses, giving law enforcement legal authority to arrest students for seemingly minor code-of-conduct violations.⁶ This outsourcing of school discipline to law enforcement agencies, along with zero tolerance

policies and the criminalization of ordinary teenage misbehavior, pushes many students into the school-to-prison pipeline.¹⁸

CAN DISTRICTS BE HELD ACCOUNTABLE FOR DISCRIMINATORY SCHOOL-RELATED REFERRALS TO LAW ENFORCEMENT?

Yes, school districts can be held responsible for the discrimination of school police in issuing citations or other referrals to law enforcement. The U.S. Department of Education’s Office for Civil Rights has held districts to be in violation of Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in programs and activities that receive federal financial assistance, because of school police officers’ discriminatory use of citations.¹⁹ The Pennsylvania Human Relations Commission, the state’s civil rights enforcement agency, also investigates and remedies claims of discrimination against students in public schools based on race, color, sex, religious creed, ancestry, national origin, or disability. For more information on how to address discriminatory school-related referrals to law enforcement, please see our fact sheets [The Right to Be Free From Racism at School](#) and [How to File a Discrimination Complaint to the Pennsylvania Human Relations Commission](#).

HOW DOES RACE IMPACT SCHOOL-BASED ARRESTS AND REFERRALS TO THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS?

Due to institutionalized racism and implicit racial biases, Black and Brown students are punished more severely than their white peers — despite white students engaging in the same behavior. Specifically, Black and Brown students are disproportionately arrested for school-related offenses, more likely to receive summary citations, and more likely to be sent to the juvenile justice system for failure to comply with a summary citation sentence than their white peers despite similar conduct.⁷ One study in Allegheny County found that Black students were “ten times more likely to be referred to juvenile court for failure to comply with a lawful order — usually failure to pay a fine from a summary citation,” despite similar conduct by white youth.⁸

It is clear that implicit racial bias leads individuals to treat students of color differently and punish them more severely than their white peers, even when they engage in similar behaviors.⁹ Research also indicates that adults view Black boys as less innocent and more responsible for their actions than their white peers.¹⁰ Adultification bias is a type of implicit racial bias that results in adults stereotyping Black girls as more mature and less innocent than white girls, even when they are as young as 5 years old.¹¹ Adultification — perceiving Black children as more adult-like, less innocent and more culpable than white children — impacts both girls and boys and also results in racialized anger bias: the phenomenon in which adults mis-label emotions of Black children as angry when they are *not* displaying anger at higher rates than white children.¹²

Due to such biases, Black youth are also more likely than their white peers to experience over-policing and heightened surveillance at school.¹³ Importantly, the use of vague and subjective charges, such as disorderly conduct, fuels racial disparities in school-based arrests and citations by allowing school administrators broad discretion impacted by racial bias when deciding which students are referred to law enforcement.¹⁴ For example, Black students are over 70% more likely than white students to be charged with disorderly conduct for engaging in the same behaviors at the same school,¹⁵ and Black girls are even more likely to be charged than Black boys.¹⁶ Across Pennsylvania, citations are issued disproportionately to Black students, most often in connection with minor and subjective behavioral infractions.¹⁷

RIGHTS OF STUDENTS IN SCHOOLS WHEN ENCOUNTERING LAW ENFORCEMENT

WHAT RIGHTS DO ALL STUDENTS HAVE WHEN QUESTIONED BY SCHOOL POLICE?

Students have a Fifth Amendment right against self-incrimination. In Pennsylvania, there are three kinds of “school security personnel” who may be at your school: School Police Officers (“SPO”), School Resource Officers (“SRO”), and school security guards.²⁰ An SPO is a law enforcement officer who is employed directly by a school and whose responsibilities are set by the school.²¹ An SRO is a law enforcement officer employed by a law enforcement agency and stationed at a school through an agreement between the police and the school or district.²² A school security guard is an individual employed by a school or a third-party vendor who does not have the powers or duties of a law enforcement officer.²³

In Pennsylvania, SROs and SPOs are required to provide *Miranda* warnings to any students in their custody before questioning them. This means that an SRO or SPO must notify a student that they have the right to remain silent, that anything they say may be used against them in court, and that they are entitled to have an attorney present while being questioned and to represent them in court.²⁴ A student is considered in custody if the child would not reasonably believe they could walk away from the situation.²⁵ Courts consider whether a reasonable child would feel free to leave in light of the age of the child and the totality of the circumstances in a school setting.²⁶ For example, a 12-year-old was deemed to be in custody when questioned by an SRO while a uniformed and armed police officer stood between him and a closed door.²⁷ The child was not told that he had a right to leave and a right to refuse to answer questions.²⁸ If a student is not advised of their *Miranda* rights before custodial interrogation by law enforcement, evidence from the interrogation cannot be used against them.²⁹ However, if school officials who are not police (for example, the principal) question a student about a violation of school rules, they do not have to provide *Miranda* warnings.³⁰ Schools are required to notify parents *immediately* or “as soon as practicable” when a student is suspected of committing an offense.³¹

WHAT ADDITIONAL RIGHTS DO STUDENTS WITH DISABILITIES HAVE WHEN REFERRED TO LAW ENFORCEMENT?

Students with disabilities are also referred to law enforcement at disproportionate rates,³² often due to ableism and/or a school district’s failure to give a student the necessary support to address their individual needs as required by federal and state law.³³ Students with disabilities have a right to modifications and accommodations with regard to school policies and practices and during interactions with school police.³⁴ Such modifications and accommodations may include de-escalation strategies, providing a calm space for the child, minimizing touching a child who is sensitive to touch, and having a trusted staff member communicate with the child rather than the school police or school resource officer.³⁵

For students with disabilities who were referred to law enforcement and have Positive Behavior Support Plans (PBSPs), an updated Functional Behavior Assessment and PBSP are required.³⁶ If a student has a disability but does not have a PBSP, and the school notifies police that a student is

accused of committing an incident listed in the Safe Schools Act (which covers incidents ranging from serious violent crimes to summary disorderly conduct), the school is required to convene an IEP Team meeting to consider whether a PBSP should be developed to address the student's behavior.³⁷

DO SCHOOL DISTRICTS AND LOCAL POLICE DEPARTMENTS HAVE RESPONSIBILITIES TO COORDINATE WITH EACH OTHER REGARDING REFERRALS TO POLICE?

Yes. Under Pennsylvania law, a school district is required to enter into a Memorandum of Understanding (MOU) with its local police department every two years.³⁸ The Pennsylvania Department of Education has a model MOU online, and districts must consult this model.³⁹ Families can look up their school district's MOU on their school district's website or by contacting the police department where their school district's main office is located. Districts are also required to provide police departments with copies of their procedures on behavior support services.⁴⁰

WHAT IS A SUMMARY CITATION?

A "non-traffic" summary citation is a citation issued for the most minor types of criminal offenses in Pennsylvania, such as harassment,⁴¹ disorderly conduct,⁴² vaping,⁴³ and low-level retail theft (under \$150).⁴⁴ By definition, these are minor infractions; however, they are criminal charges in the adult criminal system. These citations can result in criminal convictions for children, which carry significant consequences.

Pennsylvania law allows SROs and SPOs to issue summary citations,⁴⁵ which are sometimes written after the fact based on "information received" by the officer. These citations must be mailed to the parents or guardians of the student charged with the offense,⁴⁶ and families tend to receive the citation a few weeks after the incident.

Magisterial district judges (MDJs) have jurisdiction over most summary offenses, but do not have jurisdiction over delinquency cases in juvenile court.⁴⁷

AT WHAT AGE CAN A STUDENT RECEIVE A SUMMARY CITATION?

In Pennsylvania, students younger than 10 years cannot be referred to the juvenile justice system.⁴⁸ However, there is no age restriction to receive a summary citation in Pennsylvania, and children as young as 5 years old have received summary citations, despite the fact that it is traumatizing and developmentally inappropriate to charge young children in criminal courts.⁴⁹

Although children can be convicted of the same summary offenses and in the same courts as adults, there are some key differences in the way these cases are processed for children. For example, the records themselves are supposed to remain private (sealed) while children are under 18 and they cannot be easily accessed by the general public.⁵⁰ Additionally, during the hearing, the general public is not entitled to be present.⁵¹ Most important, unlike adults, minors cannot face jail time or any incarceration for a summary conviction.⁵² However, if a minor is found guilty of a summary

offense but fails to comply with the court's sentence (such as failing to pay fines or completing community service), the case can then be certified and moved into Pennsylvania's formal [juvenile court system](#).⁵³

If a student is 15 or older, the student OR their parent(s) can also receive truancy summary citations.⁵⁴ These truancy citations are covered in detail in our fact sheet, [School Attendance and Truancy: Understanding the Basics](#).

WHAT ARE SOME OF THE CONSEQUENCES OF SUMMARY CITATIONS?

Summary citations can carry significant consequences for students, including the requirement of court appearances, the potential for fines, and a potential criminal record.⁵⁵ Importantly, a conviction for a summary offense for a child is still a conviction in the adult criminal system.

Even if a student is *not* convicted, receiving a summary citation can result in negative consequences. Students must appear in court on at least one occasion, sometimes along with their parents or guardians. If a parent or guardian is ordered by the MDJ or municipal court judge to appear but does not, the judge is required by law to issue a bench warrant.⁵⁶ These court appearances cause students to miss school and parents to miss work. No free legal counsel is provided to children for summary citation hearings despite the serious consequences they face.⁵⁷ Students can lose their trust in teachers and administrators who appear in court to testify against them. These consequences are particularly burdensome to families experiencing economic hardship. Due to systemic racism and individual racial bias, Black and Brown students and their families are often subject to more significant punishment in this context.⁵⁸

In addition to these more immediate consequences, research consistently shows that youth contact with the criminal justice system has significant long-term effects on a child, including worse academic performance,⁵⁹ being less likely to graduate from high school or enroll in postsecondary education,⁶⁰ and an increased likelihood of future criminal justice contact.⁶¹

Contact with the criminal justice system while in school can also impact future employment opportunities. For example, summary convictions can show up on background checks.⁶² If students are convicted of summary offenses and are asked by colleges or future employers whether they were convicted of a crime, the answer would be yes, unless the conviction has been expunged or sealed (see “Can Students Remove a Summary Conviction from Their Record?” below).⁶³

HOW DOES FAILURE TO PAY FINES AND FEES FOR SUMMARY CITATIONS RESULT IN STUDENTS' ENTRY INTO THE JUVENILE JUSTICE SYSTEM?

If a student is sentenced to pay a fine or court costs and does not pay, the student could be charged in the juvenile justice system and adjudicated for “failure to comply” with the summary sentence.⁶⁴ **In Pennsylvania, this is a leading reason that children enter the juvenile justice system.**⁶⁵

This consequence of certifying a case to juvenile court applies to any student who does not comply with a condition imposed by the magistrate judge as a sentence, such as the failure to complete community service or the failure to return to court for a follow-up hearing.⁶⁶ The juvenile court charge would be for “failure to comply” with the sentence, not for the underlying summary offense, because a child cannot be adjudicated delinquent for the underlying summary charge.⁶⁷

Importantly, before taking further action based on a child’s failure to pay, a judge must conduct a determination on their ability to pay.⁶⁸ It should be noted that under Pennsylvania’s Juvenile Act, all children in delinquency proceedings are presumed indigent, which means they would be unable to pay significant fines and fees.⁶⁹ In contrast, a judge adjudicating a summary citation makes the determination independently and may hold an “inability to pay” hearing.⁷⁰ This applies to a truancy summary citation as well. See our fact sheet, [A Judge’s Guide to Truancy & Addressing Attendance Barriers](#).

WHAT SHOULD A STUDENT DO IF THEY ARE CHARGED WITH A SUMMARY CITATION?

To contest a summary citation, you should enter a plea of **not guilty**. If you plead not guilty, you will receive notification of the time and place of the **hearing**.⁷¹ If you do not respond, or if you enter a “not guilty” plea but do not appear for your hearing, you could be found guilty in absentia.⁷² You could also receive a bench warrant, which is a court order instructing law enforcement to take an individual into custody.⁷³

Here are some general tips for a summary citation hearing:

- You **must appear at your hearing** or you can be found guilty. The judge can also order your parent or guardian to appear at the hearing with you, and they also must comply.⁷⁴
- Although **you will not be assigned a free attorney** for your summary citation, you can bring an attorney with you at your own expense.
- You can speak with the officer before the hearing (or the prosecutor if one is present) and **see whether you can come to an agreement** in exchange for the officer’s recommendation of dismissal.
- In a summary trial, the officer who filed the citation should present the case first and must meet the burden of proof **beyond a reasonable doubt**.⁷⁵
- Remember that you have a constitutional **right against self-incrimination** under the Fifth Amendment.⁷⁶ If no one is present with direct knowledge of the incident that led to the citation, you do not need to share your side of the story.
- You can present **mitigating evidence** to help explain your side of the story. Mitigating evidence may include testimony from parents, guardians, teachers, counselors, or friends regarding the facts of the situation or the student’s character or reputation. It also includes explaining the circumstances surrounding your conduct and talking about the impact of a disability or the impact of experiencing housing instability.

If you receive a summary conviction, you can **appeal** the conviction to your county's Court of Common Pleas.

CAN STUDENTS REMOVE A SUMMARY CONVICTION FROM THEIR RECORD?

Yes, but a summary citation is not always subject to automatic expungement, and you must follow a specific process, as discussed below.

Expungement (Destroying the Record)

Expunged records are completely destroyed and removed from all state and local databases.⁷⁷ An expungement is a legal process that removes certain criminal records, including summary citations, from any public view. When a petition for expungement can be filed depends on how old the student was when they received the summary citation.

If the student was under 18 when they received the citation:

Summary convictions received by minors are not automatically expunged when those students turn 18. A student who received a summary citation before turning 18 can expunge it from their record **six months after turning 18** if all fines, fees, or other conditions imposed as a sentence are satisfied.⁷⁸

If the student was 18 or older when they received the citation:

A student convicted of a summary offense who was 18 or older when they received the citation can petition for expungement only **after five subsequent arrest-free years**.⁷⁹

An individual who satisfies the requirements for expungement of a summary case may request expungement by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed. Notably, a summary citation can be expunged by the juvenile probation office for persons under 18 years of age, but two expungement petitions would need to be filed: one pursuant to Pennsylvania's Rule of Juvenile Court Procedure 170 to expunge the record of the juvenile proceeding and a second filed pursuant to Pennsylvania Rule of Criminal Procedure 490 to expunge the underlying summary conviction.⁸⁰ For more information, see the [Pennsylvania Juvenile Court Judges' Commission Expungement Guide](#).

Sealing (Hiding the Record)

Thanks to Pennsylvania's Clean Slate Law, adopted in 2018 and later amended, certain criminal records, including summary citations, can be automatically sealed after specified waiting periods without requiring individuals to file petitions or appear in court.⁸¹ Summary citations are **automatically sealed after a five-year period with no arrests if all court-ordered restitution has been paid**.⁸² Sealed records are hidden from public view, meaning they will not show up on most background checks and do **not** need to be disclosed to schools, landlords, and most employers.⁸³ If a person with a sealed record is asked whether they have ever been arrested or convicted of a

crime, they can answer “no” in most cases.⁸⁴ However, unlike expunged records, sealed records do remain accessible to law enforcement agencies and courts.⁸⁵

WHAT HAPPENS IF A STUDENT IS CHARGED IN JUVENILE COURT FOR A SCHOOL-RELATED INCIDENT?

A student may be referred to police for a more serious incident and may be offered a diversion program, including “informal adjustment” or juvenile probation, or prosecutors may file a petition in juvenile court.⁸⁶ Children in juvenile court are charged with “delinquent acts,” which are acts that would be considered crimes if committed by adults.⁸⁷ **All students charged in juvenile court can receive attorneys at no cost** to the family unless that child, with their own funds, is able to pay for an attorney.⁸⁸

WHAT IS AN ‘INFORMAL ADJUSTMENT’?

An “informal adjustment” occurs before the filing of a petition when a juvenile probation officer “informally adjusts” the allegations based on their determination that (1) an adjudication would not be in the best interest of the public and the juvenile; (2) the juvenile and parent/guardian consent to the informal adjustment with knowledge that consent is not obligatory; and (3) the admitted facts bring the case within the jurisdiction of the court.⁸⁹ The juvenile must also pay any restitution agreed to be owed to the victim as a condition of successful completion of an informal adjustment.⁹⁰ The juvenile probation officer must give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses.⁹¹ If the victim is not present, they are notified of the final outcome of the proceeding.⁹²

A juvenile’s participation in an informal adjustment may not exceed six months, unless extended by order of the court for an additional period not to exceed three months.⁹³

If the juvenile successfully completes the informal adjustment, the case will be dismissed and prosecution is then barred. However, if the juvenile does not successfully complete the informal adjustment, a petition will be filed relating to the original allegations.⁹⁴ Any incriminating statements made by the juvenile to the juvenile probation officer and in the discussions or conferences incident thereto are not to be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act.⁹⁵

WHAT ARE DIVERSION PROGRAMS?

Diversion programs or services are structured programs designed to redirect youth away from formal court processing while also holding them accountable.⁹⁶ Diversion programs may be school-based, but they are often community-based and offered through social service agencies.⁹⁷ Diversion may occur pre-arrest -- prior to the submission of the written allegations; after the submission of the written allegation but before the filing of a petition (i.e., through an informal adjustment); or after the filing of the petition but before an adjudication of delinquency (i.e., through the entry of a consent decree).⁹⁸

A **Pre-Petition Diversion** occurs *before* a formal written allegation or delinquency petition is officially filed.⁹⁹ It is most often used for youth accused of low-risk, first-time offenses. In contrast, a **Consent Decree** is a formal type of diversion where an agreement is entered into after a petition is filed and the court pauses formal proceedings for a standard six-month period.¹⁰⁰ If the youth successfully meets all designated court-ordered terms and conditions, the delinquency charges are dismissed and the student avoids formal adjudication.¹⁰¹

Participation in diversion programs is strongly encouraged because the programs prevent the collateral consequences of an adjudication of delinquency while addressing a youth's conduct and harm caused.¹⁰² To learn more about Pre-Petition Diversion programs and Consent Decree options, see PA Juvenile Court Judges Commission Juvenile Justice Diversion overview [here](#).

WHAT HAPPENS IF A STUDENT IS FOUND IN JUVENILE COURT TO HAVE COMMITTED AN OFFENSE?

If a child is found to have committed the offense and is determined to be in need of treatment, supervision, and rehabilitation in the juvenile court system, that child will be adjudicated of the offense.¹⁰³ In that case, a juvenile court judge will determine the child's placement, including the possibility of removing the child from their home and placing them in a residential facility, and may also impose fines and fees.¹⁰⁴

Unlike a summary citation, a delinquency adjudication is not a conviction and does not need to be reported as such.¹⁰⁵ However, these adjudications are serious and can negatively impact students' college opportunities, professional licenses, military recruitment, employment opportunities, and housing for their family.¹⁰⁶ Some adjudications are considered when determining the length of an adult sentence for a subsequent criminal conviction,¹⁰⁷ and some adjudications can have negative immigration consequences for non-citizens.¹⁰⁸ Students can also receive substantial fines and fees and be required to submit DNA samples.¹⁰⁹

CAN WHAT WAS SAID IN A SCHOOL DISCIPLINARY HEARING BE USED AGAINST A STUDENT AT TRIAL?

It depends. A school discipline hearing is separate and distinct from a juvenile adjudication or criminal proceeding and focuses solely on whether a student has violated the school's code of conduct. Whether or not statements made during a school disciplinary hearing can be used against a student in a criminal trial will depend on the **nature of the statements, who said them, how they were obtained, and what they are being offered to prove at trial**. This is why it is important that all students charged with crimes consult with the defense attorney or public defender handling their case *before* testifying at a school disciplinary hearing.

DO CHILDREN INVOLVED IN THE CRIMINAL OR JUVENILE JUSTICE SYSTEM MAINTAIN THE RIGHT TO A PUBLIC EDUCATION AND THE RIGHT TO SPECIAL EDUCATION SERVICES IF THEY HAVE DISABILITIES?

Yes, all school-age children involved in the criminal or juvenile justice system maintain their statutory right to a free public education. Moreover, the Individuals with Disabilities Education Act (IDEA) and other federal laws require that youth with disabilities be identified and receive the special education and related services or accommodations to which they are entitled while in both systems.¹¹⁰ These rights are not lost because of court-system involvement. Students are entitled to an education when detained pending a hearing or while in a juvenile detention facility or adult jail. For more information, see our fact sheet, [Educational Rights of Students in the Juvenile Justice System](#).

WHAT CAN SCHOOLS DO INSTEAD OF REFERRING STUDENTS TO LAW ENFORCEMENT?

Schools can implement and invest in **effective alternatives to law enforcement referrals** to support students, prevent disruption in school, and address ordinary teenage misbehavior. These may include:

- Restorative practices.¹¹¹
- Increased counseling and mental health services.¹¹²
- Positive behavioral interventions and supports.¹¹³
- Other relationship-based supports, such as mentoring, student support teams, and family engagement initiatives.

Unlike referring students to law enforcement, these approaches can effectively address the underlying causes of student behavior and any harm resulting from a student's actions while keeping students engaged in school and out of the criminal legal system and also avoiding the significant consequences of becoming system-involved.

WHAT CAN A PARENT OR STUDENT DO TO ELIMINATE THE USE OF SUMMARY CITATIONS AND REFERRALS TO LAW ENFORCEMENT?

Make your voice heard. Advocate for your school to reconsider its policies and practices related to law enforcement referrals and to instead focus on the more effective alternatives noted above. Pressuring schools to confront the disproportionate impact of law enforcement referrals on Black and Brown students and highlighting the negative consequences of these referrals have proven to be effective strategies in school districts like Pittsburgh Public Schools, which suspended the use of summary citations.¹¹⁴

The Education Law Center-PA (ELC-PA) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the

foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ+ youth, children experiencing homelessness, and children at the intersection of multiple underserved identities.

ELC-PA's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC-PA's Helpline for information and advice — visit www.elc-pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) — or contact another attorney of your choice.

¹ In addition, in a very small number of cases, youth under 18 charged with certain serious offenses are “automatically” treated as adults, excluded from the juvenile justice system, and instead referred directly to adult criminal court. 42 Pa.C.S. § 6302. Youth who are initially referred to the juvenile justice system may also be transferred to adult court at the discretion of a judge. See 42 Pa. C.S. § 6355.

² Scientific research shows key developmental differences between youth and adults that impact youth's decision making, impulse control, and susceptibility to peer pressure. The U.S. Supreme Court has repeatedly recognized that youth are less blameworthy than adults and more capable of change and rehabilitation. See, e.g., *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *J.D.B. v. North Carolina*, 564 U.S. 261 (2011); *Miller v. Alabama*, 567 U.S. 460 (2012); *Montgomery v. Louisiana*, 577 U.S. 190 (2016). In addition, state laws, including Pennsylvania law, recognize that the juvenile justice system is separate and distinct from the criminal justice system in both purpose and scope. The juvenile justice system addresses youth whose offenses occur between ages 10 and 18, and its primary focus is protection and support for youth through treatment, rehabilitation, care, and supervision, rather than punishment. See 42 Pa. C.S. § 6301.

³ Lucy C. Sorensen et al., *On the Margin: Who Receives a Juvenile Referral in School and What Effect Does It Have?*, 44 J. Pol'y Analysis & Mgmt. 1171 (2025); Jason P. Nance, *Students, Police, and the School-To-Prison Pipeline*, 93 WASH. U. L. REV. 919, 968 (2016); Jodi S. Cohen & Jennifer Smith Richards, *The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior*, ProPublica (Apr. 28, 2022), <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

⁴ See Jillian Forstadt, Allegheny County judges call fines a 'last resort.' Youth were still fined almost \$100K last year, 90.5 WESA (Aug. 26, 2025), <https://www.wesaneews.org/education/2025-08-26/summary-citations-court-hearings-pa-allegheny-county> (“Many school district policies require school law enforcement to file citations against students even after suspensions or expulsions are imposed.”).

⁵ 24 P.S. § 13-1303-A(b)(4.1); 22 Pa. Code § 10.25 (immediate notification requirements); 24 P.S. § 13-1303-A(b)(4.2); 22 Pa. Code § 10.22 (discretionary notification).

⁶ Nance, *supra* note 3, at 950.

⁷ See Sorensen et al., *supra* note 3, at 1171.

⁸ Kathi Elliot et al., *Understanding and Addressing Institutionalized Inequity: Disrupting Pathways to Juvenile Justice for Black Youth in Allegheny County*, Black Girls Equity Alliance (2020).

⁹ E.g., U.S. Department of Education's Office for Civil Rights investigation of a school district in California found a pattern of harsher and more frequent disciplinary actions across types of discipline, schools, and grade levels for Black students than their white peers, resulting in significantly greater lost learning time for Black students. See Catherine Lhamon, Assistant Sec'y for Civil Rights, Office for Civil Rights, U.S. Dep't of Educ., Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline (May 26, 2023). See also U.S. Dep't of Educ., OCR, Letter to Elvin Momon, Superintendent, Victor Valley <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09145003-a.pdf>; U.S. Dep't of Educ., OCR, Resolution Agreement with Victor Valley Union High School District (August 15, 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09145003-b.pdf>.

¹⁰ Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, J. Personality & Soc. Psychol. 526 (2014).

¹¹ Rebecca Epstein et al., Georgetown Law Ctr. on Poverty & Inequality, *Girlhood Interrupted: The Erasure of Black Girls' Childhood*, 2 (2017).

¹² Cooke AN, Halberstadt AG. Adultification, anger bias, and adults' different perceptions of Black and White children. *Cogn Emot.* 2021 Nov;35(7):1416-1422. doi: 10.1080/02699931.2021.1950127. Epub 2021 Jul 17. PMID: 34278958; PMCID: PMC9248049, <https://pmc.ncbi.nlm.nih.gov/articles/PMC9248049/>

¹³ See, e.g., Madison Gerdes, *Policing in Schools*, The Racial Equality Initiative, <https://www.theraciaequityinitiative.org/policing-in-schools/> (last visited July 2, 2026) (school resource officers are more likely to be present in high schools with a student population that is more than 75% Black and Latino);

Emily Peterson, *Racial Inequality in Public School Discipline for Black Students in the United States*, Ballard Brief (Sept. 2021) (“Like administrators and teachers, SROs are also likely to hold their own racial biases, leading them to respond more aggressively toward a Black student’s misbehavior.”); Ismael G. Munoz, et al., *Beyond School Police Officers: Racial/Ethnic Disparities in Exposure to a Fuller Range of School Security Personnel* 3 (EdWorkingPaper, No. 25-1125, Annenberg Inst. at Brown Univ., 2026) (Black and Brown students experience greater exposure to school security personnel than white students.).

¹⁴ See Sorensen et al., *supra* note 3.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See, e.g., Elliot et al., *supra* note 9.

¹⁸ See Pennsylvania Interbranch Commission on Juvenile Justice, *Report* 61 (May 2010) (“The commission believes that zero tolerance and allowing schools to use the justice system as its school disciplinarian has no place in the educational process or in the juvenile court system.”).

¹⁹ U.S. Dep’t Educ., *U.S. Department of Education’s Office for Civil Rights Reaches Settlement with Victor Valley Union High School in California* (Aug. 16, 2022) (school district was accused of discriminating against Black students because of race by disciplining them through low-level law enforcement citations more frequently and more harshly than similarly situated white students).

²⁰ 24 P.S. § 13-1301-C.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See *In re R.H.*, 791 A.2d 331, 333 (Pa. 2002) (concluding that school police officers in Pennsylvania are “law enforcement officers” under the purview of *Miranda* even when those officers are employees of the school district); *Thompson v. Keohane*, 516 U.S. 99, 107 (1999) (citing *Miranda v. Arizona*, 384 U.S. 436, 444 (1996)).

²⁵ *Thompson*, 516 U.S. at 112.

²⁶ *Howes v. Fields*, 565 U.S. 499, 509 (2012); *J.D.B. v. North Carolina*, 564 U.S. 261, 265-266 (2011) (questioning by police officers and school administrators of a 13-year-old 7th grader for 30 to 45 minutes in a school conference room required *Miranda* warnings).

²⁷ *State v. K.R.C.*, 2026 WI 10, ¶ 32, 419 Wis. 2d 587, 610, 33 N.W.3d 93, 104 (a reasonable 12-year-old would not feel free to leave when confined in a small office with an officer in front of the door and questioned by a school resource officer for 10 minutes).

²⁸ *Id.*

²⁹ *Miranda*, 384 U.S. at 478-79. Notably, where a court holds that a reasonable factfinder would have found that the state proved all elements of a crime without the inadmissible statements, a court’s failure to suppress such statements may be deemed harmless error. *K.R.C.*, 2026 WI 10, ¶ 41.

³⁰ E.g., *G.C. v. Bristol Twp. Sch. Dist.*, 2006 WL 2345939 (E.D. Pa. 2006).

³¹ 22 Pa. Code § 10.25.

³² U.S. Dep’t Educ., *Disability Discrimination: Discipline, Restraint, and Seclusion* (Sep. 23, 2025), <https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/disability-discrimination-key-issues/disability-discrimination-discipline-restraint-and-seclusion>.

³³ See generally *Individuals with Disabilities Education Act*, 20 U.S.C. §§ 1400-1482; *Rehabilitation Act of 1973* § 504, 29 U.S.C. § 794; 22 Pa. Code chs. 14-15.

³⁴ See, e.g., *A.G. v. Fattaleh*, 614 F. Supp. 3d 204, 242 (2022) (“[S]chool resource officers are required to provide reasonable modifications when interacting with individuals with disabilities.”); see also 22 Pa. Code § 10.23.

³⁵ See U.S. Dep’t Educ. OCR., *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973* 24-26 (July 2022).

³⁶ 22 Pa. Code § 14.133(h).

³⁷ 22 Pa. Code § 10.23(g).

³⁸ 24 P.S. § 13-1319-B(d); 22 Pa. Code § 10.11.

³⁹ 22 Pa. Code § 10.11.

⁴⁰ 22 Pa. Code § 10.23.

⁴¹ 18 Pa. C.S. § 2709(a)(1)-(3), (c)(1).

⁴² 18 Pa. C.S. § 5503.

⁴³ 18 Pa. C.S. § 6306.1.

⁴⁴ 18 Pa. C.S. § 3929.

⁴⁵ School resource officers can issue summary citations because they are fully commissioned law enforcement officers stationed at a school. School police officers can issue summary citations only if authorized to do so by a judge. 24 P.S. § 13-1301-C.

⁴⁶ 42 Pa. C.S. § 1522.

⁴⁷ 42 Pa. C.S. § 1515.

⁴⁸ See 42 Pa. C.S. § 6302 (defining “delinquent child” as “[a] child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation”).

⁴⁹ See *Youth Tried as Adults*, Juvenile Law Center, <https://jlc.org/issues/youth-tried-adults> (last visited July 1, 2026) (noting that scientific research shows key developmental differences between youth and adults); Apryl A. Alexander & Ava Peters, *Should 14-year-olds be charged as adults?*, 57 Monitor on Psych., no. 1, Jan./Feb. 2026, at 47 (“[p]sychology research has extensively documented the harms of prosecuting youth as adults”).

⁵⁰ 42 Pa. C.S. § 6307 (b)(1.1); 42 Pa. C.S. § 6308(a).

⁵¹ 42 Pa. C.S. § 6336(d).

⁵² 42 Pa. C.S. § 6303(b).

⁵³ 42 Pa. C.S. § 6302.

⁵⁴ 24 Pa. Stat. Ann. § 13-1333.1 (West 2026).

⁵⁵ See Harold Jordan & Ghadah Makoshi, *Student Arrests in Allegheny County: The Need for Transparency and Accountability*, ACLU Pa. (Jan. 2022).

⁵⁶ 42 Pa. C.S. § 1523(c).

⁵⁷ Children do not have the right to free counsel for summary citations under the Pennsylvania Public Defender Act because they cannot be incarcerated for a summary conviction. See 16 Pa. C.S. § 9960.

⁵⁸ See Sorensen et al., *supra* note 3.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Summary Offenses in Pennsylvania*, Community Legal Services, <https://clsphila.org/employment/summary-offenses-in-pennsylvania/> (last visited July 2, 2026).

⁶³ *Id.* (but noting that employers should never consider summary offenses under Pennsylvania law).

⁶⁴ See Cohen et al., *supra* note 3, for an in-depth look at how schools use citations to get around rules forbidding fines for school disciplinary practices.

⁶⁵ See generally Nadia Mozaffar & Aqilah David, *Heavy Burdens: The Weight of Juvenile Fees and Fines in the Keystone State*, Juvenile Law Center (Oct. 27, 2025).

⁶⁶ A student ordered to pay a fine should have a payment determination hearing before being certified to juvenile court for failure to pay. 42 Pa. C.S. § 9726. A fine for a school-related summary offense is issued to the child, not the parents, and all children are presumed indigent in Pennsylvania under the Juvenile Act. 42 Pa. C.S. § 6337.1(b)(1).

⁶⁷ Pa. Juvenile Court Judges' Comm'n, *Pennsylvania Juvenile Delinquency Benchbook* § 5.11 (2018).

⁶⁸ 42 Pa. C.S. § 9726.

⁶⁹ 42 Pa. C.S. § 6337.1(b)(1).

⁷⁰ 42 Pa. C.S. § 9726(c)-(d).

⁷¹ 234 Pa. Code Rule 423.

⁷² 234 Pa. Code Rule 407.

⁷³ 234 Pa. Code Rule 411.

⁷⁴ 42 Pa. C.S. § 1523(a).

⁷⁵ Pa.R.Crim.P. 454(b)-(c).

⁷⁶ U.S. Const. amend. V.

⁷⁷ *Record-Clearing*, Legal Aid of Se. Pa. (Apr. 12, 2026), <https://www.lasp.org/record-clearing>.

⁷⁸ 18 Pa. C.S. § 9123(a)(2.1) (2026).

⁷⁹ 18 Pa. C.S. § 9122(b)(3) (2026).

⁸⁰ See Pa.R.J.C.P. 170 (motion for expungement generally). For expungement of summary offenses heard by a magisterial district court or criminal court, see Pa.R.Crim.P. 490; for truancy cases, see Pa.R.Crim.P. 490.1. See also 18 Pa. Cons. Stat. § 9123(a) (eligibility for expungement of juvenile records and certain summary offenses committed while under age 18); 24 P.S. § 13-1333.3(h) (truancy expungement).

⁸¹ 18 Pa. C.S. § 9122(b)(3).

⁸² *Id.* at § 9122.2.

⁸³ COMMUNITY LEGAL SERVICES, *My Clean Slate PA, Frequently Asked Questions* (under “Sealing – Limited Access [Clean Slate]”), <https://clsphila.org/my-clean-slate/faq/#1727899543975-0ea2d9e0-bcab>, (last visited June 9, 2026).

⁸⁴ *Id.* (describing exceptions).

⁸⁵ *Id.*

⁸⁶ Pa.R.J.C.P. 330.

⁸⁷ 42 Pa. C.S. § 6302.

⁸⁸ 16 P.S. § 9960.6(a)(1).

⁸⁹ Pa.R.J.C.P. 312.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² See Victim’s Bill of Rights, 18 P.S. § 11.201 *et seq.*

⁹³ See 42 Pa. C.S. § 6323(c).

⁹⁴ *Id.*

⁹⁵ *Id.* at § 6323(e).

⁹⁶ Pa. Juv. Ct. Judges’ Comm’n, *Pennsylvania Juvenile Justice System: Diversion* (rev. Aug. 2024).

⁹⁷ *Id.*

⁹⁸ *Id.* See also Pa.R.J.C.P. 231 cmt., 312(A), 370(A)(1).

⁹⁹ See Pa.R.J.C.P. 231 cmt., 312(A); 42 Pa.C.S. § 6323; Pa. Juv. Ct. Judges’ Comm’n, *Pennsylvania Juvenile Justice System: Diversion* (rev. Aug. 2024).

¹⁰⁰ Pa.R.J.C.P. 370(A)(1), 373(B); 42 Pa.C.S. § 6340(a), (c).

¹⁰¹ 42 Pa.C.S. § 6340(e); see also Pa.R.J.C.P. 370 cmt.

¹⁰² Pa. Juv. Ct. Judges’ Comm’n, *Pennsylvania Juvenile Justice System: Diversion* (rev. Aug. 2024).

¹⁰³ 42 Pa. C.S. § 6302.

¹⁰⁴ 42 Pa. C.S. § 6352(a)(3).

¹⁰⁵ 42 Pa. C.S. § 6354(a).

¹⁰⁶ See Harold Jordan et al., *Police and Pennsylvania Schools: What Education Leaders Need to Know*, ACLU Pa. 14 (2019).

¹⁰⁷ 42 Pa. C.S. § 2154(b)(2).

¹⁰⁸ See, e.g., *Wallace v. Gonzales*, 463 F.3d 135, 138 (2d Cir. 2006) (holding that the Board of Immigration Appeals may consider “Youthful Offender” adjudications when evaluating applications for adjustment of status).

¹⁰⁹ 44 Pa. C.S. § 2316(a).

¹¹⁰ The requirements in 34 CFR §300.2(b)(1)(iv) and (2) and 34 CFR §300.154 govern the responsibilities of noneducational public agencies for the education of students with disabilities in correctional facilities. The rights of students with disabilities in correctional facilities are also protected by two other federal laws: Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits disability discrimination in programs or activities of entities, such as public schools and correctional agencies, that receive federal financial assistance (29 U.S.C. § 794; 34 C.F.R. part 104); and Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits disability discrimination by public entities, including public schools and correctional agencies, regardless of whether they receive federal financial assistance (42 U.S.C. §§ 12131-12134; 28 C.F.R. part 35).

¹¹¹ See generally Thalia González & Rebecca Epstein, *Building Foundations of Health and Wellbeing in School: A Study of Restorative Practices and Girls of Color*, Georgetown L. Ctr. on Poverty & Ineq. (2021).

¹¹² See generally David J. Cipriano & Samuel A. Maurice, *Impact of a School-Based Mental Health Program on Academic Outcomes*, 123 Wisc. MED. J. 550 (2024).

¹¹³ See generally Catherine P. Bradshaw, et al., *Effects of School-Wide Positive Behavioral Interventions and Supports on Child Behavior Problems*, 130 Pediatrics e1136 (2012).

¹¹⁴ See Megan Tomasic, *Pittsburgh Schools temporarily suspends use of summary citations after concerns the approach targets black students*, Pitt. Post-Gazette (July 1, 2023), <https://www.post-gazette.com/news/education/2023/07/01/pittsburgh-schools-summary-citations-black-students/stories/202306300084> (“Pittsburgh Public school directors this week temporarily suspended the use of summary citations at district schools, days after advocates and parents raised concerns that the offense unfairly targets Black students.”).