



July 14, 2026

Pennsylvania Human Relations Commission
Pittsburgh Regional Office
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Pittsburgh, Pennsylvania 15222
phrc@pa.gov; ra-hradjudication@pa.gov

Re: Pittsburgh Public School’s School Closure Plan Discriminates Against Black Students in Violation of the Pennsylvania Human Relations Act

To Whom It May Concern:

Complainants bring this complaint against Respondents Pittsburgh Public Schools (“PPS”) and Pittsburgh Public Schools Board of Directors (“the Board”) (collectively, “Respondents”) for education discrimination based on race in violation of the Pennsylvania Human Relations Act (“PHRA”). 43 P.S. § 955(i)(1).

On May 27, 2026, the Board approved a plan to permanently close nine school buildings, 12 schools, reconfigure 10 schools, and terminate magnet programs, which will displace at least 6,000 students (“the Plan” or “School Closure Plan”).¹ The Plan relied on utilization rates to determine which schools would close, despite Respondents’ awareness and admissions that utilization rates are unreliable, serve no legitimate educational purpose, and disproportionately harm Black students.² The Plan disproportionately burdens Black students by causing them to lose the unique educational resources provided at their schools, failing to explain how those resources will be provided at reassigned schools, and disproportionately requiring Black students to absorb the disruption, transportation, and academic costs of transitioning to a new school. As a

¹ Jordan Cioppa & Caitlyn Scott, *School closure plan passed by Pittsburgh Public Schools | Which will close*, wtac.com (May 27, 2026) <https://www.wtae.com/article/school-closure-plan-passes-pittsburgh-public-schools-2026/71425755>.

² Pittsburgh Public Schools, *Advancing Equity, Excellence, and Efficiency a Proposal For a School District Facilities Utilization Plan* (Mar. 15, 2024), <https://resources.finalsite.net/images/v1725898785/pghschoolsorg/ldwc4xxbbzp0juwlvhi6/FINALAdvancingEquityExcellenceandEfficiencySchoolDistrictFacilitiesUtilizationPlan2024Proposal.pdf>.

result of the Board’s vote, Complainants will lose their schools without any assurances that they will be able to maintain the services, courses, or access to programs that they currently receive.

PPS and the Board’s actions violate Complainants’ rights under the PHRA, which prohibits discrimination based on race in educational policies or practices. *See, e.g., Neshaminy School District v. PHRC*, 257 A.3d 766 (Pa. Commw. Ct. 2021).

I. Complainants

Complainant D.A.L.C. is a 5th grade student who attends Miller Elementary School (“Miller”). Her parent, Ms. Chambers, files this complaint on her behalf. D.A.L.C. is a Black student and Miller’s student population is 93 percent Black.³ On May 27, 2026, the Board voted to close Miller. According to the Plan, D.A.L.C. will be reassigned to Weil Elementary School (“Weil”) in the 2027-28 school year.⁴

Complainant D.L.C. is a 2nd grade student who attends Miller Elementary School (“Miller”). His parent, Ms. Chambers, files this complaint on his behalf. D.L.C. is a Black student and Miller’s student population is 93 percent Black.⁵ On May 27, 2026, the Board voted to close Miller. According to the Plan, D.L.C. will be reassigned to Weil Elementary School (“Weil”) in the 2027-28 school year.

Complainant J.L.P. is a third-grade student who attends Pittsburgh Manchester PreK-8 (“Manchester”). Complainant Ms. Rucker is his parent. Rucker and J.L.P. live 0.4 miles and four blocks from Manchester. J.L.P. is a Black student and Manchester’s student population is 76 percent Black.⁶ On May 27, 2026, the Board voted to close Manchester. According to the Plan,

³ See Appendix A.

⁴PPS, Phase One,

<https://resources.finalsite.net/images/v1779807856/pghschoolsorg/xcum3jz4i7zretukd12z/FutureReadyFacilitiesPlanTimeline.pdf>.

⁵ See Appendix A.

⁶ See Appendix A.

J.L.P. will be assigned to Allegheny Elementary at King School (“Allegheny ES at King”) in the 2027-28 school year. However, if Manchester closes, Rucker plans to send J.L.P. to a charter school in the neighborhood and closer to her home than Allegheny ES at King.

Complainant E.M. is a 3rd grade student who attends Pittsburgh Woolslair PreK-5 (“Woolslair”). His parent, Ms. Worthy, files this complaint on his behalf. E.M. is a Black student and Woolslair’s student population is 42 percent Black.⁷ On May 27, 2026, the Board voted to close Woolslair. According to the Plan, E.M. will be assigned to Allegheny ES at King in the 2027–28 school year.

Complainant D.H. is a Black 6th grade student who attended Pittsburgh Woolslair PreK-5 (“Woolslair”) during School Year 2025-26. D.H. was accepted into the magnet program at Pittsburgh Schiller 6–8 (“Schiller”). His parent, Ms. Worthy, files this complaint on his behalf. Woolslair’s student population is 42 percent Black and Schiller is 39 percent Black.⁸ On May 27, 2026, the Board voted to close Woolslair and terminate Schiller’s magnet program. According to Plan, D.H. will be assigned to Pittsburgh Morrow 6-8 (“Morrow 6-8”) in the 2027-28 school year.

II. Respondents

Respondent PPS is located at 341 South Bellefield Avenue, Pittsburgh, Pennsylvania 15213. Under the leadership of Superintendent Dr. Wayne Walters, PPS oversaw the creation of the Plan and presented it to the Board for approval.

⁷ See Appendix A.

⁸ See Appendix A.

Respondent the Board is located at 341 South Bellefield Avenue, Pittsburgh, Pennsylvania 15213. On May 27, 2026, six of nine Directors voted to approve the Plan.⁹

III. Jurisdiction

The Pennsylvania Human Relations Commission (“PHRC”) has jurisdiction over this matter pursuant to the Pennsylvania Human Relations Act, 43 P.S. § 955(i)(1), and Complainants are “aggrieved” parties under 43 P.S. § 959(a). PPS, as a school district, “is a public accommodation within the meaning of Sections 4(l) and 5(i) of the PHRA.” *Neshaminy School District v. PHRC*, 257 A.3d 766 (Pa. Commw. Ct. 2021). The PHRC has jurisdiction to investigate claims that the Board or PPS engaged in discriminatory conduct. *See Pittsburgh Bd. of Pub. Educ. v. Pennsylvania Hum. Rels. Comm’n*, 820 A.2d 838, 843 (Pa. Commw. Ct. 2003) (rejecting Board’s claim that PHRC does not have jurisdiction to investigate allegations that PPS’s plan to close schools that serve Black students was racially discriminatory). The alleged conduct took place within the City of Pittsburgh.

The Board’s vote to approve the School Closure Plan occurred on May 27, 2026, which is fewer than 180 days ago, and the alleged unlawful discriminatory practice is of a continuing nature and has persisted up to and including the present time. Complainants are “person[s]” as defined by the PHRA. 43 P.S. § 955(i)(1). Complainants have not filed any other complaint with the PHRC based on the actions described herein.

IV. Facts

As described more fully below, PPS has previously faced PHRC oversight for its discriminatory treatment of Black students and is currently under an agreement with PHRC to

⁹ Jordan Cioppa & Caitlyn Scott, *School closure plan passed by Pittsburgh Public Schools | Which will close*, wtac.com (May 27, 2026) <https://www.wtae.com/article/school-closure-plan-passes-pittsburgh-public-schools-2026/71425755>.

prevent further discrimination against Black students. Despite these commitments, PPS designed and the Board approved the Plan on May 27, 2026, which disproportionately closes schools in Black communities, despite being repeatedly notified that the Plan discriminates against Black students. As a result, Complainants will be deprived of equal educational opportunities and lose unique benefits provided at their schools.

A. Past PHRC Oversight of PPS for Allegations of Racial Discrimination

In 1992, the Advocates for African American Students in the Pittsburgh Public Schools filed a PHRC complaint alleging that PPS’s systemic denial of equal opportunities for Black students violated the PHRA.¹⁰ In 2000, the Board voted to close 11 schools over a two-year period.¹¹ In January 2002, nine complainants filed complaints with the PHRC alleging that “the Board’s decision regarding the opening and closing of . . . schools” “unlawfully discriminated against the [complainants] on the basis of their African–American race.” *Pittsburgh Bd. of Pub. Educ. v. Pennsylvania Hum. Rels. Comm’n*, 820 A.2d 838, 840 (Pa. Commw. Ct. 2003). In September 2002, the PHRC denied the Board’s motion to dismiss the complaints. *Id.*

In 2006, PPS and PHRC settled, agreeing, *inter alia*, to:

- “assure an equitable needs-based allocation of resources in a manner that is responsive to the demonstrated disproportionate needs of African American students, especially those attending racially isolated schools;”¹²

¹⁰ See Complaint, *Advocates for African American Students et al. v. The Board of Public Education of the School District of Pittsburgh*, PHRC Case Nos. 199213299-199213302, 199213359-199213361, <https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/70387.pdf> (Appendix A) (alleging that the Board “maintain[ed] a large academic achievement gap between African American students and white students” and “exclude[ed] African American students from certain special programs and projects . . . because of their race.”).

¹¹ See Penn. Clearinghouse for Educ. Res., School Closings Policy at 2 (Mar. 2013), <https://files.eric.ed.gov/fulltext/ED553148.pdf>.

¹² Terms of Settlement, *Advocates for African American Students et al. v. The Board of Public Education of the School District of Pittsburgh*, PHRC Case Nos. 199213299-199213302, 199213359-199213361 at *6, <https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/70387.pdf> (Appendix B) (hereinafter “2006 Settlement”).

- “provide comprehensive holistic instruction in African American history and culture as part of the regular curriculum and as an integrated part of cross-discipline learning;”¹³
- “provide in-classroom supports, including but not limited to additional teachers, paraprofessionals and highly qualified tutors in the schools which . . . underperform;”¹⁴ and
- “implement research-based initiatives that have proven effective in reducing the statistically significant racially identifiable academic achievement gap which exists between African American and White students.”¹⁵

In 2012 and in 2015, the PHRC evaluated compliance with the 2006 Settlement; each time, PHRC decided it was “not prepared to conclude that the District had achieved sufficient progress to justify termination” of the agreement.¹⁶ In 2022, the Board entered into a renewed Memorandum of Understanding (“MOU”) with PHRC pursuant to the 2006 Settlement.¹⁷ The revised MOU included, *inter alia*, a commitment to conduct a “third-party equity audit of the District’s system of education for its African American students.”¹⁸ The equity audit was published in 2023 and did not recommend closing any schools. In fact, the only mention of

¹³ *Id.*

¹⁴ *Id.* at *7.

¹⁵ *Id.* at *10.

¹⁶ PPS Board, Memorandum of Understanding (Jul. 29, 2022), at 1 & 2

[https://go.boarddocs.com/pa/pghboe/Board.nsf/files/CHEHKM4846FF/\\$file/MOU%207-29-22_Final%20Revisions%20\(1\).pdf](https://go.boarddocs.com/pa/pghboe/Board.nsf/files/CHEHKM4846FF/$file/MOU%207-29-22_Final%20Revisions%20(1).pdf).

¹⁷ See PPS Board, Memorandum of Understanding (Jul. 29, 2022),

[https://go.boarddocs.com/pa/pghboe/Board.nsf/files/CHEHKM4846FF/\\$file/MOU%207-29-22_Final%20Revisions%20\(1\).pdf](https://go.boarddocs.com/pa/pghboe/Board.nsf/files/CHEHKM4846FF/$file/MOU%207-29-22_Final%20Revisions%20(1).pdf).

¹⁸ See *id.*

school closures in the audit was a recorded response to a family and caregiver survey that urged PPS to “[s]top closing Black schools.”¹⁹

B. PPS History of Closing Schools in Black Communities

Six months prior to the 2006 Settlement, the Board voted to close 22 schools, 17 of which had a higher share of Black students than the PPS-wide average.²⁰ At the time, members of the Board acknowledged that the school closures “disproportionately affected African-American students in the system.”²¹ Then Superintendent Roosevelt acknowledged both the burden that school closures would have on Black children and historical racial inequities, but failed to provide a plan to remedy past harms or prevent their recurrence.²²

The closures in 2006 reflected a larger trend. Between 2000 and 2011, the Board voted to close 49 schools, relying partially on utilization rates (a school’s enrollment divided by the building’s potential capacity) to determine which schools to close.²³ Studies show that reliance on utilization as a metric for school closures has discriminatory impact in districts that have historically disinvested in schools serving large shares of Black students, because disinvestment drives down enrollment in majority-Black schools.²⁴ Charter schools that open in predominantly Black communities—often in closed school buildings—also exacerbate enrollment declines

¹⁹ PPS, *The Current State of Racial Equity at Pittsburgh Public Schools* at 100 (Sept. 2023),

<https://resources.finalsite.net/images/v1752005145/pghschoolsorg/frorymcwio8ocivpip04/PPSTheCurrentStateofEquity2023.pdf>.

²⁰ Jillian Forstadt & Lajja Mistry, *Past PPS closures still haunt district parents. Families worry they’ll go through it again.*, WESA (Oct. 7, 2024), <https://www.wesa.fm/education/2024-10-07/pittsburgh-public-schools-closure-history>.

²¹ Lesli A. Maxwell, *City Districts Tackle Round of School Closings*, EDUC. WEEK (Mar. 14, 2006), <https://www.edweek.org/policy-politics/city-districts-tackle-round-of-school-closings/2006/03>.

²² *Id.* (“It is true that a higher percentage of [B]lack students must move, but the vast majority of the children who’ve been shortchanged over the years have been [B]lack.”).

²³ Penn. Clearinghouse for Educ. Res., *School Closings Policy* at 2, 4 (Mar. 2013), <https://files.eric.ed.gov/fulltext/ED553148.pdf>.

²⁴ Carrie Hahnel & Francis A. Pearman, II, *Declining Enrollment, School Closures, and Equity Considerations*, Policy Analysis for California Education 4–5 (Sept. 2023), https://edpolicyinca.org/sites/default/files/2023-09/pb_hahnel_sept2023.pdf.

districtwide.²⁵ As demonstrated in the 2006 settlement, Respondents have a decades-long history of under-resourcing schools that serve higher shares of Black students resulting in fewer educational opportunities for students at these under-resourced schools; more students enrolling in charter schools to seek these resources; and school closures that further deprive Black students in PPS schools of equal educational opportunity.²⁶

In 2016, a third-party review of PPS found that “[t]he district’s magnet programs and school closings over the years have contributed to disparities in educational opportunity and the unevenness of instructional programming across the district.”²⁷ Indeed, the school closures between 2004 and 2024 were concentrated in the historically Black neighborhoods of Hazelwood, the Hill District, Oakland, and the Northside, and did not occur at all in the southern and eastern parts of the city, which are historically white due to redlining practices.²⁸

C. The School Closure Plan Relies on Utilization Rates to Decide Which Schools to Close, Leading to Discriminatory Outcomes

Research indicates that relying on utilization rates disproportionately leads to majority-Black schools being closed.²⁹ As a 2023 brief explains:

The people who are moving to urban centers are often displacing Black and Latinx families. These newer residents tend to have fewer children, and those who do have children often opt out of their local neighborhood schools—particularly if they perceive those schools

²⁵ See *id.*

²⁶ See, e.g., 2006 Settlement.

²⁷ Council of the Great City Schools, Review of the Pittsburgh Public Schools at 40 (2016), <https://resources.finalsite.net/images/v1721323604/pghschoolsorg/xcdsh1ldttqmv4rbockj/cgcsppittsburghreport--veryfinal.pdf>.

²⁸ See Univ. Richmond, Mapping Inequality, https://dsl.richmond.edu/panorama/redlining/map/PA/Pittsburgh/area_descriptions/C16#loc=14/40.3815/-80.0837 (map made by Division of Research and Statistics Jul. 20, 1937); Margaret J. Krauss, *Pittsburgh Neighborhoods And Schools Remain Segregated, But How Did It Start?*, WESA (Oct. 18, 2018), <https://www.wesa.fm/education/2018-10-18/pittsburgh-neighborhoods-and-schools-remain-segregated-but-how-did-it-start>.

²⁹ See, e.g., Danielle Marie Greene-Bell & Francis A. Pearman, II, *Racialized Closures and the Shuttering of Black Schools: Evidence from National Data*, 94 HARVARD EDUC. REV. at 187 (2024), <https://meridian.allenpress.com/her/article-abstract/94/2/187/501253/Racialized-Closures-and-the-Shuttering-of-Black?redirectedFrom=fulltext>.

to be unsafe or low performing. Those perceptions and enrollment choices are often influenced by the racial composition of the school, with White families more likely to avoid schools with larger Black populations. The school district may eventually identify these schools as underutilized and therefore potential sites for closure. Indeed, recent research has found that gentrification, specifically the in-migration of affluent households to previously segregated neighborhoods, “was associated with declining enrollment at neighborhood schools.”³⁰

The Plan demonstrates the discriminatory impact of primarily relying on utilization to inform school closures.³¹ As displayed in Figure 1, on average, the lower a school’s utilization rate, the higher the share of Black student enrollment. The inverse relationship between utilization rate and Black student enrollment in PPS indicates that basing school closure decisions primarily on utilization rates will disproportionately affect schools serving higher shares of Black students.

Furthermore, the inverse relationship depicted in Figure 1 is directly attributable to PPS’s racially discriminatory policies and practices. For decades, PPS policy created and propelled enrollment declines at schools in historically Black neighborhoods, including by:

- Requiring Black but not white students to travel outside their neighborhoods to attend school under 1960s desegregation plans,³²

³⁰ Carrie Hahnel & Francis A. Pearman, II, Declining Enrollment, School Closures, and Equity Considerations, Policy Analysis for California Education 4–5 (Sept. 2023), https://edpolicyinca.org/sites/default/files/2023-09/pb_hahnel_sept2023.pdf (citing Francis A. Pearman II, Gentrification, Geography, and the Declining Enrollment of Neighborhood Schools, 55 Urban Education 183 (2019)), <https://journals.sagepub.com/doi/abs/10.1177/0042085919884342#bibliography>) (other citations omitted).

³¹ See, e.g., PPS, Feasibility Report Update Key Sections, Building Utilization; Understanding Functional Capacity (May 2025), <https://www.pghschools.org/about/superintendent-of-schools/future-ready>.

³² See, e.g., Margaret J. Krauss, *Pittsburgh Neighborhoods And Schools Remain Segregated, But How Did It Start?*, WESA (Oct. 18, 2018), <https://www.wesa.fm/education/2018-10-18/pittsburgh-neighborhoods-and-schools-remain-segregated-but-how-did-it-start>; Liz Reid, *An Unsuccessful 30-Year Effort To Desegregate Pittsburgh Public Schools*, WESA (Oct. 19, 2018), <https://www.wesa.fm/education/2018-10-19/an-unsuccessful-30-year-effort-to-desegregate-pittsburgh-public-schools>;

- Failing to adequately resource or provide appropriate education to students attending majority-Black schools, in violation of the PHRA and contrary to the terms of the 2006 Settlement;³³
- Providing fewer opportunities for rigorous academic coursework and extracurricular activities to schools serving the largest shares of Black students;³⁴
- Disproportionately closing schools in Black neighborhoods, driving further enrollment declines in those neighborhoods;³⁵ and
- Concentrating charter and selective enrollment schools in majority Black neighborhoods, which fuels lower enrollment in traditional neighborhood schools.³⁶

Notably, although district leaders often rely on it, a school’s utilization does not correspond to the quality of education it provides.³⁷ For example, research indicates that small

³³ *Pa. Human Relations Commission Gives Pittsburgh Public Schools Failing Grade For Racial Achievement Gap*, CBS NEWS (Oct. 27, 2020), <https://www.cbsnews.com/pittsburgh/news/pa-human-relations-commission-pittsburgh-public-schools-racial-achievement-gap/>.

³⁴ See MGT, *The Current State of Equity at Pittsburgh Public Schools* at 109 (Sept. 2023), <https://resources.finalsite.net/images/v1752005145/pghschoolsorg/frorymcwio8ocivpip04/PPSTheCurrentStateofEquity2023.pdf> (observing disparity in Black student access to the gifted education program); *id.* at 112

³⁵ Evidence from other states suggests that closing schools contributes to enrollment declines. See Francis Pearman, Stanford Scale Initiative, *The Fiscal Consequences of School Closures in California: Evidence from a Statewide Synthetic Difference-in-Differences Design* (2026), <https://gettingdowntofacts.com/reports/fiscal-consequences-school-closures-california-evidence-statewide-synthetic-difference> (“closure is associated with a statistically significant decline of 287.67 students, confirming that entering a closure regime is accompanied by meaningful enrollment attrition”).

³⁶ *How School Choice Impacts Diversity At Pittsburgh Schools*, WESA (Oct. 23, 2018), <https://www.wesa.fm/education/2018-10-23/how-school-choice-impacts-diversity-at-pittsburgh-schools> (Describing paradigm in Pittsburgh of white families zoned for majority-Black schools attending charter schools).

³⁷ For instance, during the 2000s, New York City Mayor Michael Bloomberg instituted mass school closures of traditional high schools, arguing that students would perform better academically if they attended “small schools.” Years of academic research on the impacts of experiencing a school closure and attending a “small school” reveal that the outcomes are decidedly mixed and do not support the claim made by proponents of this policy that school size was related to academic performance. See Matt Barnum, *New York City’s Experiment With Small High Schools Helped Students Stay In College, Study Shows*, CHALKBEAT (Apr. 10, 2019), <https://www.chalkbeat.org/2019/4/10/21121033/new-york-city-s-experiment-with-small-high-schools-helped-students-stay-in-college-study-shows/>.

class sizes lead to better educational outcomes for students,³⁸ and many parents, including Complainants' parents, prefer smaller class sizes for their children.

Respondents' reliance on facially neutral criteria, including utilization rates and enrollment figures that are themselves shaped by District policies affecting schools in predominantly Black neighborhoods, has a significant discriminatory impact on Black students. While Black students constitute only 49 percent of the District's student population, they represent 62 percent of the students who will permanently lose their school building and 54 percent of the students who will be displaced under the Plan.³⁹ These disparities are substantial and foreseeable, and they fall most heavily on Black students and Black communities throughout the District.

D. The Board and PPS Proceeded with the Plan Despite Repeated Warnings of the Plan's Discriminatory Impact on Black Students

In March 2024, PPS Superintendent Walters presented a proposal to the Board for a "Facilities Utilization Plan," making clear that utilization would be the primary factor used to decide which schools to close.⁴⁰ For example, the introduction described "a blueprint for spatial utilization"⁴¹ and the first listed question is: "What is the current utilization rate of each facility within the District?"⁴²

³⁸ See, e.g., William J. Mathis, Nat'l Educ. Pol'y Cent., *The Effectiveness of Class Size Reduction* (Jun. 2016), <https://nepc.colorado.edu/sites/default/files/publications/Mathis%20RBOPM-9%20Class%20Size.pdf>.

³⁹ See Appendices A, B.

⁴⁰ Pittsburgh Public Schools, Advancing Equity, Excellence, and Efficiency a Proposal For a School District Facilities Utilization Plan (Mar. 15), 2024), <https://resources.finalsite.net/images/v1725898785/pghschoolsorg/ldwc4xxbbzp0juwlvhi6/FINALAdvancingEquityExcellenceandEfficiencySchoolDistrictFacilitiesUtilizationPlan2024Proposal.pdf>.

⁴¹ PPS, Advancing Equity, Excellence, And Efficiency A Proposal For A School District Facilities Utilization Plan at 6, <https://resources.finalsite.net/images/v1725898785/pghschoolsorg/ldwc4xxbbzp0juwlvhi6/FINALAdvancingEquityExcellenceandEfficiencySchoolDistrictFacilitiesUtilizationPlan2024Proposal.pdf> (emphasis added).

⁴² *Id.* at 7.

The Board subsequently contracted with the firm Education Resource Strategies (“ERS”) to develop a plan to close schools.⁴³ Under PPS supervision, ERS conducted a “facilities utilization review” without any public consideration of the association between utilization and Black student enrollment.⁴⁴ For instance, a presentation published during summer 2024 displayed PPS high school feeder zones and the number of elementary schools that enrolled fewer than 200 students (their metric of under-utilization).⁴⁵ The slide stated that the only two high school feeder zones exclusively made up of elementary schools with fewer than 200 students were Milliones and Westinghouse;⁴⁶ however, the slide did not acknowledge that Milliones and Westinghouse are the high schools with the highest percentages of Black students in PPS.⁴⁷ Thus, relying on utilization and an arbitrary enrollment cutoff of 200 had the discriminatory impact of singling out schools serving the largest shares of Black elementary students for potential closure. Furthermore, because the District maintains enrollment data, Respondents knew or should have known that these criteria would disproportionately identify schools serving Black students for closure.

On July 22, 2024, 412 Justice, Education Rights Network, and a coalition of racial justice organizations sent a letter to the Board and Superintendent Walters, formally notifying Respondents that relying on utilization rates to determine which schools to close would result in

⁴³ PPS, Request for Proposals; Facilities Utilization Plan Services at 2, https://resources.finalsite.net/images/v1726612642/pghschoolsorg/kvhl60uduwa5pphyiz5j/RFP_Facilities_Utilization_Plan_Final.pdf (“This plan is a strategic initiative aimed at optimizing the use of educational facilities across the District”).

⁴⁴ PPS, Facilities Study Community Meeting and Listening Session, Slide 12, https://drive.google.com/drive/u/0/my-drive?q=after:2026-06-02%20parent:0ALDQNBKG_wTkUk9PVA.

⁴⁵ PPS, Facilities Study Community Meeting and Listening Session, Slide 12, https://drive.google.com/drive/u/0/my-drive?q=after:2026-06-02%20parent:0ALDQNBKG_wTkUk9PVA.

⁴⁶ *Id.*

⁴⁷ PPS, Data Dashboards, <https://www.pghschools.org/departments/data-research-evaluation-assessment/data-dashboards> (under “enrollment summary” by school).

the School Closure Plan disproportionately displacing Black students.⁴⁸ The letter also requested that PPS conduct “a community-based Equity Audit of school closures in PPS” to ensure that any school closures would not discriminate against Black students as previous ones had.⁴⁹ Respondents declined to do so.⁵⁰

Instead, on August 13, 2024, ERS presented a preliminary Facilities Utilization Plan to the Board.⁵¹ During the presentation, ERS acknowledged that:

Some communities have been hit hard with the closings in 2004-2006 and in 2011 feeder pattern changes. Most of these communities are African American with low [socioeconomic status]. These are the families less likely to move out of Pittsburgh. We need to acknowledge the poor decisions of the past and not make them again.⁵²

Further, an ERS representative reportedly acknowledged that the Facilities Utilization Plan “would impact a higher share of the district’s Black and Latinx students compared to its white and Asian students.”⁵³ Despite acknowledging the discriminatory impact of past “poor decisions,” neither PPS nor ERS examined whether or how the Facilities Utilization Plan would avoid replicating those harms or disproportionately displace Black students.⁵⁴

⁴⁸ 412 Justice, Stop The Facilities Utilization—A.K.A. School Closure—Plan, Gain Authentic Community Input And Conduct An Independent Community-Based Equity Audit (Jul. 22, 2024), <https://412justice.org/open-letter/> (“As there are no equity requirements and ERS is focused on utilization, we have no confidence that ERS will craft a school closure plan that doesn’t disproportionately impact Black, brown, English learners, and disabled students.”).

⁴⁹ *Id.*

⁵⁰ Pittsburgh Public Schools, Implementation Plan Follow-Up and Discussion (Nov. 17, 2025), <https://vimeo.com/showcase/4425491?video=1137936683> (at 108:17)

⁵¹ ERS, A Reimagined School Portfolio in Pittsburgh Public Schools (Aug. 13, 2024), <https://resources.finalsite.net/images/v1724776991/pghschoolsorg/emjxwhgm2r0azlid4omj/0813ERSBoardMaterialSforWebsitewithUpdatesv2.pdf>.

⁵² *Id.* at 6.

⁵³ Lajja Mistry & Jillian Forstadt, *Closures, grade reconfigurations and magnet phase-outs floated in PPS facilities plan*, PITTSBURGH’S PUBLIC SOURCE (Aug. 13, 2024), <https://www.publicsource.org/pps-facilities-closures-magnets-education-pittsburgh/>.

⁵⁴ *Id.*

A 412 Justice analysis of the Facilities Utilization Plan concluded that, in addition to disproportionately forcing Black students to lose their school:⁵⁵

- The Facilities Utilization Plan would create public school deserts—*i.e.* neighborhoods with no public schools—in the Black neighborhoods of Hilltop, Mount Washington, Lincoln Larimer, East Liberty, Garfield, Bloomfield, and Lawrenceville;⁵⁶ and
- PPS did not conduct an Equity Audit of past school closures and has no evidence that prior school closures improved any outcomes for students or families in Pittsburgh,” nor did PPS “provide any evidence that the proposed school closures will improve student outcomes.”⁵⁷

After the Facilities Utilization Plan was published, a group of parents and community members, including Complainant Worthy, collected feedback and drafted an alternative proposal, called the PPS Community Proposal, that would increase equity, attract more families to enroll in PPS, and avoid closing schools.⁵⁸ The drafters of the PPS Community Proposal invited the Board to attend a formal presentation of the proposal on October 22, 2024.⁵⁹ Upon information and belief, Board Directors Gene Walker and Sylvia Wilson attended the presentation in-person, and other Board directors have access to a public livestream of the presentation.

⁵⁵ 412 Justice, Education Rights Network, Press Release ERN Response to School Closure F.U. Proposal (Aug. 20, 2024), https://docs.google.com/document/d/1v9IS9eny0JoXv_Waol_foeH76qJg0JWT8PWt7sAet8/edit (figures were based on SY 2023–24 enrollment data) (finding that “Black students represent 51% of the total PPS enrollment and are 54% of the students impacted by school closures,” while “White students represent 30% of the total PPS enrollment and are 25% of the students impacted by school closures).

⁵⁶ 412 Justice & Education Rights Network, PPS School Closure Proposal Perpetuates Inequities; Targets Black, Disabled, And Other Historically Marginalized Communities (Aug. 20, 2024), https://docs.google.com/document/d/1v9IS9eny0JoXv_Waol_foeH76qJg0JWT8PWt7sAet8/edit?tab=t.0.

⁵⁷ *Id.* at 6.

⁵⁸ See PPS Community Proposal, <https://www.ppscommunityproposal.org/>.

⁵⁹ See Community Proposal for PPS Changes (Oct. 22, 2024), <https://www.facebook.com/events/s/community-proposal-for-pps-cha/3695053187474138/>.

In May 2025, PPS published the School Closure Plan, which differed from ERS’s Facilities Utilization Plan, *inter alia*, by adding Manchester—which is 76 percent Black—as a school to be closed based on its utilization rate.⁶⁰ Between July 21 and July 31, 2025, consistent with state law governing school closures,⁶¹ the Board held hearings for each school proposed for closure in the School Closure Plan.⁶² At these hearings, families and community members repeatedly raised concerns about the racially discriminatory impact of the Plan.⁶³

On August 20, 2025, the Board adopted a resolution requiring PPS to provide additional information including how PPS will “[a]ddress[] supports for students facing greatest challenges (*i.e.*, African American[s])”⁶⁴ On October 31, 2025, PPS published the Future-Ready Facilities Implementation Plan (“the School Closure Implementation Plan”) to accompany the School Closure Plan.⁶⁵

Importantly, neither the School Closure Plan nor the School Closure Implementation Plan provided an analysis of which groups of students would disproportionately lose their school or be forced to move to a new school. The School Closure Implementation Plan also failed to respond to the Board’s request for “supports for . . . African American” students, other than restating

⁶⁰ See Pittsburgh Public Schools, Updated Recommendations (May 2025), <https://resources.finalsite.net/images/v1747934821/pghschoolsorg/frv1uqgybvipv74t09qg/feasibility-update-16.pdf> (changes to Facilities Utilization Plan noted).

⁶¹ Pennsylvania Education Law § 7-780.

⁶² See Pittsburgh Public Schools YouTube Page, <https://www.youtube.com/@pittsburghpublicschools/videos> (hearings dated July 21–30, 2025).

⁶³ *Id.*

⁶⁴ See A Resolution Of The Board Of Public Education Of The School District Of Pittsburgh Identifying Deliverable Information Requested By The Board Of Directors Of The District Administration Prior To Taking Board Action On The Proposed Facilities Plan, [https://go.boarddocs.com/pa/pghboe/Board.nsf/files/DKRPLF63F0DB/\\$file/Resolution%20for%20Implementation%20Priorities_8.12.25.pdf](https://go.boarddocs.com/pa/pghboe/Board.nsf/files/DKRPLF63F0DB/$file/Resolution%20for%20Implementation%20Priorities_8.12.25.pdf).

⁶⁵ See Pittsburgh Public Schools, Future-Ready Facilities Implementation Plan [hereinafter “School Closure Implementation Plan”], <https://resources.finalsite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf>; the school closure plan distinguishes partial closures, school closures, building closures, and magnet closures, the Plan closes nine school buildings (while offering a new Pittsburgh Montessori) and displaces students at 32 schools across PPS.

PPS’s commitments pursuant to its MOU with the PHRC.⁶⁶ It did not address concerns raised by community members that disproportionately burdening Black students with school closures would be contrary to the terms of the 2006 Settlement, given research consensus that school closures have a negative impact on academic and behavioral outcomes.⁶⁷

At an Education Committee meeting on April 14, 2026, PPS conceded that “[f]requent or unnecessary school transitions can disrupt students’ academic and social experiences”; that “[f]amilies have . . . expressed concerns about travel distance, walkability, and maintaining neighborhood-based school communities”; and that the Plan will result in overcrowding at Allegheny ES at King, which is currently 52 percent Black⁶⁸ and is projected to enroll 809 students after the Plan takes effect—making it a “larger-than-ideal elementary school.”⁶⁹ Peer-reviewed research linking small classes to improved academic outcomes, particularly for low-income students, supports PPS’s assertion that an over-crowded Allegheny ES at King would not be “ideal” for students.⁷⁰

During March and April 2026, 412 Justice and the Education Rights Network held community listening sessions for families at Arsenal PreK-5, Fulton PreK-5, Miller PreK-5,

⁶⁶ School Closure Implementation Plan at 119.

⁶⁷ See, e.g., Mary Eddins, Maja Pehrson, and Kevin Burgess, *Revisiting Research on School Closings: Key Learnings for District and Community Leaders*, PENN. CLEARINGHOUSE FOR EDUC. RES. at 3–4 (Jun. 2024), <https://www.researchforaction.org/wp-content/uploads/2024/06/revisiting-research-on-school-closings-key-learnings-for-district-and-community-leaders.pdf> (summarizing academic research on impacts of school closures); Jeonghyeok Kim, *The Long Shadow of School Closures: Impacts on Students’ Educational and Labor Market Outcomes*, Working Paper No. 24-963 at 3, (May 2024), <https://edworkingpapers.com/sites/default/files/ai24-963.pdf> (finding that negative effects of school closures are “more substantial” for students “from economically disadvantaged families”).

⁶⁸ See Pittsburgh Public Schools, Education Committee Meeting - April 14, 2026, <https://www.youtube.com/watch?v=JVCYJ3SUUCc>; PPS, Data Dashboard, Allegheny K–5, <https://www.pghschools.org/departments/data-research-evaluation-assessment/data-dashboards> (accessed Jun. 3, 2025).

⁶⁹ PPS, Future Ready Facilities Plan; Response to Board Requests at 5–6 (Mar. 31, 2026), <https://resources.finalsite.net/images/v1776205022/pghschoolsorg/pbelumnqs0ufhako0imf/Future-ReadyBoardRequestsSpring2026ResponseFINAL.pdf>.

⁷⁰ See William J. Mathis, Nat’l Educ. Pol’y Cent., *The Effectiveness of Class Size Reduction* (Jun. 2016), <https://nepc.colorado.edu/sites/default/files/publications/Mathis%20RBOPM-9%20Class%20Size.pdf>.

Woolslair PreK-5, and Manchester PreK-8. The Education Rights Network and 412 Justice formally invited all members of the Board and Superintendent Walters to attend the sessions and posted information about the sessions on 412 Justice’s website and social media pages.⁷¹ On May 19, 2026, 412 Justice published and emailed to the members of the Board a report summarizing the feedback provided,⁷² which included concerns about:

- walking longer distances to school, crossing major roads, and the city’s inadequate staffing of crossing guards;⁷³
- overcrowded classrooms and schools, creating “poor teaching and learning environments” and leaving no physical space for classrooms dedicated to science, technology, engineering, arts, and mathematics (“STEAM”), art, or foreign languages;⁷⁴
- loss of relationships with school staff and limited access to school counselors due to larger student-to-counselor ratios;⁷⁵
- loss of school-specific programs, including Woolslair’s unique STEAM programming, “Fluency Friends” program, and positive behavior plan; Miller’s unique African-Centered curriculum; and Manchester’s inclusion of students with disabilities into mainstream learning environments;⁷⁶ and
- potential neighborhood-based conflict when Manchester students are moved to Allegheny ES at King.⁷⁷

⁷¹ See, e.g., 412 Justice, Instagram Post (Apr. 9, 2026), <https://www.instagram.com/reel/DW7lazWjsoi/?igsh=MTByazJ5Mm9yZG9kdw==>.

⁷² See 412 Justice, Community Report On The Future Ready Plan (May 2026), <https://412justice.org/wp-content/uploads/2026/05/ListeningSessions.pdf> [hereinafter “Community Report”].

⁷³ *Id.* at 4.

⁷⁴ *Id.* at 5.

⁷⁵ *Id.*

⁷⁶ *Id.* at 6.

⁷⁷ *Id.* at 10.

On May 27, 2026, without addressing any of the concerns raised about well-being for students, including Black students, the Board “approv[ed] and adopt[ed]” the School Closure Plan and Implementation Plan and “authorize[d] the permanent closing of [the] Pittsburgh public school buildings” included in the Plan.⁷⁸

E. Schools that Will be Closed Offer Unique and Valuable Benefits to Complainants and Other Black Students, Who Will be Harmed by Their Loss

Complainants will experience hardship because of Respondents’ creation and approval of the Plan. As explained below, Complainants’ schools offer unique benefits, and research shows that school closures negatively impact students. Additionally, the Implementation Plan does not include any plans to continue these unique programs or services for students once their schools close.⁷⁹

i. Complainants D.A.L.C. and D.L.C. Thrive Because of Miller’s Unique Culture, Curricula, and Programs

Miller is PPS’s only school designated as an African-centered academy,⁸⁰ which focuses on the core tenets of culturally relevant pedagogy; the “whole-child, whole-family, whole-community”⁸¹ framework; cultural arts and project-based learning; and positive behavior

⁷⁸ Pittsburgh Public Schools, Legislative Meeting, Wednesday, May 27, 2026. Meeting Minutes, <https://go.boarddocs.com/pa/pghboe/Board.nsf/Public> (Dwayne Barker, Eva Diodati, Tawana Cook Purnell, Tracey Reed, Yael Silk, and Eugene Walker voted yes; Devon Taliaferro and Emma Yourd voted no; Erikka Grayson abstained).

⁷⁹ See PPS, Future Ready Facilities Implementation Plan at 84, <https://resources.finalseite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf> (noting that new course model will integrate STEAM “into the K–8 core curriculum,” which already occurs for all Woollair students, without mentioning whether dedicated STEAM classes will be offered to students); see generally *id.* (no mention of African-centered Academy).

⁸⁰ Megan Tomasic, *For Pittsburgh’s Hill District, Another School Closure Feels All Too Familiar*, PITTSBURGH POST-GAZETTE (Nov. 15, 2025), <https://www.post-gazette.com/news/education/2025/11/15/pittsburgh-hill-district-school-closures/stories/202511110088>.

⁸¹ Institute for Educational Leadership & Coalition for Community Schools, *A Guide: Building a Community Schools System* at 1, https://www.communityschools.org/wp-content/uploads/sites/2/2023/06/IEL_SystemsBuildingGuide_2022_FINAL_2.15.pdf.

interventions and supports.⁸² Miller is located in the majority-Black Hill District in Pittsburgh.⁸³

Miller families noted at 412 Justice’s feedback session the importance of “preserving [Miller’s] history and trying to instill in children self-esteem and letting them know that they come from a rich history.” Families also appreciate the African-centered curriculum because it “builds self-pride and self-determination for Black students.”⁸⁴

Miller students are taught about the principle of Kujichagulia (Swahili for “self-determination”), which is incorporated into curricula, programming, and culture. Every morning at breakfast, students join a mbongi (Bantu for “morning gathering”), where they are greeted with a drum circle performed by their older peers and join the group for collective problem solving. Every year, Miller hosts a Kwanzaa showcase, where students sing songs in Swahili.

Curricula include year-round Black history instruction with an emphasis on Black historical figures, which means that D.A.L.C. and D.L.C. learn about mathematicians and scientists who are Black like them. The history instruction is interactive: every year, the school holds a living museum, and every class reenacts a different chapter in history for visitors to come and watch. On Halloween, Miller celebrates “Ancestor Day,” when students are encouraged to research a historical figure who they admire and dress up in costume. This year, D.L.C. dressed up as Roberto Clemente and D.A.L.C. dressed up as Ruby Bridges; they were excited to research and learn more about these historical figures.

⁸² The Miller Experience, 2024-2025 Staff Handbook at 14, <https://resources.finalsite.net/images/v1725473152/pghschoolsorg/t6ysd9vqapm7ctqgtgqp/TheMillerExperience2024-20258124.pdf>.

⁸³ Miller Elementary traces its history to the 1830s, when free Black citizens of Pittsburgh formed the Pittsburgh African Education Society and opened an “African school” in the basement of Bethel A.M.E. Church. *See* The Miller Experience, 2024-2025 Staff Handbook at 11, <https://resources.finalsite.net/images/v1725473152/pghschoolsorg/t6ysd9vqapm7ctqgtgqp/TheMillerExperience2024-20258124.pdf>.

⁸⁴ *Id.* at 18.

Miller is a uniquely loving and affirming environment for Black students, according to Chambers. At Miller, D.A.L.C. learned how to read, and, more importantly, to love reading, and has never felt that she is bad at math, which contrasts with Chambers’ childhood experience. The staff and administrators at Miller are approachable and loving, and Chambers feels that children are not “othered” or made to feel like “poor Black kids.” Chambers sees that Miller staff understand her children’s behavior—D.L.C. often expresses his curiosity with extreme enthusiasm and youthful abandon, and she worries that staff at another school might assume the worst of him and create problems by punishing age-appropriate behavior, rather than providing a nurturing environment that corrects behavior while allowing him to discover who he is.

D.A.L.C. also benefits from Miller’s art programs, which have high-quality staff. She learned to play a musical instrument and was invited to participate in the all-city Symphony. Miller students previously would perform an annual theater production at the Pittsburgh City Theater, but that program was cut this year in anticipation of a school closure vote.

For at least 25 years, Respondents’ policy decisions have driven down enrollment in the Black neighborhood of Hill District and created the very conditions it cites to justify school closures. Apart from Miller, three other elementary schools in the Hill District have closed since 2001—McKelvy (2001), Madison (2006), and Vann (2010). If Miller closes, there will only be one elementary school in the whole Hill District—Weil.⁸⁵ According to Chambers, even speculation of Miller being on the school closure list affected enrollment. For example, upon information and belief, at the beginning of school year 2025–26, Chambers observed that D.A.L.C.’s class had about 35 students but because of Respondents’ communications about the impending closure of Miller, parents steadily withdrew their children so that by January 2026,

⁸⁵ *Id.*

her class only had about 25 students. Respondents have also ignored nearby development that could boost enrollment at Miller. Specifically, in October 2025, the Urban Redevelopment Authority (“URA”) of Pittsburgh approved a redevelopment plan for the Lower Hill District and in April 2026, the URA published a request for proposals for the development of affordable and market rate housing in the Lower Hill.⁸⁶ But rather than leveraging the increased housing in Miller’s catchment area to attract and enroll families, Respondents are choosing to close the nearby school that is rich in Black history.

ii. Complainants D.H. and E.M. Thrive at Woolslair and Will be Harmed by its Loss

Woolslair is in the historic Black neighborhood of Lawrenceville.⁸⁷ At 412 Justice’s community feedback session, participants shared that they particularly valued the school’s small class sizes and high number of Black teachers.⁸⁸ D.H. and E.M. value the education they receive at Woolslair for many reasons.

First, Woolslair offers a project-based learning STEAM program to all students, regardless of enrollment in the school’s magnet program. Citing low enrollment, PPS considered closing Woolslair in 2011, but Woolslair families advocated to save their school and eventually presented a proposal to bring the STEAM program to Woolslair to attract more families.⁸⁹ In 2015, PPS adopted the proposal and the plan worked: enrollment grew from 106 in SY 2014-15⁹⁰

⁸⁶ Urban Redevelopment Authority of Pittsburgh, Request For Proposals Lower Hill District Housing Lower Hill District, Pittsburgh, PA 15219 (April 9, 2026), <https://www.ura.org/media/W1siZiIsIjIwMjYvMDMvMTIvNGZlMHdqOHFqaF9EcmFmdF9Mb3dlcl9laWxsX0hvdXNpbmdfUkZQLnBkZiJdXQ/Draft%20Lower%20Hill%20Housing%20RFP.pdf>.

⁸⁷ Univ. Richmond, Mapping Inequality, https://dsl.richmond.edu/panorama/redlining/map/PA/Pittsburgh/area_descriptions/C16#loc=14/40.3815/-80.0837 (map made by Division of Research and Statistics Jul. 20, 1937).

⁸⁸ Community Report at 16.

⁸⁹ Rebecca Nuttall, *Gaining STEAM: Parents, teachers pushing for new curriculum at city’s Woolslair School*, PITTSBURGH CITY PAPER (Sept. 17, 2014), <https://www.pghcitypaper.com/news-2/gaining-steam-parents-teachers-pushing-for-new-curriculum-at-citys-woolslair-school-1778745/>.

⁹⁰ See The Board of Public Education of the School District of Pittsburgh, 2015 Final Budget, Membership by School and Grade 2014-2015 at XII (Dec. 2014),

to 239 in SY 2023-24, the year that PPS representatives restarted discussions about closing Woolslair.⁹¹ Additionally, Woolslair hosts a junior chapter of the National Society of Black Engineers, which offers hands-on experiments and activities and mentorship to students.⁹² There is no indication in the Implementation Plan that Woolslair students will continue to be able to access this program or any school-wide STEAM program.⁹³

D.H. and E.M., benefit from small class sizes at Woolslair. Like many students, D.H. and E.M. struggled academically during the Covid-19 pandemic. However, since returning to in-person instruction, their grades have improved. Worthy attributes her children's academic improvement to the personalized attention that is more easily provided in small classes. Worthy is concerned that another educational disruption will set her children back academically once again and that their new schools will be unable to remedy the disruption. In particular, Allegheny ES at King, where E.M. will be reassigned, is projected to enroll 809 students after Woolslair closes,⁹⁴ which will reduce the personalized attention that E.M. currently benefits from at Woolslair.

Importantly, D.H. and E.M. both benefit from learning from Black teachers, which benefits Black students in unique ways.⁹⁵ Worthy observed that white teachers have disciplined

<https://resources.finalsite.net/images/v1722973449/pghschoolsorg/c8ajkgctst1wvkrqfym/2015FinalGeneralFundBudget.pdf> (“Woolslair K-5 was approved as a partial Magnet for the 2015/2016 School Year.”); *id.* at 288 (SY 2014–15 elementary enrollment).

⁹¹ PPS, Data Dashboards, <https://www.pghschools.org/departments/data-research-evaluation-assessment/data-dashboards> (“enrollment summary” by school).

⁹² See National Society of Black Engineers, Why Join NSBE Jr.?, <https://nsbe.org/pci/>.

⁹³ See PPS, Future Ready Facilities Implementation Plan at 84, <https://resources.finalsite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf> (noting that new course model will integrate STEAM “into the K–8 core curriculum,” which already occurs for all Woolslair students, without mentioning whether dedicated STEAM classes will be offered to students).

⁹⁴ PPS, Right to Know Response, <https://www.pghschools.org/about/future-ready-dashboard/future-ready-rtk-response>.

⁹⁵ See, e.g., Kesha Moore, Thurgood Marshall Institute, Black Educators as Essential Workers for Educational Equity (Mar. 2025), <https://tminstituteldf.org/black-educators-as-essential-workers-for-educational-equity/>.

her children more harshly and frequently for minor or age-appropriate behavior that can be addressed in non-punitive ways. In contrast, she has observed that Black teachers share a cultural understanding and tend to have more patience for and understand her children’s behavior. The family has established meaningful connections with the Woolslair community, and D.H. and E.M.’s teachers know their personalities, strengths, challenges, and learning styles. Those relationships have contributed to a more positive and supportive educational experience for D.H. and E.M.

Finally, D.H. and E.M. value Woolslair’s after-school program, as well as programming from the Parent Teacher Organization, which helps foster meaningful relationships among families and staff, while creating opportunities for parents to be actively involved in their children’s school experience.

iii. Complainant J.L.P. Thrives at Manchester and Will be Harmed by its Loss

Manchester, located in the historic Black neighborhood of the same name,⁹⁶ has long been an asset to its students and community. At 412 Justice’s community feedback session, Manchester families shared concerns about losing relationships with educators, many of whom have had a long tenure at the school, and about the loss of the chess club and a free after school program run by Project Destiny,⁹⁷ which “offers a safe, welcoming space for socializing and engaging in educational and recreational activities.”⁹⁸ J.L.P. participated in the chess club and the free after school program. Similarly, Manchester offers a peer mentoring program, an active student council, a reading-focused mentoring program, a garden restoration project with Sam’s

⁹⁶ See Jamie Wiggan, *North Side Neighborhoods Are Still Scarred By The “The Great Wall Of Manchester”*, PITTSBURGH CITY PAPER (May 23, 2023), <https://www.pghcitypaper.com/news-2/north-side-neighborhoods-are-still-scarred-by-the-the-great-wall-of-manchester-23918312/>.

⁹⁷ *Id.* at 19.

⁹⁸ See Project Destiny, *Out of School Time*, <https://projectdestinypgh.org/out-of-school-time-ost/>.

Club, and an array of sports teams⁹⁹—none of which are provided for in the Implementation Plan.¹⁰⁰

J.L.P. lives only four blocks from Manchester, so that from her doorstep, Rucker can watch J.L.P. walk to school without crossing a major street. In contrast, J.L.P. and Rucker live 1.1 miles from Allegheny ES at King. Rucker would not let J.L.P. walk to that school by himself and does not know how he would travel there. As a result, if Manchester closes, Rucker plans to enroll J.L.P. at Manchester Academic Charter school, which is 0.3 miles and six blocks from their home.

Rucker values Manchester’s close-knit community, where staff tend to stay for a long time. Rucker’s oldest child is 28 and some of her teachers still work at Manchester. Manchester’s close-knit environment and small classes mean that J.L.P. receives the support and attention he needs from staff and also gains confidence from working with his peers. J.L.P. has had a Black teacher each year since he began at Manchester and Rucker values the way J.L.P.’s Black educators treat him in a motherly way. Rucker noticed that Respondents’ communications about the possibility of Manchester’s closing prompted some families to leave Manchester in the middle of school year 2025–26.

iv. School Closures Have a Demonstrated Negative Impact on Student Academic Outcomes and Well-Being

Academic research indicates that closing schools has an immediate negative impact on students’ academic, behavioral, and attendance outcomes.¹⁰¹ Additionally, experiencing a school

⁹⁹ See PPS, Pittsburgh Manchester PreK-8, <https://www.pghschools.org/schools/k-8/manchester>.

¹⁰⁰ See PPS, Future Ready Facilities Implementation Plan at 99, <https://resources.finalsite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf> (noting only that PPS will “Increase access to sports opportunities for younger students and underrepresented groups” without providing any further information about which sports would be available at which schools).

¹⁰¹ See Mary Eddins, Maja Pehrson, & Kevin Burgess, *Revisiting Research on School Closings*, PENN. CLEARINGHOUSE FOR EDUC. RES. (Jun. 2024), <https://www.researchforaction.org/wp->

closure has been linked to decreases “in post-secondary education attainment, employment, and earnings at ages 25–27.”¹⁰² However, neither the School Closure Plan nor the Implementation Plan offer additional academic or socioemotional support for any displaced students. Nor do they include plans for new bus routes, crossing guards, or support for families who will be forced to travel further and find new ways to get to school.¹⁰³ Additionally, the Implementation Plan fails to include plans to ensure that students displaced by school closures will receive superior or even the same resources they currently receive.¹⁰⁴

V. Legal Standards

A. The PHRA Prohibits Race Discrimination in Public Education

Under the PHRA, “equal educational opportunity, irrespective of race” is a “fundamental guarantee [that . . .] must be provided.”¹⁰⁵ Accordingly, racially discriminatory policies or practices by a school district are unlawful. *See, e.g., Neshaminy School District v. PHRC*, 257 A.3d 766 (Pa. Commw. Ct. 2021); *Pennsylvania Hum. Rels. Comm’n v. Sch. Dist. of Philadelphia*, 638 A.2d 304, 328 (Pa. Commw. Ct. 1994). The PHRA explicitly authorizes the PHRC “to determine the extent of its jurisdiction in the first instance” and the PHRC has previously exercised its jurisdiction to adjudicate allegations of racially discriminatory school

content/uploads/2024/06/revisiting-research-on-school-closings-key-learning-for-district-and-community-leaders.pdf.

¹⁰² *See* Jeonghyeok Kim, The Long Shadow of School Closures: Impacts on Students’ Educational and Labor Market Outcomes, Working Paper No. 24-963 (May 2024), <https://edworkingpapers.com/sites/default/files/ai24-963.pdf>.

¹⁰³ *See generally* Community Report.

¹⁰⁴ *See generally* PPS, Future Ready Facilities Implementation Plan, <https://resources.finalsite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf>.

¹⁰⁵ Pennsylvania Human Relations Commission, Equal Educational Opportunity Guidelines For Public Schools at 1 (Aug. 24, 1998), <https://www.pa.gov/content/dam/copapwp-pagov/en/phrc/non-discrimination/Equal%20Educational%20Opportunity%20Guidelines.pdf>; *see also* 43 P.S. § 955(i)(1) To “[r]efuse, withhold from, or deny to any person because of his race . . . any of the accommodations, advantages, facilities or privileges of [a] public accommodation . . .” is unlawful.).

closures. *See Pittsburgh Bd. of Pub. Educ. v. Pennsylvania Hum. Rels. Comm’n*, 820 A.2d 838, 841 (Pa. Commw. Ct. 2003) (citing cases).

B. PHRC May Look to Title VI and Federal Civil Rights Authorities for Guidance

“When adjudicating [alleged discrimination under the PHRA], Pennsylvania courts look to corollary federal law and construe the [PHRA] in light of principles that have emerged from federal precedent interpreting federal antidiscrimination statutes.” *Reading Hous. Auth. v. Pennsylvania Hum. Rels. Comm’n*, 349 A.3d 502, 512 (Pa. Commw. Ct. 2025) (citing *Foust v. Pennsylvania Department of Human Services*, 305 A.3d 1128, 1133 (Pa. Commw. Ct. 2023)) (in housing discrimination context).

Although no Pennsylvania court appears to have expressly held that Title VI precedent applies to PHRA challenges to educational programs or policies, the PHRC routinely relies on Title VI jurisprudence when interpreting and enforcing the Act.¹⁰⁶ Moreover, the U.S. Court of Appeals for the Third Circuit treats race discrimination claims brought under the PHRA “the same as Title VI claims.” *Stosic v. W. Jefferson Hills Sch. Dist.*, 2022 WL 2733817, at *9 (W.D. Pa. July 11, 2022) (quoting *Astaree v. Villanova Univ.*, 509 F. Supp. 3d 265, 273 (E.D. Pa. 2020)) (cleaned up). Furthermore, Section 12(a) of the PHRA provides that: “The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof . . .” 43 P.S. §

¹⁰⁶ *See, e.g., Penn. Human Relations Comm. v. Neshaminy School District*, PHRC Case No. 201501536, Final Order at 23, <https://www.pa.gov/content/dam/copapwp-pagov/en/phrc/final-legal-orders/2011-2020-final-orders/PHRC-Neshaminy-Commission%20Final%20Order-11-26-2019.pdf>. Relatedly, the Pennsylvania Supreme Court has explicitly held that the *McDonnell Douglas* test used to evaluate federal Title VII claims applies to employment discrimination claims under the PHRA. *See Cook v. Big Beaver Falls Sch. Dist.*, 2013 WL 3156569, at *2 (Pa. Commw. Ct. June 7, 2013) (citing *General Electric Corp. v. Pennsylvania Human Relations Commission*, 469 Pa. 292, 365 A.2d 649 (1976)). In the housing context, the PHRC and Pennsylvania courts adopt the legal standards used by federal courts when applying the Fair Housing Act. *See Kevin Harris v. Girard Finance Company*, PHRC Case No. 200405223 at 11 (Oct. 24, 2011), <https://www.pa.gov/content/dam/copapwp-pagov/en/phrc/final-legal-orders/2011-2020-final-orders/Harris%20v%20Girard%20Finance%20%20102511.pdf>.

962(a); *see also* *Chestnut Hill College v. Pennsylvania Human Relations Commission*, 158 A.3d 251, 258 (Pa. Cmwlth. 2017) (PHRA should be construed liberally to accomplish its purposes).

The Third Circuit has clarified that the doctrine of deliberate indifference applies to discriminatory education policies or practices under Title VI. *See Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 273 (3d Cir. 2014) (“[D]eliberate indifference may, in certain circumstances, establish intentional discrimination for the purposes of a Title VI claim.” (citing cases)). A prima facie case of Title VI discrimination under the deliberate indifference theory requires evidence “that the defendant: (1) knew that a harm to a federally protected right was substantially likely; and (2) failed to act.” *Memphis St. Acad. Charter Sch. at J.P. Jones v. Sch. Dist. of Philadelphia*, 2023 WL 4032660, at *3 (E.D. Pa. June 15, 2023) (citing *S.H. v. Lower Merion Sch. Dist.*, 729 F.3d 248, 263 (3d Cir. 2013)).

VI. Argument

Racially discriminatory policies or practices by a school district are unlawful under the PHRA. *See, e.g., Neshaminy School District v. PHRC*, 257 A.3d 766 (Pa. Commw. Ct. 2021); *Pennsylvania Hum. Rels. Comm’n v. Sch. Dist. of Philadelphia*, 638 A.2d 304, 328 (Pa. Commw. Ct. 1994). As described below, Respondents’ actions constitute discrimination under the PHRA and there is no legitimate, non-discriminatory justification for Respondents’ decision to knowingly disproportionately target Black students in the Plan.

A. Respondents’ Actions Constitute a Prima Facie Case of Discrimination Under the PHRA

A prima facie case of discrimination under the deliberate indifference theory requires the plaintiff to allege “that the defendant: (1) knew that a harm to a federally protected right was substantially likely; and (2) failed to act.” *Memphis St. Acad. Charter Sch. at J.P. Jones v. Sch. Dist. of Philadelphia*, 2023 WL 4032660, at *3 (E.D. Pa. June 15, 2023) (citing *S.H. v. Lower*

Merion Sch. Dist., 729 F.3d 248, 263 (3d Cir. 2013), *aff'd sub nom. Memphis St. Acad. Charter Sch. at J.P. Jones v. Philadelphia Sch. Dist.*, 2026 WL 623097 (3d Cir. Mar. 5, 2026).

First, Respondents knew that closing schools based on utilization was substantially likely to discriminate against Black families. Research establishes that relying on utilization in school closure decisions disparately impacts Black students. Many families raised concerns at public hearings and 412 Justice formally notified Respondents and widely published evidence that relying on utilization would result in school closures that discriminate against Black students, that the Plan itself discriminates against Black students, and that families attending schools closed under the plan will lose valuable academic programs and services. The consulting firm ERS even acknowledged the discriminatory impact and made statements to the Board and press noting as such.

Second, despite being on notice that it was discriminatory, Respondents decided to rely on utilization to inform school closures anyway and declined to take steps to investigate or address concerns of potential discrimination. For example, they refused to conduct an equity audit, share information about the disproportionality publicly, or outline how Black students harmed by the Plan would receive support needed to mitigate the burden of the closures.

As a result, Complainants will be deprived of equal educational opportunity. Specifically, they will lose their schools at the end of school year 2026–27; have to navigate different, and in some cases longer, travel routes to a new school; and will lose access to unique educational services and opportunities that are not available at the schools to which they will be reassigned.

i. Respondents Had Notice that Relying on Utilization Would Disproportionately Harm Black Students

Respondents had notice that closing schools based on utilization would discriminate against Black families. In *Memphis Street Academy Charter School v. School District of*

Philadelphia, a charter school with a predominantly Black student population brought a Title VI claim against the School District of Philadelphia (“SDP”), arguing that SDP intentionally discriminated with deliberate indifference because it relied on discriminatory metrics to deny the renewal of the school’s charter application. 2023 WL 4032660, at *3. In that case, the plaintiff provided evidence that publicly available research put SDP on notice that the metrics SDP relied on to approve charter applications would create discriminatory results. *Id.* The court also noted that “these racial-disparity issues” were a “topic of frequent public comment by [SDP’s] governing Board of Education.” *Id.* (cleaned up).

Here, Respondents not only had access to widely available research on the discriminatory impact of closing schools based on utilization, but they were also put on notice repeatedly through public comments, letters, and reports from community-based organizations and families. In 2024, 412 Justice formally notified Respondents that relying on utilization rates to determine which schools to close would result in the School Closure Plan disproportionately displacing Black students¹⁰⁷ and later published an analysis of the Facilities Utilization Plan concluding that the Plan would disproportionately force Black students to lose their schools.¹⁰⁸

Moreover, Respondents were put on notice by their own consultants of the discriminatory impact of relying on utilization. For instance, ERS’s initial Facilities Utilization findings singled out school catchment areas with the highest Black student enrollment¹⁰⁹ and ERS representatives

¹⁰⁷ 412 Justice, Stop The Facilities Utilization—A.K.A. School Closure—Plan, Gain Authentic Community Input And Conduct An Independent Community-Based Equity Audit (Jul. 22, 2024), <https://412justice.org/open-letter/> (“As there are no equity requirements and ERS is focused on utilization, we have no confidence that ERS will craft a school closure plan that doesn’t disproportionately impact Black, brown, English learners, and disabled students.”).

¹⁰⁸ 412 Justice, Education Rights Network, Press Release ERN Response to School Closure F.U. Proposal (Aug. 20, 2024), https://docs.google.com/document/d/1v9IS9eny0JoXv_Waol_foeH76qJg0JwT8PWt7sAet8/edit (figures were based on SY 2023–24 enrollment data) (finding that “Black students represent 51% of the total PPS enrollment and are 54% of the students impacted by school closures,” while “White students represent 30% of the total PPS enrollment and are 25% of the students impacted by school closures”).

¹⁰⁹ See PPS, Facilities Study Community Meeting and Listening Session, Slide 12, https://drive.google.com/drive/u/0/my-drive?q=after:2026-06-02%20parent:0ALDQNBKG_wTkUk9PVA.

acknowledged in a public presentation to Respondents that Respondents had historically disproportionately targeted Black students when closing schools¹¹⁰ and that the Facilities Utilization Plan “would impact a higher share of the district’s Black and Latinx students compared to its white and Asian students.”¹¹¹

After PPS published the School Closure Plan, which was *more* discriminatory than ERS’s Facilities Utilization Plan,¹¹² families and community members repeatedly and publicly raised concerns about the racially discriminatory impact of the Plan.¹¹³ Finally, 412 Justice sent the Community Report to the members of the Board, documenting the losses and harms that Black families would face if their schools close.¹¹⁴

ii. Despite Notice of Discriminatory Impact, Respondents Proceeded to Approve the Plan Without Analyzing the Potential Harm to Black Students or Revising the Plan to be Non-Discriminatory

Under the deliberate indifference theory, a plaintiff must show that the defendant made a “deliberate choice” to proceed with discriminatory action despite being on notice of the discrimination, *S.H. ex rel. Durrell v. Lower Merion Sch. Dist.*, 729 F.3d 248, 263 (3d Cir. 2013) (quoting *Loeffler v. Staten Island Univ. Hosp.*, 582 F.3d 268, 276 (2d Cir. 2009)), but need not show that there was any “personal ill will or animosity.” *Id.* (citing cases). In *Memphis Street Academy*, the court concluded that the fact that there was “no meaningful dispute that SDP

¹¹⁰ ERS, A Reimagined School Portfolio in Pittsburgh Public Schools (Aug. 13, 2024), <https://resources.finalsite.net/images/v1724776991/pghschoolsorg/emjxwhgm2r0azlid4omj/0813ERSBoardMaterialsforsiteupdatesv2.pdf>.

¹¹¹ Lajja Mistry & Jillian Forstadt, *Closures, grade reconfigurations and magnet phase-outs floated in PPS facilities plan*, PITTSBURGH’S PUBLIC SOURCE (Aug. 13, 2024), <https://www.publicsource.org/pps-facilities-closures-magnets-education-pittsburgh/>.

¹¹² Pennsylvania Education Law § 7-780.

¹¹³ See Pittsburgh Public Schools YouTube Page, <https://www.youtube.com/@pittsburghpublicschools/videos> (hearings dated July 21–30, 2025).

¹¹⁴ See generally Community Report.

continue[d] to rely upon the [allegedly discriminatory f]ramework” was sufficient to constitute a “deliberate choice” at the pleading stage. 2023 WL 4032660, at *3.

Likewise, here, there is no dispute that PPS “continued to rely upon” utilization to determine which schools to close. Materials published throughout the decision-making process made clear that utilization was the primary factor relied upon,¹¹⁵ despite repeated warnings of the risk of discriminatory results. In fact, Respondents doubled down on their reliance on utilization by adding Manchester to the Plan because of the school’s low utilization rate.¹¹⁶

Respondents argued throughout the process that providing the “in-classroom supports”¹¹⁷ and “equitable needs-based allocation of resources”¹¹⁸ for Black students—*i.e.* complying with the 2006 Settlement—would be too expensive and instead opted to close schools that disproportionately serve Black students. Tellingly, PPS declined to conduct an equity audit to identify, at minimum, whether Black students were disproportionately impacted by past school closures or by the current School Closure Plan.

iii. **The Plan Deprives Black Students of Equal Educational Opportunities**

Finally, to state a claim of discrimination under Title VI, a plaintiff must establish “concrete” and “actual or imminent” harm, *see Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 278 (3d Cir. 2014) (citing cases), in the form of a “denial of an educational benefit.” *Landau v. Corp. of Haverford Coll.*, 789 F. Supp. 3d 401, 423 (E.D. Pa. 2025). In the federal Equal

¹¹⁵ *See, e.g.*, PPS, Future Ready Facilities Implementation Plan at 59 <https://resources.finalsite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf> (first listed guiding principal is “Balance Enrollment” *i.e.* “aim for 75-85% building utilization”); PPS, Feasibility Report Update Key Sections, Building Utilization; Understanding Functional Capacity (May 2025), <https://www.pghschools.org/about/superintendent-of-schools/future-ready>.

¹¹⁶ *See* Pittsburgh Public Schools, Updated Recommendations (May 2025), <https://resources.finalsite.net/images/v1747934821/pghschoolsorg/frv1uqgybvipv74t09qg/feasibility-update-16.pdf> (changes to 2024 Facilities Utilization Plan noted).

¹¹⁷ 2006 Settlement at *7.

¹¹⁸ 2006 Settlement at *6.

Protection context, imminent loss of a school constitutes injury sufficient for standing. *See, e.g., Doe ex rel. Doe v. Lower Merion Sch. Dist.*, 665 F.3d 524, 543 (3d Cir. 2011) (potential re-assignment to different School constitutes injury sufficient for plausible Equal Protection claim); *Familias Unidas Por La Educacion v. El Paso Indep. Sch. Dist.*, 633 F. Supp. 3d 888, 901 (W.D. Tex. 2022) (School closure constitutes injury sufficient for standing in Equal Protection challenge).

As displayed in Figure 2, the School Closure Plan causes Black students to lose their school building and displaces Black students at a higher rate than the PPS-wide Black student population.¹¹⁹ Even when requested to do so by the Board, PPS declined to affirmatively address the academic and emotional harms that Black students will disproportionately face as a result of closures.¹²⁰ Despite PPS's failure to provide this information, the Board approved the Plan,¹²¹ which will cause a disproportionate share of Black students in PPS to be harmed by the loss of academic programs, extracurricular opportunities, community services, staff and peer relationships, and affirmation and belongingness afforded at their schools.

As a result, Complainants stand to imminently lose the educational benefits unique to the schools Respondents plan to close. According to the Plan, Complainants will lose their schools at

¹¹⁹ *See* Figure 2. ERS and PPS representatives repeatedly share the statistics that 24% of Black students, 18% of white students, 16% of Asian students, 26% of Hispanic students, 25% of economically disadvantaged students, and 23% of students with disabilities will be impacted by the school closures. *See, e.g.,* ERS. Which students would be impacted by school closure? at slide 115 (Aug. 13, 2024), <https://resources.finalsite.net/images/v1724776991/pghschoolsorg/emjxwhgm2r0azlid4omj/0813ERSBoardMaterialforWebsitewithUpdatesv2.pdf>. These are not the same as the statistics used to show disproportionality, which compare the percent of each category of students in the district who would be impacted by the closure with the percentage of that category of students in the district overall.

¹²⁰ *See* A Resolution Of The Board Of Public Education Of The School District Of Pittsburgh Identifying Deliverable Information Requested By The Board Of Directors Of The District Administration Prior To Taking Board Action On The Proposed Facilities Plan, [https://go.boarddocs.com/pa/pghboe/Board.nsf/files/DKRPLF63F0DB/\\$file/Resolution%20for%20Implementation%20Priorities_8.12.25.pdf](https://go.boarddocs.com/pa/pghboe/Board.nsf/files/DKRPLF63F0DB/$file/Resolution%20for%20Implementation%20Priorities_8.12.25.pdf); *see generally* School Closure Implementation Plan.

¹²¹ Pittsburgh Public Schools, Legislative Meeting, Wednesday, May 27, 2026. Meeting Minutes, <https://go.boarddocs.com/pa/pghboe/Board.nsf/Public>.

the end of school year 2026–27 with no indication that they will be able to access the same or similar academic or enrichment programs and services after their schools close.¹²² D.A.L.C. and D.L.C. will lose access to the curriculum, pedagogy, and culture of the African-Centered Academy, unique to Miller; J.L.P will lose access to staff and peer relationships at Manchester and access to a public school that he can safely walk to; E.M. will lose access to Black educators and the project-based learning STEAM program unique to Woolslair; and D.H. will lose the opportunity to attend the magnet program to which he was accepted at Schiller.¹²³

Finally, Black students will be required to disproportionately face the well-established harms associated with the experience of a school closure, which include an immediate negative impact on academic, behavioral, and attendance outcomes¹²⁴ and decreases “in post-secondary education attainment, employment, and earnings at ages 25–27.”¹²⁵

B. There is No Legitimate, Non-Discriminatory Justification for Discriminately Targeting Black Students in the School Closure Plan

“Once a prima facie case [of discrimination] is established, a rebuttable presumption of discrimination arises[, and t]he burden then shifts to the defendant to show some legitimate, nondiscriminatory reason for its action.” *Girard Fin. Co. v. Pennsylvania Hum. Rels. Comm’n*, 52 A.3d 523, 534 (Pa. Commw. Ct. 2012) (citing cases) (cleaned up).

¹²² See generally PPS, Future Ready Facilities Implementation Plan, <https://resources.finalsite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf>.

¹²³ See PPS, Future Ready Facilities Implementation Plan at 84, <https://resources.finalsite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf> (noting that new course model will integrate STEAM “into the K–8 core curriculum,” which already occurs for all Woolslair students, without mentioning whether dedicated STEAM classes will be offered to students).

¹²⁴ See Mary Eddins, Maja Pehrson, & Kevin Burgess, *Revisiting Research on School Closings*, PENN. CLEARINGHOUSE FOR EDUC. RES. (Jun. 2024), <https://www.researchforaction.org/wp-content/uploads/2024/06/revisiting-research-on-school-closings-key-learning-for-district-and-community-leaders.pdf>.

¹²⁵ See Jeonghyeok Kim, *The Long Shadow of School Closings: Impacts on Students’ Educational and Labor Market Outcomes*, Working Paper No. 24-963 (May 2024), <https://edworkingpapers.com/sites/default/files/ai24-963.pdf>.

Respondents repeatedly claim that the Plan will increase equity by expanding academic opportunities for students who were previously not afforded them.¹²⁶ This justification is neither reasonable nor non-discriminatory.

First, the claim that the Plan will expand academic opportunities for students whose schools will close is unsupported by evidence. As articulated above, Complainants stand to suffer from the loss of unique educational programs that PPS has no plans to replace. Furthermore, the Plan provides no additional academic or behavioral supports for students who will be displaced, despite evidence that students who experience school closures—especially those from low-income families—experience negative academic and behavioral outcomes following school closures. Such impacts will likely be compounded for E.M. and other students who faced academic setbacks during remote learning time caused by the Covid-19 pandemic and who will be reassigned to the over-crowded Allegheny ES at King.

Respondents also claim that closures are necessary due to fiscal constraints. However, there is no evidence that Respondents considered alternative solutions to address these concerns that would not disproportionately harm Black students. For instance, academic research indicates that school closures do not save money, in part because they create enrollment declines for school districts when families opt for charters that may be closer than their reassigned school.¹²⁷

¹²⁶ See, e.g., Wayne N. Walters, Superintendent, PPS, Letter to Pittsburgh Public Schools Families, Staff, and Community Members (May 27, 2026), <https://resources.finalsite.net/images/v1779929312/pghschoolsorg/qtsbulxd8gs6uibcus52/SuperintendentLettertothePPSCommunity.pdf> (“This long-term plan is designed to modernize learning environments, improve long-term sustainability, and expand equitable access to high-quality academic programming, extracurricular opportunities, and student supports throughout our District.”).

¹²⁷ See Francis Pearman, Stanford Scale Initiative, The Fiscal Consequences of School Closures in California: Evidence from a Statewide Synthetic Difference-in-Differences Design (2026), <https://gettingdowntofacts.com/reports/fiscal-consequences-school-closures-california-evidence-statewide-synthetic-difference> (“closure is associated with a statistically significant decline of 287.67 students, confirming that entering a closure regime is accompanied by meaningful enrollment attrition”).

Indeed, Rucker plans to send J.L.P. to a charter school in her neighborhood if her neighborhood public school closes.

By contrast, PPS has a recent history of successfully employing policies to increase enrollment. For instance, Woolslair gained enrollment after PPS implemented a school-wide STEAM program, yet there is no indication that Respondents have attempted recruitment campaigns to attract families to schools identified as under-enrolled. As such, evidence from PPS and other districts suggests that the Plan will worsen, rather than improve, PPS’s fiscal constraints, further limiting funds that could be used to offer resources to Black students and comply with the 2006 Settlement.

Worthy and other community members presented to Respondents the PPS Community Proposal aimed to increase equity and enrollment district-wide,¹²⁸ but there is no evidence that Respondents seriously considered it or incorporated elements of it into the Plan. Instead, according to Chambers and Rucker, Respondents’ public labeling of their schools as under-utilized directly caused enrollment to decrease.

In sum, any claims that the Plan will increase equity in PPS are balanced against evidence that the Plan will worsen educational outcomes for Black students and exacerbate PPS’s declining enrollment trends, further constraining available resources. Respondents have not publicly acknowledged this evidence or considered other, non-discriminatory options.

C. Prompt Judicial Action, Expedited Relief, and Exercise of PHRC’s Broad Remedial Authority is Needed to Cease Harmful School Closures and Prevent Immediate and Irreparable Harm

In the event that the PHRC “concludes, at any time following the filing of a complaint . . . that prompt judicial action is necessary to prevent immediate and irreparable harm,” it is

¹²⁸ See PPS Community Proposal, <https://www.ppscommunityproposal.org/>.

authorized to “commence an action in Commonwealth Court or the appropriate court of common pleas, and that court may grant an appropriate preliminary or special injunction pending final disposition of the complaint.” 43 P.S. § 959.2; *see, e.g., Com., Hum. Rels. Comm’n v. Feeser*, 469 Pa. 173, 176 (Penn. 1976) (upon investigating complaint and finding probable cause, PHRC sought preliminary injunction in Pennsylvania court). An impending school closure constitutes irreparable harm. *See, e.g., Reach Acad. for Boys & Girls, Inc. v. Delaware Dep’t of Educ.*, 8 F. Supp. 3d 574, 581 (D. Del. 2014) (“Plaintiffs will be irreparably harmed in the absence of a preliminary injunction because they will lose the opportunity to continue . . . to attend” school); *Save Our Sch. v. Colonial Sch. Dist.*, 156 Pa. Cmwlth. 671, 673 (Cmwlth. Ct. 1993) (affirming grant of preliminary injunction “ordering the School Board to rescind a resolution closing” a school).

The PHRC has “broad remedial powers to cope with the problem of discrimination” and its “expertise . . . in fashioning remedies is” afforded deference by Pennsylvania courts. *Girard Fin. Co. v. Pennsylvania Hum. Rels. Comm’n*, 52 A.3d 523, 536 (Pa. Commw. Ct. 2012) (citing cases). Among those powers, the PHRA explicitly authorizes the PHRC to order a respondent “to cease and desist from [an] unlawful discriminatory practice.” 43 P.S. § 959(f)(1); *see, e.g., Reading Hous. Auth. v. Pennsylvania Hum. Rels. Comm’n*, 349 A.3d 502, 510 (Pa. Commw. Ct. 2025) (PHRC directed respondent housing authority to cease and desist from denying reasonable accommodation to tenants); *Karanveer Singh, Myshia Martin v. Tommy Gun Inc. d/b/a Targetmaster*, PHRC Case No. 202101691, 202300175 at *26, <https://www.pa.gov/content/dam/copapwp-pagov/en/phrc/final-legal-orders/2021-present-final-orders/202101691%20targetmaster.pdf> (PHRC directed employer to “cease and desist from

failing to provide reasonable accommodations to its dress code policy for patrons who need them because of their religion.”).

Complainants would be irreparably harmed in the absence of a preliminary injunction or expedited relief because, as stated above, they will lose the opportunity to continue to attend their schools and access their schools’ unique services. Furthermore, given Respondents’ decades-long history of discrimination against Black students, broad exercise of PHRC’s remedial authority is needed to address past and current discrimination, mitigate its effects, and prevent its recurrence.

VII. Prayer For Relief

Complainants request that PHRC 1) accept and investigate this complaint; 2) commence an action in Commonwealth Court or the appropriate court of common pleas to seek a preliminary injunction directing Respondents to immediately cease and desist from implementing the Plan pending the investigation and final disposition of this complaint; 3) determine that approval of the Plan and related policies and practices discriminate against Black students in violation of the Pennsylvania Human Relations Act; and 4) exercise broad remedial authority to immediately direct Respondents to cease and desist from approving or implementing any school closure plan that discriminates against Black students and re-commit to providing equal educational opportunities to all Black students in PPS.

Further, Complainants demand that Respondents:

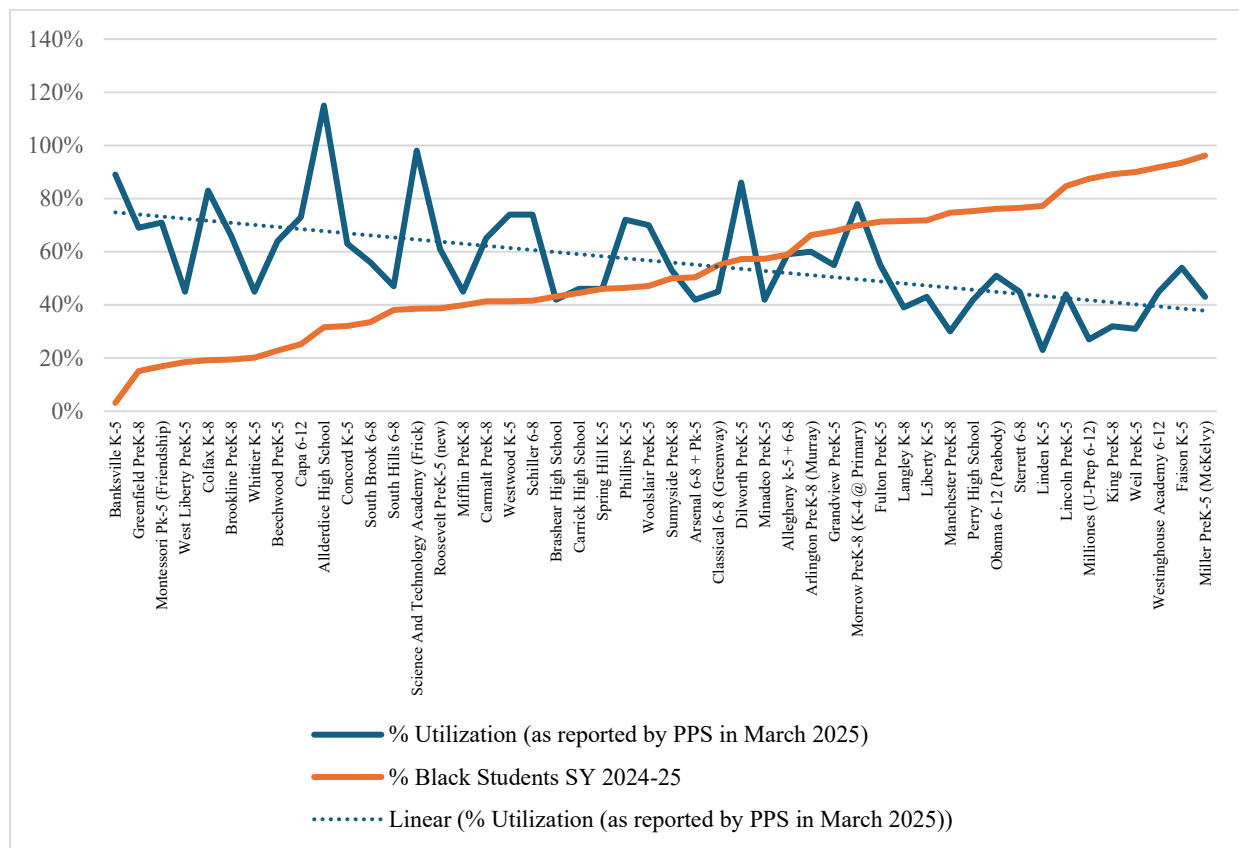
1. Immediately cease implementation of the School Closure Plan and the School Closure Implementation Plan;
2. Immediately send written communications to staff and families attending schools included in the Plan that the schools will remain open;

3. Ensure that no academic or enrichment programs or services are eliminated from schools included in the Plan;
4. Conduct an equity audit of school closures in Pittsburgh that, at minimum, includes a historical analysis of the statistical impact of past school closures on students protected under the PHRA, the impact of past school closures on Black students and their families, and whether school closures improved, worsened or had no effect on educational, behavioral, and attendance outcomes for Black students;
5. Clarify that the PHRA makes it unlawful for a school closure plan to discriminate against students with protected traits;
6. Perform an objective and comprehensive cost-savings analysis that accounts for anticipated enrollment loss due to school closures
7. Restart the process of deciding which schools to close without relying on racially discriminatory metrics like utilization and incorporating feedback from stakeholders who have been deprived of educational opportunities due to Respondents' discrimination;
8. Comply with the 2006 Settlement by implementing programs that are proven to minimize or eliminate systemic discrimination against Black students in PPS, including ensuring Black students and Black communities receive the resources they need in school by expanding the community schools model to high-need schools such as Miller, Manchester, and Woolslair.

Dated: July 14, 2026

VIII. Figures and Appendices

Figure 1. Relationship between utilization and percent Black student enrollment.¹²⁹



¹²⁹ According to PPS, the utilization rates included in Figure 1 were relied on to develop the School Closure Plan. The utilization data are available at: <https://resources.finalsite.net/images/v1741375174/pghschoolsorg/lrzv6tihmpjzs9lmd1az/PPSERSFUPFeasibility-SouthWest.pdf>; <https://resources.finalsite.net/images/v1741375174/pghschoolsorg/mxaryxecsazk4mr5mbey/PPSERSFUPFeasibility-North2.pdf>; and <https://resources.finalsite.net/images/v1741375174/pghschoolsorg/ytrtyjqjbxqlqmlejj2l/PPSERSFUPFeasibility-CentralEast.pdf>. The enrollment data used in Figure 1 are available on PPS’s public Data Dashboard, <https://www.pghschools.org/departments/data-research-evaluation-assessment/office-of-research-and-evaluation/available-data-reports>. The dotted “linear” line maps the linear relationship of school-wide utilization rates when ordered by Black student enrollment.

Figure 2. Black Students Impacted by School Closure Plan Compared to White Students Impacted by School Closure Plan.

Type of Displacement	2025-26 Enrollment ¹³⁰	# displaced	% displaced	# displaced	% displaced
		Black students		White students	
Building Closure	1467	912	62%	271	18%
School Closure	1111	553	50%	216	19%
Reconfiguration	2101	1088	52%	573	27%
Magnet To Neighborhood	1695	985	58%	443	26%
All Displaced Students	6374	3538	56%	1503	24%
PPS Enrollment Totals SY 2025-26	17937	8801	49%	5289	29%

Appendix A. List of School Buildings Closing with Black and White Student Enrollment.¹³¹

School Name	Enrollment	Number of Black Students	% Black Students	Number of White Students	% White Students
1. Baxter	104	88	85%	0	0%
2. Fulton	205	143	70%	29	14%
3. McKelvey (Miller)	167	155	93%	0	0%
4. Morrow K-5 ¹³²	298	197	66%	43	14%
5. Schiller	250	97	39%	89	36%
6. Spring Hill	131	58	44%	40	31%
7. Woolslair	183	76	42%	55	30%
8. Manchester	129	98	76%	15	12%

¹³⁰ Enrollment data available at PPS's Data Dashboard, <https://www.pghschools.org/departments/data-research-evaluation-assessment/data-dashboards> (accessed Jun. 16, 2026).

¹³¹ Even though PPS refers to a "building closure" for Montessori, Montessori is not included in this calculation because Montessori is maintaining the school magnet program remaining a school and the students are relocating moving to a new building with an elevator—Linden. See School Closure Implementation Plan at 66.

¹³² Morrow PreK-8 operates in two buildings: K-5 grade students are housed in the Primary Campus on Davis Avenue, while Prekindergarten and 6-8 grade students use the Intermediate Campus on Fleming Avenue. According to the Plan, the building on Davis Avenue will close and the building on Fleming Avenue will be converted into Morrow Elementary School. Students attending Morrow who are in grades K-5 are reassigned either to Allegheny ES (at King) or to the new Morrow Elementary School location, depending on their address. Students attending Morrow in grades 6-8 move to Schiller (at Allegheny).

Total Students Who Lose a School Building	1467	912	62%	271	18%
PPS Total Enrollment	17952	8,801	49%	5,289	29%

Appendix B. Full List of Schools Where Students Will be Displaced under the School Closure Plan¹³³

School Name ¹³⁴	Type of School	Method of Displacement	% Students Displaced who are Black	% Students Displaced who are white
1. Baxter (Student Achievement Center)	Special Program	June 2027: Building Closes and Center Closes Fall 2027: Credit Recovery moves to Feeder Schools	85%	0%
2. Fulton PreK-5	Neighborhood with Magnet	June 2027: School and Building Closes Summer 2027: Fulton feeder moves to Dilworth ES Fall 2027: Dilworth ES Neighborhood School Opens	70%	14%
3. McKelvey (Miller PreK-5)	Neighborhood	June 2027: School and Building Closes Summer 2027: Students move to Weil ES or Liberty ES	93%	0%
4. Morrow PreK-8 (K-5 students)	Neighborhood	June 2027: Building Closes Fall 2027: Morrow ES opens in facility that currently houses 6-8 students. Students move to Morrow ES or Allegheny ES (at King)	68%	14%
5. Schiller 6-8	Neighborhood with Magnet	June 2027: Building Closes, Magnet ends Summer 2027: School moves to Allegheny facility Fall 2027: Schiller MS opens in Allegheny facility.	39%	36%
6. Spring Hill PreK-5	Neighborhood	June 2029: School Closes Summer 2029: Students move to new Northview ES (building currently closed)	44%	31%
7. Woolslair PreK-5	Neighborhood with Magnet	June 2027: School and Building Closes	42%	30%

¹³³ See PPS, Data Dashboard, Enrollment Summary, [https://www.pghschools.org/departments/data-research-evaluation-assessment/data-dashboards \(enrollment data\)](https://www.pghschools.org/departments/data-research-evaluation-assessment/data-dashboards (enrollment data)) (accessed Jun. 16, 2026); PPS, Phase One, <https://resources.finalsite.net/images/v1779807856/pghschoolsorg/xcum3jz4i7zretukd12z/FutureReadyFacilitiesPlanTimeline.pdf> (method of displacement for each school).

¹³⁴ The School Closure Implementation Plan refers to Montessori as a “building closure,” however Montessori is not closing, it is moving to a an improved facility—Linden. See Implementation Plan at 66.

		Summer 2027: Magnet students return to feeder schools; Liberty ES & Sunnyside ES serve feeder students		
8. Manchester PreK-8	Neighborhood	June 2027: School and Building Closes; Fall 2027: Students attend Allegheny ES (at King) and Schiller MS (at Allegheny)	76%	12%
9. Allegheny 6-8	Traditional Academy Magnet	June 2027: School Closes and Magnet ends Summer 2027: Students return to feeder pattern schools	78%	10%
10. Arsenal PreK-5	Neighborhood with Designated Community School ¹³⁵	June 2027: School Closes Summer 2027: Students move to Liberty ES, Sunnyside ES, or Allegheny ES (at King)	47%	16%
11. Linden PreK-5	Magnet	June 2027: School Closes Summer 2027: Montessori Magnet opens	75%	14%
12. South Brook 6-8	Neighborhood	June 2027: School Closes Summer 2027: Students move to Arlington MS	41%	36%
13. South Hills 6-8	Neighborhood	June 2027: School Closes Summer 2027: Students move to Carmalt MS	39%	19%
14. Arlington PreK-8	Neighborhood with Designated Community School	June 2027: PreK-5 closes Summer 2027: Students in K-5 move to Concord ES, Phillips ES, or Roosevelt ES Fall 2027: Opens as MS	64%	17%
15. Brookline PreK-8	Neighborhood	June 2027: 6-8 closes Fall 2027: Opens as ES	26%	57%
16. Carmalt PreK-8	Magnet	June 2027: PreK-5 closes and Magnet ends Summer 2027: Students in PreK-5 return to feeder pattern schools Fall 2027: Carmalt MS opens as STEM emphasis school	43%	36%
17. Colfax K-8	Neighborhood	June 2027: K-5 closes Fall 2027: Receives 6-8 students from Greenfield and Mifflin	17%	50%
18. Greenfield PreK-8	Neighborhood	June 2027: 6-8 closes Fall 2027: Receives some Colfax K-5 students; 6-8 students move to Colfax MS	16%	49%
19. Langley PreK-8	Neighborhood with Designated	June 2027: 6-8 closes Summer 2027: Students in K-5 remain at Langley ES, Students in 6-8 move to PCA MS	75%	0%

¹³⁵ See PPS, Board Policy 122, Community Schools,
<https://go.boarddocs.com/pa/pghboe/Board.nsf/goto?open&id=AHH6PD15305D>.

	Community School	Fall 2027: Opens as elementary; PCA opens as MS Neighborhood School		
20. Mifflin PreK-8 ¹³⁶	Neighborhood	No information in the School Closure Implementation Plan	44%	46%
21. Morrow PreK-8 (6-8 students)	Neighborhood	June 2027: 6-8 closes Summer 2027: 6-8 students move to Schiller MS (at Allegheny)	76%	8%
22. Sunnyside PreK-8	Neighborhood	June 2027: 6-8 closes Summer 2027: 6-8 students move to Arsenal MS Fall 2027: Sunnyside ES opens	69%	25%
23. Westinghouse Academy 6-12	Neighborhood with Designated Community School	June 2027: 6-8 closes Summer 2027: 6-8 students move to Sterrett MS or Arsenal MS Fall 2027: Opens as a Westinghouse HS	90%	0%
24. King PreK-8	Neighborhood with Designated Community School	June 2027: School Closes Summer 2027: Renovations begin; 6-8 students move to Schiller MS (at Allegheny) Fall 2027: Allegheny ES opens at King facility	90%	0%
25. Milliones 6-12	Neighborhood with Designated Community School	June 2027: School Closes Summer 2027: 6-8 students remain as part of Sci Tech MS, 9-12 students move to Sci Tech HS Fall 2027: Opens as SciTech MS (at Milliones)	88%	0%
26. Allegheny PreK-5 ¹³⁷	Magnet	June 2027: School Relocates to King facility Summer 2027: Magnet ends Fall 2027: Allegheny ES opens at King facility Summer 2029: Some students move to reopened Northview ES	52%	31%
27. Classical 6-8 (“PCA”) ¹³⁸	Magnet	Summer 2027: Magnet ends Fall 2027: Opens as neighborhood school	54%	27%

¹³⁶ Mifflin is not included in the comprehensive list of school closures on pages 130–35 of the School Closure Implementation Plan, however page 67 of the Implementation Plan reveals that Mifflin will no longer be a magnet school. See PPS, Future Ready Facilities Implementation Plan, <https://resources.finalseite.net/images/v1761921759/pghschoolsorg/cdcxulcc2pzb2blompzw/PPSFuture-ReadyImplementationPlan20251031-compressed.pdf>. PPS currently lists it as a magnet school on its website. See PPS, Magnet Programs, <https://www.pghschools.org/about/enrollment/magnet-schools-homepage/magnet-programs>.

¹³⁷ Because PPS has not provided a proposed number of students who will be displaced by the elimination of magnet programs, the numbers for magnet programs listed reflect the total enrollment at the school.

¹³⁸ PCA is not included in the comprehensive list of school closures on pages 130–35 of the School Closure Implementation Plan, however the Implementation Plan reveals that PCA will no longer be a magnet school, see Implementation Plan at 67, and PPS currently lists PCA as a magnet school on its website. See PPS, Magnet Programs, <https://www.pghschools.org/about/enrollment/magnet-schools-homepage/magnet-programs>.

28. Dilworth Prek-5	Traditional Academy Magnet	June 2027: Magnet ends Summer 2027: Students return to feeder pattern schools Fall 2027: Opens as neighborhood school with Fulton feeder students	60%	27%
29. Liberty K-5	Magnet	June 2027: Magnet ends Summer 2027: students return to feeder pattern schools Fall 2027: Opens as neighborhood school	76%	13%
30. Phillips K-5	Magnet	June 2027: Partial Magnet ends Fall 2027: Opens as full neighborhood school	47%	31%
31. Sterrett 6-8 ¹³⁹	Neighborhood with Magnet	No information in the School Closure Implementation Plan	71%	18%
32. Obama 6-12	Magnet	June 2027: 6-8 closes Summer 2027: 6-8 students move to Arsenal MS Fall 2027: opens as Obama HS neighborhood magnet	76%	14%
33. Science and Technology Academy ("Sci Tech") 6-12	Magnet	June 2027: 6-8 closes Fall 2027 Opens as Sci Tech Academy HS neighborhood magnet	32%	54%
TOTAL STUDENTS DISPLACED			56%	24%
PPS-WIDE SHARE OF STUDENTS			49%	29%

¹³⁹ Sterrett is not included in the comprehensive list of school closures on pages 130–35 PPS’s Implementation Plan, however the Implementation Plan reveals that Sterrett will no longer be a magnet school. *See* Implementation Plan at 67, and PPS currently lists it as a magnet school on its website. *See* PPS, Magnet Programs, <https://www.pghschools.org/about/enrollment/magnet-schools-homepage/magnet-programs>.