

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR’S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

Ms. Rucker o/b/o/ J.L.P.,	:	
	:	
Complainants,	:	
	:	
v.	:	PHRC Case No.: 202600496
	:	
School District of Pittsburgh & School	:	
Board of Directors,	:	
	:	
Respondents.	:	
Ms. Chambers o/b/o/ D.A.L.C. & D.L.C.,	:	
	:	
Complainants,	:	
	:	
v.	:	PHRC Case No.: 202600498
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School District of Pittsburgh & School	:	
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Respondents.	:	
Ms. Worthy o/b/o/ D.H. & E.M.,	:	
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Complainants,	:	
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**PETITION FOR RULE TO SHOW CAUSE
PENNSYLVANIA HUMAN RELATIONS COMMISSION COMPLAINT**

On July 14, 2026, Complainants filed a complaint with the Pennsylvania Human Relations Commission (“PHRC”) alleging education discrimination based on race in violation of the Pennsylvania Human Relations Act (“PHRA”). 43 P.S. § 955(i)(1). On September 24, 2026,

rather than file an answer, Respondents filed a Motion to Dismiss. Complainants now file a Petition for Rule to Show Cause under 16 Pa. Code § 42.33(c). *See Sales and Mktg. Grp., Inc. v. Pa. Human Relations Comm’n*, No. 198 C.D. 2017, 2018 WL 280544, at *1 (Pa. Cmwlth. Ct., Jan. 4, 2018) (finding that a petition for a rule to show cause under 16 Pa. Code § 42.33 is appropriate after Respondents fail to submit an answer to a complaint); *see also Bebee v. Pa. Human Relations Comm’n*, 55 A.3d 1280, 1282 (Pa. Cmwlth. Ct. 2012).

1. PHRA Requires Respondents to File an Answer

Section 9(b)(3) of the PHRA and 16 Pa. Code § 42.31(c) both require Respondents to file an answer to a complaint within thirty days of service of the complaint, or if an extension is requested and granted, within 60 days of service of the complaint. The language of § 42.31(c) explicitly specifies that a “written, verified *answer* to the complaint” is required (emphasis added). An adequate answer must “fully and completely advise the parties and the Commission as to the nature of all defenses, *shall admit or deny with specificity* each averment of fact in the complaint, and shall state clearly and concisely the facts and matters of law relied upon.” 16 Pa. Code § 42.32(b) (emphasis added).

The PHRC itself says that the “[t]he Special Rules of Administrative Practice and Procedure [] requires that you provide a Verified Answer to that Complaint” and says that “[t]he failure to respond to a factual allegation or allegations in a Complaint may result in the finding of liability against you. 16 Pa. Code § 42.33.” Pa. Hum. Rel. Comm’n, HOW TO ANSWER THE COMPLAINT, at 2, <https://www.pa.gov/content/dam/copapwp-pagov/en/phrc/attorney-forms/How%20to%20Answer%20a%20Complaint%20for%20Respondents1.pdf>. The PHRC has issued specific instructions on how to properly complete and verify an answer to a complaint. *Id.* Respondents are required to “provide a response to each factual allegation contained in the

Complaint” with either an admission, denial, or a lack of knowledge. *Id.* at 1. Respondents are further required to copy the language from the Complaint and provide direct responses to the allegations. *Id.* at 2. These answers should be specific enough that the PHRC can clearly assess whether the Respondents are “admitting or denying each allegation and factual assertion.” *Id.* at 2. All answers must then include the requisite verification at the end.¹

Pennsylvania law provides that a “Respondent may also file *with* his answer a motion to dismiss . . . because of lack of legal sufficiency appearing on the face of the complaint.” 1 Pa. Code 35.54 (emphasis added). Critically, however, this language mandates that a motion to dismiss can only be filed alongside—and not instead of—an answer.² Indeed, it has long been standard practice for jurisdictions to file both an answer and a motion to dismiss in response to complaints like the one at issue here. *See Pleasant Valley Sch. Dist. v. Commonwealth, Dep’t of Cmty. Affairs*, 560 A.2d 935, 936 (Pa. Commw. Ct. 1989); *Bethel Park Citizens for Better Educ. Less Taxes v. Commonwealth, Dep’t of Cmty. Affairs*, 563 A.2d 969, 971 (Pa. Commw. Ct. 1989).

2. Respondents’ Motion to Dismiss Does Not Meet Statutory or Regulatory Requirements of an Answer

Respondent’s Motion to Dismiss fails to comply with the requirements of an answer under 16 Pa. Code § 42.31-32. In their Motion to Dismiss, Respondents fail to specifically admit or deny any of the Complainant’s allegations or state that they lacked the information regarding

¹Answers must include the verification statement “I hereby verify that the statements contained in this Answer are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA.C.S. § 4904, relating to unsworn falsification to authorities,” Respondent’s signature, and the date filed. *See* Pa. Hum. Rel. Comm’n, HOW TO ANSWER THE COMPLAINT, at 2, <https://www.pa.gov/content/dam/copapwp-pagov/en/phrc/attorney-forms/How%20to%20Answer%20a%20Complaint%20for%20Respondents1.pdf>.

² Although the PHRC is governed by the administrative code, the Pennsylvania Rules of Civil Procedure—which include the same language regarding required answers—also do not suggest that a motion to dismiss can substitute an answer to a complaint. *See Slezynger v. Bischak*, 224 Pa. Super. 552, 555 (Pa. Super. Ct. 1973) (“A Motion to Dismiss may not be filed as a responsive pleading” according to Pa. R.C.P. 1017.).

the facts alleged in the complaints. 16 Pa. Code § 42.12. Indeed, the specific words “admit,” “deny,” or “lack knowledge” do not appear anywhere in the motion. Furthermore, Respondents did not include a verification as required by 16 Pa. Code § 42.32(b). Instead, Respondents request that “the PHRC dismiss the Complaints in their entirety, with prejudice,” arguing that Complainants’ allegations lack standing and ripeness and challenging the legal standard for discrimination pled by Complainants. Mot. to Dismiss at 14-15, 36. Therefore, Respondents fail to make clear to the PHRC whether they admit or deny every allegation, and they also fail to include the required verification statement in the document. On all accounts, their motion to dismiss does not meet the statutory or regulatory requirements of an answer.

3. Effect of Respondents’ Failure to File a Reply

Under 16 Pa. Code § 42.31(d), “failure to file an answer within the required time will be deemed to place the respondent in default.” § 42.31(d); *cf.* Pa. R. Civ. P. 1029(d); *Foust v. Penn. Dept. of Hum. Services*, 305 A.3d 1128, 1136 (Pa. Commw. Ct. 2023) (holding that “averments of fact not denied are deemed admitted”).

Respondents, by failing to file an answer, should be deemed to have admitted all alleged facts in the Complaint, which has significant implications for arguments alleging that the policies or practices by the Pittsburgh Public Schools and the Board of Directors are discriminatory. Among other allegations, the Complaint alleges that, first, Respondents knew that closing schools based on utilization would harm Black families and students based on public testimony from parents and community members, widely available research, and their own consultants. Compl. at 8-18, 28-30. The Complaint further alleges that, despite this knowledge, Respondents approved the School Closure Plan while refusing to take steps to investigate or address concerns of potential discrimination. Compl. at 18, 30-31. Additionally, the Complaint alleges that

Respondents have a history of under-resourcing and closing schools in Black neighborhoods; Compl. at 7-8; and that previous allegations of racial discrimination have resulted in at least one settlement and continued PHRC oversight. Compl. at 5-7. The Complaint also alleges that Black students will disproportionately face academic and emotional harms due to Respondents' approval of the School Closure Plan, including being sent to over-crowded schools that lack the unique educational programs at schools slated for closure. Compl. at 18-25, 31-33. The Complaint then alleges that the School Closure Plan will exacerbate inequities, worsen declining enrollment, and further constrain fiscal resources in the school district. Compl. at 33-35. The Complaint finally alleges that Respondents declined to pursue nondiscriminatory alternatives and there is no legitimate, nondiscriminatory justification for targeting Black students in the School Closure Plan. *Id.*

4. Request for Relief

Complainants now request the PHRC find probable cause and enter a judgment for the Complainants on the issue of liability, to be followed by a public hearing on the issue of damages if conciliation efforts fail, in accordance with 16 Pa. Code § 42.33(d)(4). *See Parks v. Penn. Human Relations Comm'n*, 848 A.2d 204, 207 (Pa. Commw. Ct. 2004) (finding probable cause and entering a judgment in favor of Petitioner on issue of liability after Respondent failed to answer Complaint and did not respond to Petition for Rule to Show Cause).

Submitted: October 7, 2026

By: Adaku Onyeka-Crawford
Jessica Alcantara

**ADVANCEMENT PROJECT
COUNSEL FOR COMPLAINANTS**

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ORDER

AND NOW, this ____ day of _____ 2026, upon consideration of the foregoing petition, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within five days of service upon the respondent; and

(3) the petition shall be decided under 16 Pa. Code § 42.33(d).
