



**END SCHOOL PUSHOUT
FOR BLACK GIRLS AND
OTHER GIRLS OF COLOR**

FEDERAL, STATE AND LOCAL POLICY RECOMMENDATIONS



SEPTEMBER 2019

NATIONAL BLACK WOMEN'S JUSTICE INSTITUTE (NBWJI)

INTRODUCTION

At alarming rates, Black girls, and other girls of color experience discriminatory, disparate, punitive and unfair treatment in schools. Black girls are suspended, expelled, referred to law enforcement and arrested on school campus at rates that far exceed the public school population as a whole, and far exceed their white female peers.¹ According to the most recent U.S. Department of Education Office for Civil Rights Data, Black girls in grades K-12 are **7 times** more likely to be suspended from school, and **4 times** more likely to be arrested on school campus.² Punitive practices and policies in schools fuel systemic inequities and outcomes based on race and gender, and have profound consequences for Black girls: rather than promote safety and well-being, these practices disproportionately push Black girls out of school and further into the margins. Black girls who have been subject to punitive school policies and practices are at an increased risk of coming in contact with the juvenile and criminal courts and/or leaving school altogether³, ultimately impeding their ability to achieve future success and lead successful and healthy lives.⁴

Black girls and other girls of color are often subjectively punished and criminalized for their communication styles, their expressions, and the trauma they have experienced.⁵ It is imperative as policy leaders to advocate for the necessary resources, laws, policies and practices that work to create supportive learning environments, where all students have the opportunity to succeed; and where Black girls --who have for too long been subjected to racially biased, sexist, and culturally discriminatory practices -- have access to a robust array of targeted services and supports that propel them to a lifetime of success.

Below are critical policy recommendations for agencies and individuals at the federal, state, and local level to counter the criminalization of Black girls, and other girls of color. Most importantly, the below recommendations are specified to provide Black girls and other girls of color the opportunity to attend school in learning environments that provide safety, access, and the opportunity to thrive and reach their highest potential.

¹ Misha Inniss-Thompson, summary of Discipline Data for Girls in U.S public schools: an analysis from the 2015-16 U.S. Department of Education Office for Civil Rights Data collection, National Black Women's Justice Institute (2017). https://docs.wixstatic.com/ugd/0c71ee_9506b355e3734ba791248c0f681f6d03.pdf

² Misha Inniss-Thompson, summary of Discipline Data for Girls in U.S public schools: an analysis from the 2015-16 U.S. Department of Education Office for Civil Rights Data collection, National Black Women's Justice Institute (2017). https://docs.wixstatic.com/ugd/0c71ee_9506b355e3734ba791248c0f681f6d03.pdf

³ "Leaving School" refers to the common phrase "school drop-out." NBWJI does not use this phrase because the decision to leave an education institution is an amalgamation of poor school climate and harmful policies, practices, and treatment of students, and students choice that individually or combined can push Black girls out of school. "School drop-out" gives the connotation that students, as lone actors choose to leave school- and does not take into account the historical hostile environments that schools can be for students for color.

⁴ The author of this brief refrain from using this term dropout, because it can imply that the student voluntarily chose to leave school without understanding of the context for that decision and the external factors that impact a young person's ability to thrive in school.

⁵ Project Focus: Girls of Color https://docs.wixstatic.com/ugd/0c71ee_771165dfa8bc4af19374610989able4a.pdf

FEDERAL POLICY MAKERS

Support congressional legislation designed to address disparities associated with existing policies that unnecessarily criminalize students of color and hinder their connections to and performance in schools: As federal legislation seeks to eliminate the use of zero tolerance policies that disproportionately impact students of color, as well as advance policy designed to create effective school-based programming to expand alternatives to exclusionary school discipline, federal policymakers should support efforts that increase schools' capacity to develop gender- and culturally-relevant responses to trauma so as to promote a safer climate for Black girls and other girls of color to attend and succeed in schools.

Increase opportunities for Black girls and other girls of color to participate in extracurricular activities and sports: We stand with the National Women's Law Center in a call-to-action to increase funding for programming and interventions such that they fully integrate girls, Transgender, Gender Non-Conforming and non-binary youth (TGNC) in school-based extracurricular activities and sports.

Support legislation and policies that require school districts and post-secondary institutions to provide support to pregnant and parenting students: Broadly, school systems should revise policies and practices that discourage pregnant and parenting students from pursuing and continuing their education. Federal efforts to increase funding and formula grants for education systems should be made available to expand and enhance academic supports for these students; such as access to quality, affordable child care on campus, early childhood education services, and safe and accessible spaces for nursing students to pump milk and/or breastfeed/chestfeed.

Enforce stricter implementation of Title IX: We stand with the Girls for Gender Equity in the demand for legislation and/or guidance to provide stronger implementation support of Title IX to promote the mental, emotional, and physical health of all young people. Provide adequate fiscal and implementation resources in order for states to be able to fully implement protections under Title IX, including assigning a Title IX coordinator to every public school.

Protect immigrant youth and families by eliminating and preventing the presence of Immigration Customs Enforcement (ICE) officers in school communities: We stand with the Advancement Project in calling for the protection of immigrant children and families on school campuses. Students should not be at risk of deportation because they attend school. The school-to-deportation pipeline should not exist.

STATE POLICY MAKERS

Eliminate Zero Tolerance Policies: Eliminate zero tolerance policies and the use of superintendent suspensions, expulsions, and school-based arrests for subjective minor infractions on school campus. Encourage schools and districts to use tools like the federal joint discipline guidance, issued by the Departments of Education and Justice, to develop and implement alternatives to overly punitive disciplinary practice.

Develop state laws that encourage a robust continuum of alternatives to suspension and expulsion, and that require the exhaustion of these alternatives prior to the use of exclusionary discipline. Introduce and support state law that, like California's SB 419 prohibits public schools, including charter schools from suspending students' grades K-8 for willful defiance and further prohibits the expulsion of students grades 9-12 for willful defiance. Legislation such as this requires school administration to rely on alternatives to exclusionary discipline when it comes to student misbehavior.

Eliminate the use of suspension and expulsion for pre-K and grades K-2. The 2016 National Survey of Children's Health found an estimated 50,000 preschoolers were suspended at least once, and a report by the U.S. Department of Education's Office of Civil Rights reveals that Black children represented 18 percent of public preschool enrollment, but 48 percent of preschoolers receiving multiple out-of-school suspensions. We stand with The Center for American Progress and The Education Law Center calling for the elimination of suspension and expulsion of young children and replacing it with effective, positive strategies to address behavior and support students and teachers.

Provide Funding for schools and communities to enhance mental and physical health resources in schools: Four of the largest public school districts in the United States have more school based officers than counselors. Investing in the expansion of mental and physical health resources in schools will ensure that educational institutions have resources in place to support students in need, instead of criminalizing their behavior.

Remove all police from schools and do not support arming school-based personnel: Law enforcement agents on school campuses do not increase the psychological or physical safety of students in school. We stand with the Dignity in School Campaign, which demands for the redirection of funding from law enforcement agencies to counselors, social workers, and restorative justice programming in school.

Create an annual review of school policing agreements and policies to ensure agreements between the school and school-based law enforcement reflect the current needs of the student body and faculty. We do not advocate for the presence of police in schools. Yet, to the extent that law enforcement officers are already in schools, all agreements between law enforcement agencies and schools should specify the roles and responsibilities of school police. These agreements should include language that authorizes law enforcement agents to intervene only when a student is participating in behavior that is a violation of the law. Limiting police intervention in this way will prevent their involvement in situations that school personnel are expected to address. Furthermore, to ensure that school police respond in a developmentally appropriate manner when situations do arise, agreements between schools and law enforcement should require that school police receive training in child and adolescent mental health and cognitive development.

LOCAL POLICY MAKERS AND SCHOOL DISTRICTS

Develop a robust continuum of alternatives to exclusionary discipline: Develop alternative to exclusionary discipline practices, such as restorative practices, mindfulness, and harm reduction. Exclusionary discipline, such as suspension and expulsion, should only be considered once an array of alternative, non-exclusionary discipline practices have been exhausted and resulted in no progress.

Review and develop codes of conduct, dress codes and other related school mandates to include equity policies with a robust articulation of gender and sex equity and student-focused responses to sexual harassment and assault: Encourage the co-construction of school sexual harassment policies and practices, and responses. We support the work of organizations like The Alliance for Girls, who worked with a local school district and girls to design a new student-driven sexual harassment policy that was approved by the Board of Education in June of 2017. And, advocate for co-constructing dress code policies with students, particularly girls of color, and implement enforcement modalities that are anchored in principles of anti-oppression, dignity and respect.

⁶ <https://www.childhealthdata.org/learn-about-the-nsch/NSCH>

⁷ <https://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>

⁸ <https://thinkprogress.org/there-are-more-officers-than-counselors-in-the-largest-public-school-districts-57af05880c25/>

Mandate schools to include students in the development of codes of conduct, as well as the policies, practices and cultural expectations of the school: Students, particularly Black girls and other girls of color, inclusive of LGB, transgender, gender non-conforming, and non-binary students should be included in the development classroom and school-based policies. Specifically, they should be included in the creation of dress code policies and classroom expectations.

Ensure comprehensive in-school support for Lesbian, Gay, Bisexual and Queer (LGBQ) and Transgender, Gender Nonconforming (TGNC) students and non- binary students: We stand with the Girls for Gender Equity to provide on campus, state and local funded supports and resources for students that identify as LGBQ and TGNC, particularly for students that also identify as Black/ off color. These services will increase capacity for schools to respond and provide a safer environment for these students.

Provide all staff and school personnel with annual mandatory, age appropriate, gender-inclusive training on bullying, harassment and violence: We stand with the Legal Defense Fund (LDF) and National Women's Law Center, which advocates for mandatory trainings that including consent, healthy relationship skills, and bystander intervention. We advocate for the quality, culturally responsive training on supporting students impacted by harassment or bullying.

FOR A LIST OF POLICY RECOMMENDATIONS, SEE THE FOLLOWING DOCUMENTS

Advancement Project

The School to Deportation Pipeline

<https://advancementproject.org/wp-content/uploads/2017/11/School-to-Deportation-Pipeline-Action-Kit-FINAL-compressed.pdf>

Alliance for Girls

Valuing Girls' Voices: the Lived Experiences of Girls of Color in Oakland Unified School District

<https://www.ousd.org/page/15492>

Center for American Progress

New Data Reveal 250 Preschoolers Are Suspended or Expelled Every Day

<https://www.americanprogress.org/issues/early-childhood/news/2017/11/06/442280/new-data-reveal-250-preschoolers-suspended-expelled-every-day/>

Dignity in Schools Campaign

Police In Schools Are Not the Answer to School Shootings

<file:///Users/aishatuyusuf/Downloads/Police-In-Schools-2018-FINAL.pdf>

Education Law Center

Letter to Philadelphia School District and School Reform Commission Requesting Ban on Suspensions of Elementary-Aged Students

<https://www.elc-pa.org/wp-content/uploads/2017/04/Letter-Requesting-Ban-on-Suspensions-of-Elementary-Aged-Students.pdf>

Girls for Gender Equity

The Schools Girls Deserve

<https://www.ggenyc.org/the-schools-girls-deserve/>

Legal Defense Fund (LDF) and the National Women's Law Center

Unlocking Opportunity For African American Girls: A Call to Action for Educational Equity

https://www.nwlc.org/sites/default/files/pdfs/unlocking_opportunity_for_african_american_girls_final.pdf

National Black Women's Justice Institute

Project Focus: Girls of Color

School Culture and Discipline Reform in

Boston-Area Primary and Secondary Schools: 2018

https://docs.wixstatic.com/ugd/0c71ee_771165dfa8bc4af19374610989able4a.pdf

National Women's Law Center

Let Her Learn Campaign

<https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/10/2018-10-01-SH-toolkit-FINAL.pdf>