



NATIONAL
WOMEN'S
LAW CENTER
EXPANDING THE POSSIBILITIES

LET HER LEARN:

.....
A TOOLKIT

TO STOP SCHOOL PUSH OUT
FOR GIRLS OF COLOR

SCHOOLS ARE UNFAIRLY PUSHING GIRLS OUT.

They suspend girls for minor stuff—like going against strict dress codes or “talking back.”

In general, schools suspend Black, Latina and American Indian/Alaskan Native girls at higher rates than white girls.

These practices tell these girls that school is not a welcome place. These practices may also be informed by illegal gender and racial bias.

This tool kit will help you find out if your school’s discipline policy treats girls of color fairly. Use this guide to learn your rights, how you can change your school policy, and where to find help.

MANY GIRLS OF COLOR ARE UNFAIRLY DISCIPLINED

National stats from the 2013-14 school year show that:

- **Black girls are 5.5 times more likely** to be suspended from school as white girls.
- **Black girls are more likely** than any other race or gender to be suspended more than once.
- **Schools are 3.5 times more likely** to suspend Black girls with disabilities than white girls with disabilities.
- **In preschools, Black girls are 20%** of the girls enrolled but 54% of the girls receiving out-of-school suspensions; in K-12, Black girls are 16% of the girls enrolled but 45% of the girls receiving out-of-school suspensions.
- **Schools suspend** American Indian/Alaskan Native girls at more than three times the rate of white girls and at a higher rate than white boys.
- **Latina girls are 1.6 times more likely** to be suspended than white girls are.

These uneven rates of discipline are not because of more frequent or serious misbehavior.

Instead, race and gender bias informs unfair discipline.

For instance, schools often punish Black girls who act out because of stereotypes that Black girls are “angry.” Or target Latina girls for not following dress codes because of sexualized images of Latinas in the media.

UNFAIR DISCIPLINE

HARMS STUDENTS IN A NUMBER OF WAYS

Discipline that pushes kids out of school can result in:

- Students avoiding school or losing interest in class
- Lost class time that leads to lower grades
- Increased behavior problems
- Increased risk of dropping out, which limits job and career prospects
- Mistrust or resentment of adults or authority figures
- Increased risk of being involved with juvenile justice systems

FEDERAL CIVIL RIGHTS LAWS

PROTECT STUDENTS

Civil rights law says schools can't treat students unfairly based on protected traits. These laws apply to public and charter schools. They also apply to private schools that get federal funds and colleges where students get federal financial aid.

- **Title VI protects students based on race, color, and country of origin.** This includes students of color and students from immigrant families.
- **Title IX protects students based on sex and gender.** This includes cisgender and transgender girls and boys, as well as students who don't conform to one gender.
- **Title II and Section 504 protect students based on disability.** This includes students with mental and physical disabilities.

HOW DOES YOUR SCHOOL

MEASURE UP?

Here are tips to determine if your school's discipline policies and practices treat girls of color fairly.

Are your school's policies fair?

Ask your school for a copy of its discipline policy and look for these red flags. **If the answer to any of these questions is "yes," your school's policy may be unfair.**

Dress and hair codes

- Is your school's policy super strict?
For instance, does it require skirts or shorts to be fingertip length? Does it ban entire articles of clothing like sleeveless shirts?
- Are the rules sex-specific? If so, are there more rules for girls than for boys? Do they lack accommodations for gender nonconforming students?
- Does your school's policy target hairstyles or clothing common to certain racial, ethnic, or religious groups?
(such as dreadlocks, cornrows, hijabs, African prints)
- Can students be suspended or pulled out of class for not following the dress code?
- Does your school use coded language to justify the dress or hair code? *For instance, does it call certain clothing "ladylike" or say certain hairstyles aren't "neat"?*
- Does your school claim it needs the dress code to keep boys from being distracted by girls?



Sexual conduct policies

- Can students be punished for sexual conduct even if they did not consent?
- Does your school punish students for behavior revealed when reporting sexual harassment or assault? *For instance, if a student reports they were assaulted while passed out, will the school punish the student for drinking?*

“Attitude” Violations

- Does the policy punish students for vague “attitude” violations? *(such as talking back, defiance)*
- Can students be suspended or removed from school for these “attitude” violations?

Police presence

- Do police or school resource officers get involved in discipline matters that aren’t crimes?
- Can police, school resource officers, or staff handcuff students? Can they use other physical restraints?



What do students say?

Even when policies look fair on paper, they can be applied in a biased way. Here are some questions to ask:

- Are girls of a certain race or ethnicity pulled out of class for dress code violations a lot—even if it does not go on their records?
- If girls from different racial or ethnic backgrounds get into a fight, are some punished more harshly than others?
- Are students punished when they report sexual harassment, assault, or bullying?
- Are students punished for speaking out against policies or treatment they view as biased or unfair?

Does your school share its discipline policies and data?

Almost all states collect and report student discipline info to the U.S. Department of Education (ocrdata.ed.gov). Schools should also provide additional data online or if asked. **If the answer to any of these questions is “no,” ask your school to be more transparent as part of their commitment to treat all students fairly.**

- Does your school publish its discipline policies on its website or in the student handbook?
- Does your school post the number of students suspended or expelled online?
 - If so, does it report the reasons for suspensions or expulsions?
 - Does it report the lengths of suspensions or expulsions?
- Does your school post the number of students referred to law enforcement or arrested in school online?
 - If so, does it report the crimes charged?
- If discipline and arrest data is available, is it broken out by race, gender, disability, and English learner status?
 - If so, is the data broken out in a way that reports data for students that fall into more than one category? *For instance, instead of just reporting the number for girls overall, does it also list numbers for Black girls or American Indian girls?*

Do the numbers make the cut?

If info is available, see if your school unevenly punishes girls of different racial and ethnic backgrounds. Here are some specific things to look for:

- Are girls of a certain race or ethnicity punished more often or more harshly for offenses such as “defiance” or “talking back”?
- Are girls of a certain race or ethnicity more likely to be punished for dress or hair code violations?
- Are girls of a certain race or ethnicity punished for sexual conduct?

WHAT CAN

YOU DO?

Here are some next steps you can take:

- If you need more info to complete the checklist, reach out to people you trust who can help. There also may be others in your community who want to make school better for girls and students of color.
- Tell school officials what they're doing right and how they can do better. Make a plan with them to make sure that they are not punishing students in a biased way that breaks the law. Involve your school's civil rights coordinator in this discussion. Visit ed.gov/civ-rts-coordinators to find the coordinator in your school district.

Example: Ask your school to keep accurate records and data. Information is important to uncovering uneven rates of discipline.

Example: Push your school to change its policies and deal with any “red flags” listed on pages 4–7.

- Make a plan to deal with the problem areas. This plan should include short-term and long-term goals. It should also suggest steps to reach those goals. Include a timetable for making changes and a list of who should receive this info.

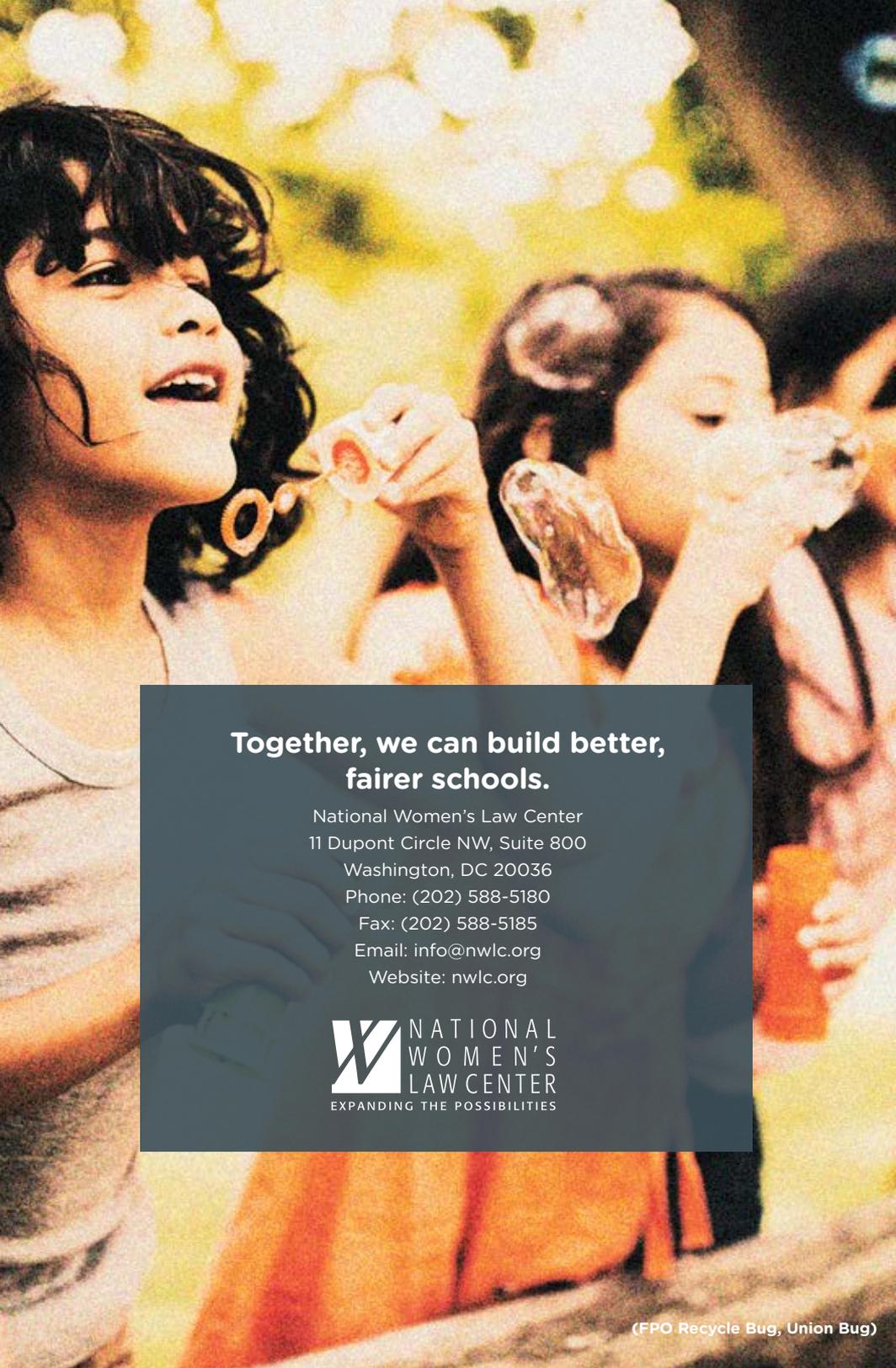
Example: If a school has a vague discipline code that unevenly affects girls of a certain race or ethnicity, ask the school for:

- (1) Clear definitions and examples of behavior that will lead to suspension (including what conduct won't lead to suspension).
 - (2) A requirement that before a student is suspended, the school must decide that the conduct falls into a clearly defined offense AND that other ways of addressing the behavior won't work.
 - (3) Training for teachers and staff on how to carry out the policy fairly.
- If your school refuses to work with you, talk to a lawyer to see if legal action is possible. This may force your school to rethink or correct their policies or practices.



CHANGES SOME SCHOOLS HAVE MADE TO STOP SCHOOL PUSH OUT

- ✓ Banning all suspensions in pre-K and early grades
- ✓ Teaching conflict resolution practices, yoga and meditation
- ✓ Trying alternatives to punishment, such as focusing on prevention, providing more support to students to encourage good behavior, and bringing students together to solve problems on their own and in small groups
- ✓ Using money spent on school police officers to hire more counselors instead



**Together, we can build better,
fairer schools.**

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