

Criminalizing Black Girlhood in the Name of School Safety



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What is School Pushout

The punitive discipline practices school use, which exclude students from class and too often push them out of school altogether.

Girls Inc., *What You Need to Know About School Pushout and How to Combat It*, <https://girlsinc.org/school-pushout-and-how-to-combat-it/>.

- Other factors that contribute to pushout:
 - Hostile learning environment
 - Improper handling of reported or known sexual harassment or assault
 - Denial of Free Appropriate Public Education (FAPE)

- School pushout is a name for what happens when a school's punitive discipline practices exclude students from the classroom and ultimately force them to leave the school.
- Some of these discipline practices are likely familiar and include
 - Suspension
 - Expulsion
 - School policing
- They are often called "exclusionary discipline"
- But discipline isn't the only factor that contributes to school pushout. Other factors may include:
 - Hostile learning environments, give amicus brief example
 - When a report of sexual harassment or assault goes ignored or the school retaliates (like suspending the student who reported)
 - When students with disabilities are denied a free appropriate public education (FAPE) and are not provided the education plans and other accommodations they need to succeed in school

What is the School-to-Prison Pipeline?

The national trend of school policies and practices that funnel students out of school and into the juvenile and/or criminal legal systems.

- Zero Tolerance Policies
- Exclusionary Discipline
 - In-School Suspensions
 - Out-of-School Suspensions
 - Informal Suspensions
 - Expulsions
- Threat and Risk Assessments
- School-Based Law Enforcement
- Referrals to Law Enforcement
- Surveillance and School Hardening

The School-to-Prison Pipeline is the national trend of school policies and practices that criminalize students, funneling them out of school and into the juvenile and/or criminal legal systems.

- The STPP isn't a new issue. It's just that we've given a name to the issue of historically treating traditionally marginalized students like criminals, over prioritizing their academic success and social-emotional wellbeing.
- Over the years, ZT policies have been a major contributing factor to the STPP, growing out of the concern for school crime in 80s and 90s. Harsh federal laws like the Gun-Free Schools Act (1994) required that students be suspended out of school for a year if any student brought a weapon to school. Yet over time, states that have adopted their own ZT policies expanded reasons for which a student might be subject to a ZT policy.
- Other discipline policies and practices that contribute to the STPP are listed above including (read list).
 - Including informal suspensions, sending the student home or calling parents to pick them up, even if not documented as a suspension
 - surveillance and school hardening includes investing in mechanisms like metal detectors that make students feel like they are being watched or targeted

Other School-to-Confinement Pathways

- School policies and practices can force students to undergo confinement and carceral experiences that go beyond jail or prison, including:
 - Detention centers
 - House arrest
 - Electronic monitoring
 - Other forms of social exclusion

- Some scholars have preferred to expand what they refer to beyond the STPP as the School-to-Confinement Pathways
- With each of these issues, students of color, LGBTQ students, and student with disabilities tend to be the most targeted and criminalized--moreso than their white peers, even for behaviors that educators would not typically discipline or penalize for with white students.

The Problem

- School discipline policies rooted in and enforced with racism and sexism
- Black girls are overrepresented in every aspect of the school discipline continuum
- **“Adultification” Bias** - When people see Black girls as less innocent and less in need of care than their white peers
- Discipline for subjective infractions, such as “school disturbance,” “disobedience,” or dress codes and grooming policies
- Means school police are more likely to arrest or detain Black girls for normal childlike behavior

- The problem is that traditional school discipline policies are rooted in racism and sexism.
- These policies and practices are created and enforced by policymakers and school leaders.
- When educators and school administrators have broad discretion to discipline students for subjective infractions, this leads to racist and sexist enforcement of school discipline
- In recent years, this has become more common knowledge through research on how Black boys are disproportionately disciplined.
- But there’s a significant lack of research in how Black girls are represented in school discipline.
- In fact, the problem is more severe for Black girls, in comparison to the number of Black girls we have enrolled nationally.
- When you look at rates of discipline, the gap between Black girls and white girls is actually much broader than the gap between Black boys and white boys.

The Stats

- When compared to white girls, Black girls are:
 - **3x more likely** to receive corporal punishment
 - **5x more likely** to be suspended
 - **3x more likely** to be referred to law enforcement
 - **4x more likely** to be arrested in school
- No evidence that these disparate rates of exclusionary discipline are due to more frequent or serious misbehavior

Intersectionality



THE FUTURE IS
INTERSECTIONAL

Coined by legal scholar and feminist, Kimberlé Crenshaw:

“It’s not identity politics on steroids. It is not a mechanism to turn white men into the new pariahs. It’s basically a lens, a prism, for seeing the way in which various forms of inequality often operate together and exacerbate each other. We tend to talk about race inequality as separate from inequality based on gender, class, sexuality or immigrant status. What’s often missing is how some people are subject to all of these, and the experience is not just the sum of its parts.” - Kimberlé Crenshaw

Katy Steinmetz, *She Coined the Term 'Intersectionality' Over 30 Years Ago. Here's What It Means to Her Today*, TIME (Feb. 20, 2020), <https://time.com/5786710/kimberle-crenshaw-intersectionality/>

There’s also a pretty good overview article on intersectionality in Vox, if anyone is interested in learning more: <https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination>

Recognizing Discrimination in Light of Students' Intersecting Identities

- Black girls receive harsher discipline as a result of a combination of sex- and race-based stereotypes.
- Tendency to compare the experiences of:
 - All Black students to all white students to test for race discrimination.
 - All girls to all boys to test for sex discrimination.
- "... discrimination against [B]lack females can exist even in the absence of discrimination against [B]lack men or white women." *Jefferies v. Harris County Community Action Association*, 615 F.2d 1025, 1032 (5th Cir. 1980).

Mention CNC and EPA under Federal Advocacy section

Collateral Consequences

- Over 11 million days of lost instruction (from OSS)
- Lower academic performance and school engagement
- Increase in chronic absenteeism
- Lower likelihood of graduating from high school and enrolling in a 4-year college
- Negative impact on college admissions and federal financial aid
- High chance of involvement in the juvenile and/or criminal legal system
- Economic loss of at least \$912,000 over a 40-year career for women without a high school diploma
- School-to-Deportation Pipeline

- Research in 2019 found that students nationally lost over 11 million days of instruction because of out-of-school suspensions. In other words, this is 66 million hours of missed instruction or more than 63,000 school years.
- This statistic does not even include other means of excluding students from the classroom, formally or informally.

The Impact of the Pandemic

Since the start of the coronavirus pandemic, students are facing stresses, burdens, and trauma they have never experienced before, including:

- Loss of family members and other loved ones, with disproportionate rates of death from COVID-19 in Black and brown communities.
- High unemployment, especially for young women and girls of color (the “she-cession”).
- Increased caretaker roles for sick relatives and younger siblings, especially for Black girls.
- Isolation from friends and other social outlets important to youth development.
- Negative impacts on mental health, causing children and teens to experience increases in anxiety, depression, eating disorders, and suicidal thoughts, particularly LGBTQ youth.

Intersectionality Research – an attorney from Beckman Coulter

We Need to INVEST in Care

- Hiring school-based mental health and other support staff, such as counselors, social workers, psychologists, and restorative practitioners
- Establishing police-free schools and implementing restorative programs
- Using culturally relevant, inclusive, and sustaining curriculum, supports, and resources
- Providing supportive measures to students who report sexual harassment
- Providing ongoing training for educators and other youth-serving professionals on bias

- We need to DIVEST from criminalization and INVEST in care
- The Federal government has spent well over \$1 billion dollars to increase school policing, hardening, and militarization (and that doesn't even account for state spending on these programs)
- Restorative justice is a non-punitive framework with roots in different Indigenous cultures around the world that brings together the victim and wrongdoer to acknowledge the harm that occurred, center the victim's needs, and create a plan for the wrongdoer to repair the harm they caused. A restorative process is not a space for the parties to contest the facts; nor is it a mediation or conflict resolution that requires the parties to reach a compromise. Rather, a restorative process first requires the wrongdoer to admit that they caused harm and then allows them to make amends to the victim and to eventually reenter their shared community.

What Can Advocates Do?

- Remind school leaders and policymakers that testing limits, acting on impulse, and “acting out” is normal youth behavior--especially after experiencing trauma
- Avoid being punitive, pivot to being trauma-responsive
- Implement and use evidence-based and trauma-informed programs and practices
- Establish crisis and de-escalation interventions
- Keep police out of schools
- Provide healthy ways for students to regulate and express emotions
- Speak up in the care vs. criminalization debate

Oakland Unified School District

- Made school discipline data by race and gender publicly available online
- Required schools to complete a regular review of data and take actions to address disparities or disproportionate use of punitive discipline policies for particular demographic groups
- Required the Oakland Police Department to make disaggregated data on school arrest, misconduct, and police department staffing publicly available
- Banned suspensions for willful defiance
- Prohibited schools from suspending students or referring them to the police for dress code violations
- Required the superintendent to solicit community input on discipline data and policies
- Maintained a restorative justice program that is supported by central office staff as well as school counselors and restorative justice facilitators
- Required the superintendent to provide professional development to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing relationships with families
- Implemented 16 School-based Health Centers, as a part of a full-service community schools strategy, which are available to nearly all of Oakland’s

secondary students

- Created a harassment policy with girls' input that prioritizes psychological and emotional health and ensures victims have a voice in how their complaints are resolved



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Thank You!