



The Ending Punitive, Unfair, School-Based Harm that is Overt and Unresponsive to Trauma (PUSHOUT) Act

Background:

Across the country, the education of Black and brown students is often disrupted as a result of discriminatory and punitive discipline policies that criminalize and push them out of school. For instance, Black girls are suspended, expelled, referred to law enforcement and arrested on school campuses at disproportionately higher rates than white girls due to unfair dress code and hair policies and a lack of understanding of the historical, social and economic inequities such as poverty, trauma, hunger, and violence that often impact student¹ behavior.² As a result, girls of color are disproportionately subjected to exclusionary school discipline policies such as suspension and expulsion, which can have long-term effects on the safety, wellbeing, and academic success of all students.

In November, Congresswoman Ayanna Pressley (MA-07) introduced [H. Res. 702, The People's Justice Guarantee](#) – a bold framework to transform the American criminal legal system into one that guarantees justice for all. Among other things, the People's Justice Guarantee calls for the disruption of school discipline policies that disproportionately impact students of color and lead to the growing school-to-confinement pipeline. Informed by the stories and lived experiences of girls of color, the People's Justice Guarantee calls on schools to create safe and nurturing environments that provide all students with the opportunity to heal, thrive and reach their highest potential.

The PUSHOUT³ Epidemic:

- Black girls are 7 times more likely to be suspended from school and 4 times more likely to be arrested at school, compared to white girls.⁴ Even as early as preschool, where Black girls make up only 20% of all girls, they make up more than half of all out of school suspensions.⁵
- Latina girls are 1.6 times more likely than white girls to receive an out of school suspension.⁶
- Native American youth make up just one percent of students in school, yet Native American girls are three times more likely to be suspended than white girls.⁷
- Corporal punishment (e.g., spanking and paddling) is still permitted in 19 states across the country and is disproportionately administered on Black students and students with disabilities.⁸
- Lesbian, gay, bisexual, transgender and queer (LGBTQ) students of color are almost twice as likely to be suspended as their white peers.⁹
- Increased policing in schools has been shown to increase surveillance and criminalization of students—especially students of color.¹⁰

¹ The African American Policy Forum, "Black Girls Matter: Pushed Out, Overpoliced, and Underprotected," (Dec. 2015)

https://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/54dccc1ece4b001c03e323448/1423753708557/AAPF_BlackGirlsMatterReport.pdf

² Monique W. Morris, *PUSHOUT: The Criminalization of Black Girls in Schools* (New York, The New Press, 2018)

³ The term "pushout" refers to instances when a student leaves elementary, middle or secondary school, prior to graduating school due to criminalization, overuse of discipline practices, failure to address trauma, or other educational barriers that do not support or promote the success of a student.

⁴ National Black Women's Justice Institute, "End School Pushout for Black Girls and Other Girls of Color," (Sept. 2019) https://static.wixstatic.com/ugd/0c71ee_7d6b6469aa144b0397a4d7cd5d0f8051.pdf

⁵ Center for American Progress, "From Preschool to Prison: The Criminalization of Black Girls," (Dec. 2017) <https://www.americanprogress.org/issues/race/news/2017/12/08/443972/preschool-prison-criminalization-black-girls/>

⁶ National Women's Law Center, "Let Her Learn: A Toolkit to Stop School Pushout for Girls of Color," (Nov. 2016) https://nwlcc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/11/final_nwlc_NOVO2016Toolkit.pdf

⁷ National Women's Law Center, "Let Her Learn: Stopping School Pushout for Girls of Color," (Apr. 2017) https://nwlcc.org/wp-content/uploads/2017/04/final_nwlc_GirlsOfColor.pdf

⁸ Southern Poverty Law Center, "The Striking Outlier: The Persistent, Painful and Problematic Practice of Corporal Punishment in Schools" (Jun. 2019) https://www.splcenter.org/sites/default/files/com_corporal_punishment_final_web.pdf

⁹ GLSEN, "Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth. 25-26

¹⁰ National Black Women's Justice Institute, Center on Poverty and Inequality, Georgetown Law, "Be Her Resource: A Toolkit About School Resource Officers and Girls of Color" (May, 2018) https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2018/05/17_SRO-final_Acc.pdf



The Ending PUSHOUT Act:

Congresswoman Pressley is introducing [The Ending PUSHOUT Act](#), which will work to disrupt the school-to-confinement pipeline by investing in safe and nurturing school environments for all students, especially girls of color. Specifically, the bill does this by:

1. **Establishing \$2.5 billion in new federal grants to support states and schools that commit to ban unfair and discriminatory school discipline practices and improve school climates by:**
 - Revamping and co-constructing school discipline policies (including appearance and grooming policies) in partnership with students, families and community members;
 - Providing professional development to educators on implicit bias, restorative practices, trauma-informed approaches and other culturally and linguistically relevant strategies;
 - Investing in counselors, social workers and mental health professionals and implementing trauma-informed interventions and behavioral counseling that keep students safe and in the classroom.

Grantees would be required to:

 - Ban most suspensions and expulsions for our youngest learners in pre-k through 5th grade;
 - Ban suspensions and expulsions in all grades for minor infractions such as violations of grooming and appearance policies, and tardiness and chronic absenteeism;
 - Ban corporal punishment, seclusion and restraint of students;
 - Prohibit funds from being used to support school-based police and any partnerships with the Department of Homeland Security and Immigration and Customs Enforcement that contribute to the school-to-deportation pipeline and criminalize normal childlike behavior.
2. **Protecting the Civil Rights Data Collection (CRDC) and strengthening the Department of Education's (ED) Office of Civil Rights (OCR) by:**
 - Requiring ED to collect civil rights data **annually** to ensure all students have equal access to a high-quality education and safe and a nurturing school environment;
 - Requiring additional reporting on the school pushout crisis to spot harmful trends in real time and help hold schools accountable for discriminating against students;
 - Making data about pushout and other harmful discipline practices publicly available while protecting student privacy;
 - Investing \$2.5 billion for OCR to build additional capacity for monitoring and enforcement of civil rights laws.
3. **Establishing a Federal Interagency Taskforce to End School Pushout and examine its disproportionate impact on girls of color.**



The Ending PUSHOUT Act has been endorsed by the following organizations & individuals.

NATIONAL ORGANIZATIONS

50 Miles More
 AAPI Women Lead
 Alliance for Educational Justice
 Augustus F. Hawkins Foundation
 Bazelon Center for Mental Health Law
 Black and Pink, Inc.
 Campaign for Youth Justice
 Center for American Progress
 Center for Law and Social Policy
 Center for Popular Democracy
 Community Asset Development Re-defining Education
 Council of Parent Attorneys and Advocates
 Dolores Barr Weaver Policy Center
 Education Trust
 Futures Without Violence
 Genders & Sexualities Alliance Network
 Girls Inc.
 GLSEN
 Hollaback!, Inc.
 Juvenile Law Center
 Lawyers' Committee for Civil Rights Under Law
 MomsRising
 Ms. Foundation for Women
 National Alliance for Partnerships in Equity (NAPE)
 National Black Women's Justice Institute
 National Council for Incarcerated and Formerly Incarcerated Women and Girls
 National Center for Special Education in Charter Schools
 National Center for Transgender Equality
 National Crittenton
 National Disability Rights Network
 National Education Association
 National Juvenile Defender Center
 National LGBTQ Task Force Action Fund
 National Women's Law Center
 SIECUS: Sex Ed for Social Change
 S.O.U.L. Sisters Leadership Collective
 Southern Poverty Law Center Action Fund
 SPLC Action Fund
 Strategies for Youth
 The African American Policy Forum
 United We Dream

Unite for Reproductive and Gender Equity (URGE)
 Women's Law Project
 Youth Activism Project
 YVote/Next Generation Politics
 YWCA USA

STATE ORGANIZATIONS

Advocating 4 Kids, Inc
 African American Juvenile Justice Project
 Alliance for Quality Education
 Black Skeptics Group Los Angeles
 Citizen Action of New York
 Citizens for Juvenile Justice
 Coalition for Equal Access for Girls
 Directions for Youth & Families
 Education Law Center – PA
 Florida Student Power Network
 Girl Scouts of Greater New York
 Girls for Gender Equity
 Gwen's Girls
 Gwinnett STOPP
 Leaders Igniting Transformation
 Make the Road Nevada
 New York Transgender Advocacy Group
 Parents Across America – Guilford
 The Firecracker Foundation
 The Justice for Girls Coalition
 Women's Leadership Project
 WV Healthy Kids and Families Coalition
 Young Women's Freedom Center

GRASSROOTS ORGANIZATIONS AND INDIVIDUALS

Action Communication and Education Reform Inc.
 Black Parallel School Board
 Black Swan Academy
 Boston Teachers Union
 Center for Teen Empowerment
 Crittenton Services of Greater Washington
 Community Asset Development Re-defining Education (CADRE)
 Elite Educational Consulting
 EveryBlackGirl, Inc
 Felicia Y Williams
 IMPACTSafety

Jessica Ruffin
 Julie K Waterstone J.D.
 Katrina Feldkamp
 Love Your Magic
 Michael Yonas
 Michelle Burris M.A.
 Mirror Memoirs
 Monique W. Morris, Ed.D.
 New Settlement Parent Action Committee
 Portland Parent Union
 Racial Justice NOW
 Romana Lee-Akiyama
 The Village Method
 Ty Jones
 West Dayton Youth Task Force
 YWCA Austin
 YWCA Brooklyn
 YWCA Central Indiana
 YWCA Central Maine
 YWCA Central Massachusetts
 YWCA Charleston (WV)
 YWCA Delaware
 YWCA Glendale
 YWCA Greater Charleston (SC)
 YWCA Greater Cincinnati
 YWCA Greater Johnstown (PA) YWCA Hamilton (OH)
 YWCA Hartford Region
 YWCA Helena
 YWCA Houston
 YWCA La Crosse (WI)
 YWCA McLean County
 YWCA Metro St. Louis
 YWCA Monterey County (CA)
 YWCA- National Capital Area Chapter
 YWCA New Hampshire
 YWCA Niagara Frontier
 YWCA Northern New Jersey
 YWCA Rhode Island
 YWCA Sauk Valley (IL)
 YWCA Silicon Valley
 YWCA South Hampton Roads
 YWCA Southeast Wisconsin
 YWCA Syracuse & Onondaga County
 YWCA Titusville (PA)
 YWCA Ulster County (NY)

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