



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://nwlc-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://nwlc.org/wp-content/uploads/2017/04/final_nwlc_Gates_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 is endorsed by Monique W. Morris, Ed.D., National Black Women's Justice Institute, National Council for Incarcerated and Formerly Incarcerated Women and Girls, The Center for Popular Democracy, the Center for American Progress, EveryBlackGirl, Inc., the Boston Teachers Union, Love Your Magic, Black Swan Academy, National Women's Law Center, YWCA USA, YWCA National Capital Area, Council of Parent Attorneys and Advocates, Citizens for Juvenile Justice, GLSEN, Lawyers' Committee for Civil Rights Under Law, Gwinnett STOPP, National Center for Special Education in Charter Schools, National Crittenton, Girls for Gender Equity (GGE), Unite for Reproductive and Gender Equity (URGE), African American Policy Forum, National Education Association, SIECUS: Sex Ed for Social Change, Futures Without Violence, Alliance for Educational Justice, National LGBTQ Task Force Action Fund, Strategies for Youth, Women's Law Project, SPLC Action Fund, National Alliance for Partnerships in Equity (NAPE), Augustus F. Hawkins Foundation, Advocating 4 Kids, Inc, National Juvenile Defender Center, Black Skeptics Los Angeles, Women's Leadership Project, Racial Justice NOW, Parents Across America- Guilford, Action Communication and Education Reform, Education Law Center- PA, Citizen Action of New York, S.O.U.L. Sisters Leadership Collective, New York Transgender Advocacy Group, Florida Student Power Network, Katrina Feldkamp, Equal Justice Works Fellow, CADRE (Community Asset Development Re-defining Education), Center for Teen Empowerment, The Village Method, New Settlement Parent Action Committee, Portland Parent Union, Dr. Marla Crawford/Elite Educational Consulting, IMPACTSafety, Black and Pink, Inc., Black Parallel School Board, Bazelon Center for Mental Health Law, Make the Road Nevada, AAPI Women Lead, Genders & Sexualities Alliance Network (GSA Network), The Firecracker Foundation, Youth Activism Project, Leaders Igniting Transformation, and WV Healthy Kids and Families Coalition, West Dayton Youth Task Force, YWCA Central Indiana, YWCA McLean County, YWCA Central Massachusetts, YWCA South Hampton Roads, YWCA Southeast Wisconsin, YWCA Ulster County (New York), YWCA Charleston (WV), YWCA Hartford Region, YWCA Metro St. Louis, YWCA Monterey County (California), YWCA La Crosse (Wisconsin), YWCA Greater Johnstown (Pennsylvania), YWCA Helena, YWCA Houston, YWCA New Hampshire, YWCA Greater Charleston (South Carolina), YWCA Northern New Jersey, YWCA Sauk Valley (Illinois), YWCA Delaware, YWCA Central Maine, YWCA Niagara Frontier, YWCA Syracuse & Onondaga County, YWCA Titusville (Pennsylvania), YWCA Rhode Island, YWCA Hamilton (Ohio), YWCA Kalamazoo (Michigan), YWCA Brooklyn, YWCA Silicon Valley, YWCA Glendale, and YWCA Austin.

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