



## 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 student<sup>1</sup> behavior.<sup>2</sup> 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 PUSHOUT<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>
- Latina girls are 1.6 times more likely than white girls to receive an out of school suspension.<sup>6</sup>
- 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.<sup>7</sup>
- 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.<sup>8</sup>
- Lesbian, gay, bisexual, transgender and queer (LGBTQ) students of color are almost twice as likely to be suspended as their white peers.<sup>9</sup>
- Increased policing in schools has been shown to increase surveillance and criminalization of students—especially students of color.<sup>10</sup>

<sup>1</sup> 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](https://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/54dccc1ece4b001c03e323448/1423753708557/AAPF_BlackGirlsMatterReport.pdf)

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

<sup>3</sup> 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.

<sup>4</sup> 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](https://static.wixstatic.com/ugd/0c71ee_7d6b6469aa144b0397a4d7cd5d0f8051.pdf)

<sup>5</sup> 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/>

<sup>6</sup> 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](https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/11/final_nwlc_NOVO2016Toolkit.pdf)

<sup>7</sup> 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](https://nwlc.org/wp-content/uploads/2017/04/final_nwlc_Gates_GirlsofColor.pdf)

<sup>8</sup> 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](https://www.splcenter.org/sites/default/files/com_corporal_punishment_final_web.pdf)

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

<sup>10</sup> 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](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 5<sup>th</sup> 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 Trauma-Informed Policy and Practice  
 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  
 Delores Barr Weaver Policy Center  
 Education Trust  
 Federation Of American Women's Clubs Overseas Inc.  
 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 Learning Disabilities  
 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  
 Pace Center for Girls  
 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  
 The Dignity in Schools Campaign  
 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  
 Planned Parenthood of Western PA  
 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.  
 Amanda Gross  
 Black Parallel School Board  
 Black Swan Academy  
 Boston Teachers Union  
 Britney G Brinkman M.D.  
 Center for Teen Empowerment  
 Crittenton Services of Greater Washington  
 Community Asset Development Re-defining Education (CADRE)  
 Edoukou Aka-Ezoua  
 Elite Educational Consulting  
 EveryBlackGirl, Inc  
 Felicia Y Williams  
 Gabriella Mendez  
 IMPACTSafety  
 Jada Shirriel

Jessica Ruffin  
 Julie K Waterstone J.D.  
 Katrina Feldkamp  
 Love Your Magic  
 Lynn Knezevich  
 Michael Yonas  
 Michelle Burriss M.A.  
 Mirror Memoirs  
 Monique W. Morris, Ed.D.  
 New Settlement Parent Action Committee  
 Portland Parent Union  
 Renae Green  
 Rachel Vinciguerra  
 Racial Justice NOW  
 Romana Lee-Akiyama  
 Sarah Brown  
 Shannon Rohne  
 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 of Northwest Louisiana, Inc.  
 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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