



“...and they cared”:

How to create better, safer

LEARNING ENVIRONMENTS

FOR GIRLS OF COLOR



The Education Trust

ABOUT THE EDUCATION TRUST

The Education Trust is a national nonprofit that works to close opportunity gaps that disproportionately affect students of color and students from low-income families. Through our research and advocacy, Ed Trust supports efforts that expand excellence and equity in education from preschool through college; increase college access and completion, particularly for historically underserved students; engage diverse communities dedicated to education equity; and increase political and public will to act on equity issues.



**NATIONAL
WOMEN'S
LAW CENTER**

Justice for Her. Justice for All.

ABOUT THE NATIONAL WOMEN'S LAW CENTER

The National Women's Law Center fights for gender justice — in the courts, in public policy, and in our society — working across the issues that are central to the lives of women and girls. We use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us — especially those who face multiple forms of discrimination. For more than 45 years, we have been on the leading edge of every major legal and policy victory for women.

TOO LOUD. TOO ASSERTIVE. TOO SEXUALLY PROVOCATIVE. TOO DEFIANT. TOO ADULT-LIKE.

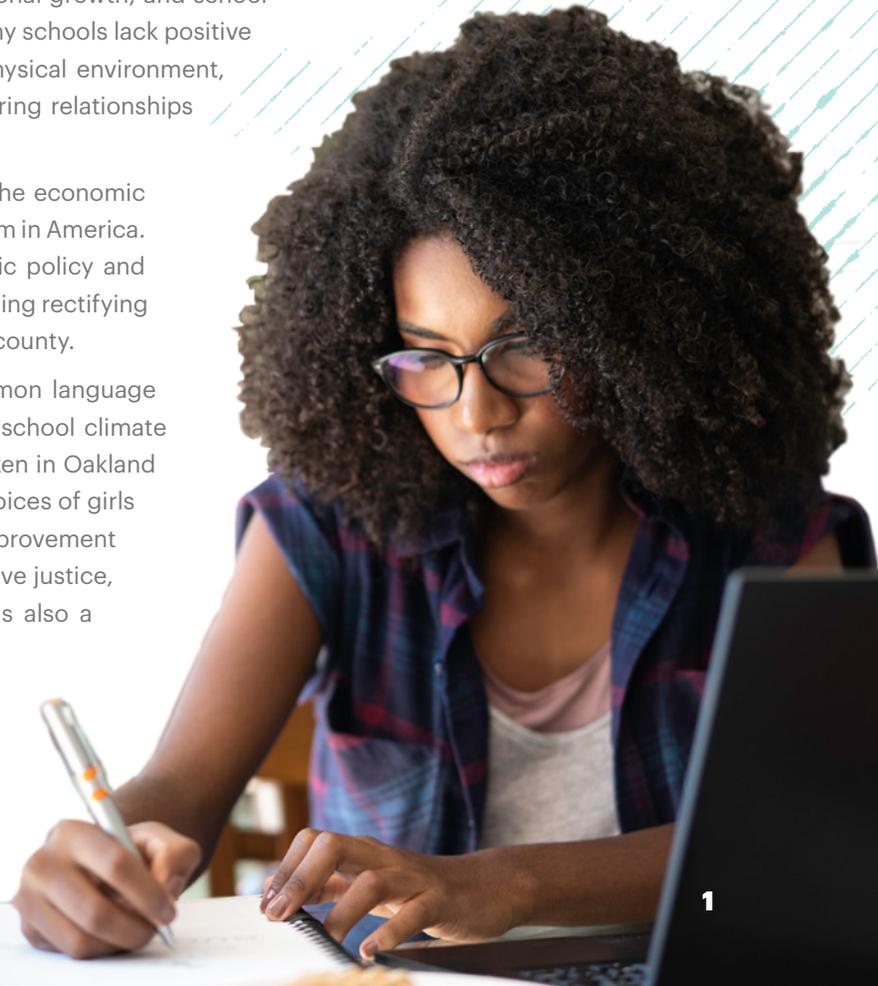
All across the country, girls are excluded from school for subjective offenses like these, missing out on critical class time and opportunities to learn.¹ Embedded within school discipline policies, dress codes, or codes of conduct are gender and racial biases that manifest in exclusionary punishments that have more to do with who girls are rather than what they do. Girls of color face some of the greatest barriers to educational opportunities and social emotional growth inside schools with poor school climates.² Black girls especially face scrutiny, often encountering rules, such as hair codes, that target their cultural identity.³

Removing these barriers requires policy changes and solutions that are tailored to address both racial and gender bias. Unfortunately, important policy conversations around school climate, social emotional growth, and school discipline often do not include the particular experiences of girls of color. As a result, many schools lack positive school climates where girls of color can feel safe, have a supportive academic and physical environment, experience positive social and emotional growth, and have respectful, trusting, and caring relationships throughout the school community.⁴

The National Women’s Law Center and The Education Trust created this guide amidst the economic uncertainty of a global pandemic and the beginning of a historic public reckoning on racism in America. School districts are at a turning point in which they must make intentional and specific policy and financial decisions that address the legacy of 400 years of systemic anti-Blackness, including rectifying disparate discipline and criminalization experienced by Black girls in schools across the county.

This guide aims to respond to this moment and provide decision-makers with a common language and practices that can be used to reform exclusionary discipline policies and improve school climate to help address the needs of girls of color — especially Black girls. It highlights steps taken in Oakland and Chicago at the district level and in Massachusetts at the state level. It includes the voices of girls who have experienced these changes firsthand and highlights where there is room for improvement — particularly the urgent need to shift resources away from law enforcement to restorative justice, counseling, mental health services, and/or other evidence-based approaches. There is also a checklist, so decision-makers can assess what changes they can make to create positive school climates at the school, district, or state level (see page 18).

**USE THIS GUIDE TO HELP CREATE BETTER, SAFER,
MORE INCLUSIVE SCHOOLS FOR GIRLS —
ESPECIALLY GIRLS OF COLOR.**



SUMMARY AND BACKGROUND:

What does the research say about exclusionary discipline?

Many districts across the country overuse exclusionary disciplinary practices (e.g., suspensions and expulsions that result in lost class time),⁵ despite research showing that these practices negatively affect school climate and have short- and long-term consequences for students.⁶

Research shows that:

- There are immediate harms from being suspended, such as missing out on critical class time, but there are also long-term negative consequences: Students who attend schools with higher rates of suspension are more likely to have future interaction with the criminal legal system.⁷
- Students who attend schools with lower suspension rates are less likely to interact with the prison system as adults and also more likely to attend a four-year college.⁸

Schools where alternative discipline practices are in place have better student achievement results overall.⁹

Studies show that these differences in rates of suspensions are a result of policies and adult biases — not a result of differences in behavior.¹⁵ In other words, Black and Native girls are not more likely to misbehave, but they are more likely to be disciplined. Furthermore, policies can be leveraged to reduce harmful discipline practices.¹⁶

WHAT DO WE KNOW ABOUT SCHOOL EXCLUSION AND GIRLS?

Nationally, 3% of girls are suspended each year. But Black and Native girls are suspended at much higher rates than White girls.¹⁰



14%

Black girls accounted for 14% of all students suspended from school at least once in 2015–16, even though they accounted for only 8% of all students enrolled.¹¹



53%

In preschool, Black girls make up 20% of girls enrolled and 53% of out-of-school suspensions for girls.¹²



5X

In 2015–16, Black girls were five times more likely than White girls to be suspended at least once from school.¹³



4X

Nationally, Black girls are more than four times more likely than White girls to be arrested at school.



2X

In 2015–16, Native girls were two times more likely than White girls to be suspended at least once from school.¹⁴



“

They say that they want us to get the best education, but when you take us out of class and take us out the school and suspend us, we don't get the education because we don't get to be in classroom and get the information they want us to get.” — Student, McClymonds High School, Oakland

DOES SCHOOL EXCLUSION IMPROVE STUDENT SAFETY?

No. Student incidents that pose a physical threat to members of the school community are rare — indicating that over-exclusionary policies that remove students from the classroom for minor or subjective offenses are unnecessary. Evidence also shows that such policies are ineffective at improving student safety.¹⁷ Contrary to the belief that exclusionary discipline policies make schools safer, evidence shows that when schools have high rates of exclusion for minor offenses, students and teachers more often report feeling unsafe or unsupported in their learning environment.¹⁸ Additionally, the overuse of suspensions and expulsions physically keeps students out of school — which is one of the few safe spaces many students have.¹⁹ A safe, welcoming, and supportive school environment includes caring adults who listen and give students space to learn, grow, and be young people; partners with the community; and provides resources that allow students to succeed in school and beyond.

HOW DO WE CREATE A MORE POSITIVE SCHOOL CLIMATE?

Some districts and states have begun to address the issues caused by exclusionary discipline policies. After reviewing discipline data, school climate data, and policies across the country, Ed Trust and the National Women's Law Center have identified two districts and one state that have made changes with some encouraging results for girls of color. While there is more work ahead, these early results provide some guidance for other districts trying to make positive changes to school climate. These examples also highlight guiding practices for states hoping to play an important role in supporting districts to do better by the students who are too often targeted by exclusionary discipline practices. Importantly, these places are reducing exclusionary discipline practices without compromising school safety or positive learning environments. In fact, the students and educators we heard from confirm research that shows that well-executed policies make classrooms safer and more conducive to learning.²⁰

An important note for districts and states is that **these changes do not occur overnight**. All these locations worked to create change over several years by updating policies and working with schools, community groups, parents and student advocates to improve implementation. The reductions in exclusionary discipline, while incremental each year, show encouraging results when looked at over time.

Yet, there is more work that these locations can do to better implement these positive policies. Specifically, in the wake of police violence and looming budget shortfalls brought on by a sudden recession, advocates have pushed district leaders to divest

from resources that criminalize students and instead invest in resources that allow students to thrive academically, socially, and emotionally. Policymakers would be wise to not only heed their advice, but also solicit and include the input of students, parents, and community advocates on how to invest in better, safer schools for all students.

Girls have answers:

“Educators should “not act on impulse but actually figure out exactly what’s going on before making a decision. Talk to the students and see where their head is at instead of going right to punishment.” — Student, McClymonds High School, Oakland

“Instead of scratching the surface, [principals should] try to get to the base of things, and see what’s wrong.” — High School Student, Chicago



Glossary of terms

WHAT IS SOCIAL EMOTIONAL LEARNING?

Social emotional learning (SEL) is the process of developing positive mindsets and social skills that lead to academic, professional, and social success. Although there is no consensus on exactly which skills are most important to success, skills typically include those required to build positive relationships, be aware of one's own emotions and abilities, and have control over one's behavior and emotions. Students require positive, supportive, and equitable learning environments to develop these skills. Too often, conversations about supporting SEL focus only on teaching individual students specific skills, missing entirely the importance of creating learning environments that foster positive social and emotional growth.

Changing discipline policies to ensure schools support belonging and growth, and challenge students as they develop in all areas will ultimately support social emotional learning.



WHAT IS SCHOOL CLIMATE?

School climate is a measure of how students and adults experience school. A positive school climate includes positive relationships among and between staff and students, a safe environment where students feel they belong, and equitable supports to meet high expectations. Therefore, school climate has a strong connection to disciplinary practices. The overuse of exclusionary discipline will create a **poor climate for students and adults.**²¹ As a result, improving how the school community experiences school requires systemic change, such as making the discipline policy less about punishment and more about learning and growing. It also requires making individual changes, like addressing teaching practices that influence how students feel in school. School climate and student experiences in school can change engagement and impact social, emotional, and academic development. When students are discouraged, excluded, arrested, or referred to law enforcement rather than given opportunities to reflect, learn, grow, and repair relationships, they miss opportunities to develop socially, emotionally, and academically.

A critical piece of creating a positive school climate is ensuring that sexual harassment is handled appropriately. Peer sexual harassment makes students feel unsafe, and how school officials respond affects school climate for the victim.²² Too often, victims are suspended or expelled when they report sexual harassment or assault because they are disbelieved or because schools conclude that their reports of how the harassment occurred indicate that they broke other school rules.²³ Schools must instead take steps to stop the harassment and restore a sense of safety for the victim and other students.²⁴ Doing nothing tells students that officials do not care about the victim's safety. This can make the victim feel unsupported in addition to unsafe. And punishing the victim who reports harassment communicates hostility to the victim's safety. It also discourages other victims from coming forward and emboldens other harassers.²⁵ Thus, ignoring harassment or retaliating against victims creates or worsens a toxic school climate. This is especially true for girls and LGBTQ students, who suffer higher rates of sex-based harassment.²⁶

WHAT IS RESTORATIVE JUSTICE?

Restorative justice offers a less punitive, more positive alternative to addressing school-based conflicts and violence than the more traditionally used punitive method or zero-tolerance policies. At its core, restorative justice is about building community, giving space to learn from and correct mistakes, and addressing root causes of behavior through listening, accountability, and healing. When done well, restorative justice uses evidence-based practices such as talking circles, also known as restorative circles or peace circles, which allow for all parties to talk about what happened, how they are feeling about it, and the impact it had on everyone involved.²⁷

STUDENTS RESPOND WELL TO RESTORATIVE JUSTICE:

“They always made sure we [were] fine when we left the room. They didn't just say 'oh, it's just a misunderstanding' and send us [away].” — Student, Oakland Emiliano Zapata Street Academy

Ultimately, all parties should agree on what can be done to correct the harm. This process also helps students to build trust and respect, and to exhibit and develop social emotional skills. Importantly, each school should have a trained restorative justice coordinator on site to support positive discipline practices and support educators and other staff in the building. Although doing so **requires financial resources, prioritizing this support and seeking aid from other public and community resources** can truly create a difference in a school.

Students understand restorative justice is not a quick-fix, one-step process — it requires follow up:

“The way teachers handle it with restorative justice — that needs a lot of work. You go there the first time there's a conflict, but if it's not improved, there should be more steps that should be taken.” — Student, Oakland Emiliano Zapata Street Academy



METHODOLOGY

The Education Trust and National Women’s Law Center set out to identify large school districts that serve a high percentage of students of color that have addressed issues that contribute to a positive school climate. We looked for districts that have done the following: decreased suspension rates for girls of color in recent years, enacted policies to replace exclusionary discipline with restorative discipline practices, reformed policies around harassment and assault, enacted inclusive dress code policies, welcomed community input, and made data cross-tabulated by race and gender publicly available. Our analysis of publicly available data led us to Oakland and Chicago school districts. While these districts met our criteria, this is not an exhaustive list; other districts may be taking the necessary steps toward positive change. After we selected these districts, Ed Trust designed and used a semi-structured protocol to conduct individual and group interviews with Latina and Black girls in Oakland who are or who had been recently enrolled in Oakland Unified School District. We also interviewed Oakland educators and restorative justice coordinators who are working to improve discipline practices in their schools. All students and educators we spoke to received a small stipend for their time and thoughtful engagement. In addition to the girls and educators we spoke to in Oakland, we spoke to Chicago educators who helped us to understand their experience with changes to discipline policies. This guide also includes quotes from Chicago students who spoke to Ijun Lai (2018) for a similar study.

FEATURED MODEL FOR CHANGE: OAKLAND UNIFIED SCHOOL DISTRICT

Oakland Unified School District (OUSD) has taken districtwide steps to expand their restorative justice program, to help create a positive school climate for all students (although there have been some implementation inconsistencies at the school level). Many of the positive changes in Oakland were facilitated with the help of the U.S. Department of Education’s Office for Civil Rights (OCR). The agreement reached with OCR in 2012 highlights the important role the federal government can play to protect the civil rights of students across the country.^{28,29}

Poor physical and emotional health impacts student behavior. Investments in school-based health centers can help to fill the gap in health care. For example, if a student is unable to see the board because of poor eyesight, they may struggle to focus on what is on the board, and educators might consider that student as simply failing to behave appropriately and pay attention instead of recognizing that the child is lacking proper health care.

7%

In the 2018–19 school year, Oakland suspended 7% of Black girls enrolled in public school.



What Oakland Does

Oakland has implemented a few practices that other districts across the country can adopt or adapt to improve schools for Latina and Black girls. Some of these practices include:

- Making school discipline data by race **and** gender [publicly available online](#)
- Requiring schools to complete a regular review of data and take actions to address disparities or disproportionate use of punitive discipline policies for particular demographic groups³⁰
- Banning suspensions for willful defiance (see box on this page)
- Prohibiting schools from suspending students or referring them to the police for dress code violations³¹
- Requiring the superintendent to solicit community input on discipline data and policies³²
- Maintaining a restorative justice program that is supported by central office staff as well as school counselors and restorative justice facilitators³³
- Requiring the superintendent to provide professional development to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing relationships with families³⁴
- Requiring the Oakland Police Department to make disaggregated data on school arrest, misconduct, and police department staffing publicly available
- Implementing 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
- Creating a harassment policy with girls' input that prioritizes psychological and emotional health and ensures victims have a voice in how their complaints are resolved.³⁵



19%

..... In 2018–19, Black girls made up 5% of girls enrolled in California's public schools, but 19% of suspensions for defiance.

BAN ON WILLFUL DEFIANCE SUSPENSIONS

California law prevents school districts from suspending K–3 students for willful defiance, which is a catchall for subjective offenses that has been used to disproportionately suspend Black students from school. This law is critical for Black, Latina, and Native American girls who are too often suspended for minor subjective offenses, which may be informed by race- and sex-based biases. For example, Black girls who are outspoken in class, who stand firm in their beliefs, or who use their voice to disrupt injustices, are often disciplined through exclusionary methods. Instead of viewing these as signs of future leadership, these qualities are mislabeled as “defiant,” “loud,” or “disrespectful.”³⁶

In **September 2019**, the state enacted a bill that expanded the ban to grades four and five, and will expand the ban to grades six to eight over the next five years. This new law still allows schools to remove students deemed disruptive from class, but encourages the use of alternative practices such as restorative justice or positive behavior support.

COUNSELORS, NOT CRIMINALIZATION

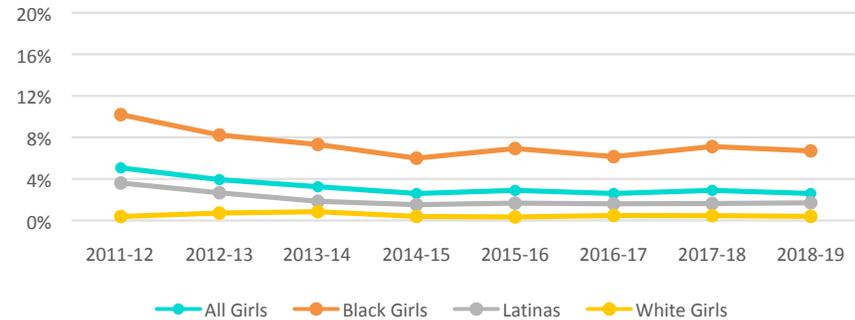
In 2019, Oakland's **31 restorative justice coordinators** were at risk to lose their jobs due to budget cuts. That same year the district employed **32 guidance counselors**. In 2019–20 school year, the Oakland Schools Police Department employed **67 officers**. [Oakland advocates](#) say that the district could save or reallocate at least \$2.5 million by ending its contract with the Oakland Schools Police Department.

In 2020, after six decades of police in Oakland's schools, the Board for OUSD voted unanimously to pass the “[George Floyd Resolution to Eliminate Oakland Schools Police Department](#).” The resolution stated that the \$2.5 million previously spent on law enforcement in the district will be reinvested in other student support services and the district's restorative justice program.

What Oakland's Data Says

While systems, cultures, and mindsets do not change overnight, Oakland Unified School District (OUSD) has gradually decreased out-of-school suspension rates for girls by making changes to policies and procedures over time. In the 2011-12 school year, 12% of middle school girls in OUSD were suspended from school; by 2018, that number had fallen to 6%. In that same time frame, the percentage of high school girls suspended fell from 8% to 5%.³⁷ While the rates for all girls have decreased, the district still has work to do to address disproportionalities in discipline. Black girls are still much more likely to be suspended out of school. In fact, Black girls are suspended at the highest rate for girls at every school level. The percentage of Black girls suspended in OUSD middle schools has decreased 10 percentage points since 2011-12, but the rates of suspensions in high school and elementary school remain largely unchanged.³⁸

OUT-OF-SCHOOL SUSPENSIONS IN GRADES K-12 OVER TIME, BY RACE



Source: Ed Trust Calculations of Oakland Unified School District Suspension Data, 2012-2019.

Impacts on School Climate

While there haven't been any official reports on changes in school climate in OUSD, a comparison of school connectedness survey questions from the California Healthy Kids Survey administered in the 2009-10 and 2017-18 school years suggests some encouraging results. Some of these changes are substantial, with more students reporting they feel happy and safe in their school, and more students feeling teachers treat them fairly. However, the district still has a long way to go to ensure all students feel positively about their school environment.

PERCENT OF 11TH GRADE STUDENTS IN OUSD REPORTING THAT THEY AGREE OR STRONGLY AGREE with the following statements before and after reforming discipline policies:

INDICATOR	2009-10	2017-18
I feel close to people in this school.	47%	53%
I am happy to be at this school.	47%	48%
I feel like I am part of this school.	44%	48%
Teachers at this school treat students fairly.	39%	50%
I feel safe in my school.	30%	51%

Source: Ed Trust calculated these percentages by adding together the percentages of 11th grade students who responded "Agree" or "Strongly Agree" to these items from Oakland Unified's 2009-10 and 2017-18 results from the California Healthy Kids Survey.

In their words: Oakland

While Oakland has made a lot of improvements over the years, there is a lot of work to do. Girls in Oakland offered ways to further improve discipline policies in Oakland, including:

Reforming dress code policies to remove bias based on gender and body shape

“It felt really biased because there were all these dress code policies for girls and when it came to guys — no sagging, and that’s it ... [They] discipline the girls more than they discipline the guys.”
— McClymonds High School Student, Oakland

Training educators and rewriting policies to ensure that girls are not blamed for experiencing harassment from boys

“I felt like it was always females being pointed out and females always having to have the conversation and females being told what to do, and it was never like ‘Ok guys, let’s have a conversation about the way you approach women. Let’s have a conversation about how disrespectful you are by calling them B words and stuff like that. It was never like that. It was always ‘ladies, this is how you take that. Stop acting ratchet.’”
— Ne’jhara, High School Student, Oakland

Ensuring each school has a quality restorative justice coordinator who is empowered to change school culture while they work to build community in addition to responding to conflicts

“[The previous restorative justice coordinator] was trying to get everybody together ... The school was getting together and was getting friendlier ... I just feel like there was more restorative justice as just being like a family community together and the school didn’t like that ... [The new restorative justice coordinator] isn’t really involved with students. She just does her own thing and if there’s a fight, she’ll have those people in for restorative justice, but there isn’t a class or anything.” — Jessica, High School Student, Oakland

Ensuring policies are clear and available to students, staff, and families and include community voice when creating policies

“[The teachers] were very respectful, and they pushed me to my limits. And they were very encouraging. And they cared.” — Student, Oakland Emiliano Zapata Street Academy

When asked whether students knew the dress code, many responded with a resounding no.

“We know what we can wear and what we can’t wear because we come to school and [adults say] ‘oh, you can’t wear that.’ It’s not a conversation.” — McClymonds High School Student

Clearly defining willful defiance so that teachers or administrators are not miscoding disciplinary infractions to get around the new law

“I feel like students and teachers have a totally different mindset when it comes to disrespect.”
— McClymonds High School Student, Oakland

In 2015, Oakland was one of a handful of California districts that led the way in banning the use of suspensions for defiance before the state expanded the ban.³⁹ However, our conversations with Black and Latina girls in Oakland illustrate a breakdown in communication. The girls we spoke to recalled instances of being excluded for perceived disrespect or using profanity. They were also unaware of their rights under the law. Oakland should make sure teachers and administrators are clear about what defiance means, while also doing more to ensure that students and families are aware of these policies.

FEATURED MODEL FOR CHANGE: CHICAGO PUBLIC SCHOOLS

Over the last 10 years, there have been a number of positive policy changes and practice adjustments that have decreased school push out for students of color in Chicago Public Schools (CPS).⁴⁰ As a result, the number of CPS out-of-school suspensions has dropped. However, recent news stories exposed an assault on a 16-year-old Black girl by school-based police and systemic failures to address sexual harassment and abuse. These reports show that although reducing expulsions and suspensions is crucial to improving school climate, it is not the only measure needed to ensure girls feel safe and respected in school.

What CPS Does⁴¹

- Creates a restorative justice program that includes central office staff as well as school counselors and restorative justice facilitators
- Uses student-led disciplinary proceedings
- Ensures not only that the district has resources to support positive school discipline, but that schools are aware of these resources and are evaluated on implementation⁴²
- Makes data broken down by race and gender publicly available
- Ends suspensions for pre-kindergarten through second grade⁴³
- Creates a student code of conduct that makes clear what students can and cannot be excluded from class for
- Requires dress codes to be gender neutral and bans classroom removal for dress code violations
- Encourages schools to use alternatives to exclusionary discipline

- Prevents Chicago Police Department from intervening in school discipline, as of September 2019
- Requires police to receive training on youth behavior and for schools to solicit community input on how police operate in schools

ROOM FOR IMPROVEMENT

In June 2020, the Chicago Board of Education voted 4-3 to keep in place a contract that paid Chicago Police Department \$33 million a year to police students. According to estimates, that same amount could cover the cost of 300 additional school counselors (Source: Ed Trust estimates based on average school counselor salary from CPS Employee Position Roster).

“Me [if I was principal], I’m not gonna suspend you, I’m gonna try to talk to you, because I know me, from me knowing that I was a kid that used to be in the office every day, I would probably think you have the same issues I had. You would never know what’s going on in a child’s life.”
— High School Student, Chicago



Timeline of policy changes in Chicago

2009-2010: Changes to Suspension Policy

CPS changes the conditions under which students can be suspended and encourages all schools to reduce use of exclusionary discipline and use alternative practices instead.

2009-2011: Culture of Calm

CPS pilots a program in six high schools designed to provide students with individualized supports they needed to develop social and emotional skills. Schools received training on: peer juries, restorative justice, counseling, and other alternative practices to help students develop better relationships with peers and adults.

2012: Changes to Code of Conduct

CPS lowers the length of suspensions, encourages positive interventions and new steps for addressing behavior, and ends the use of automatic 10-day suspensions.

2013-2014: Introduces the Suspension and Expulsion Reduction Plan

CPS uses research-based preventive structures and targeted interventions to address cause of behavior (trauma-focused groups, targeted skill-building, restorative justice).

Since
2011-2012:

67% decrease
in suspensions

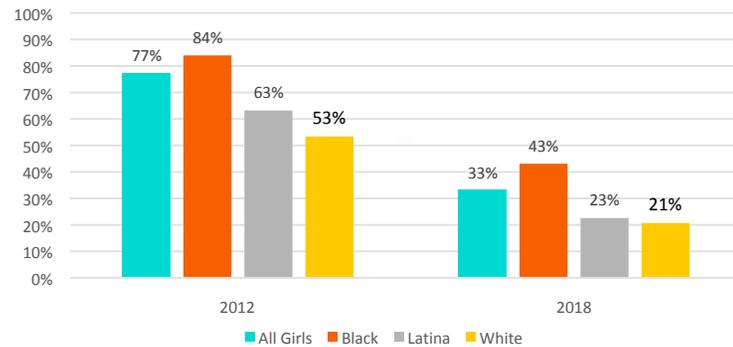
82% decrease
in expulsions

What Chicago's Data Says

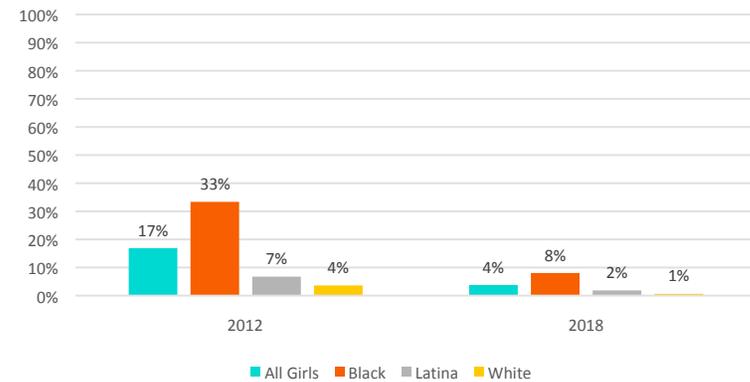
In 2012, what the district calls “misconduct” almost always resulted in out-of-school suspension for girls.⁴⁴ In contrast, 2018 data shows that only one-third of misconducts resulted in an out-of-school suspension.⁴⁵

While the district still has more to do, these policy changes have led to fewer girls of color missing critical class time due to exclusionary discipline. In 2012, Chicago suspended 1 in 3 Black girls. In 2018, that fell to 1 in 12.⁴⁶ Research suggests these changes were caused by policy changes rather than a random occurrence.⁴⁷ This is significant because it shows that these intentional policy decisions truly made an impact on suspension rates.

PERCENT OF MISCONDUCTS BY GIRLS RESULTING IN SUSPENSIONS BY RACE



PERCENT OF GIRLS RECEIVING AN OUT-OF-SCHOOL SUSPENSIONS BY RACE



Source: Ed Trust Calculations of Chicago Public Schools Suspension Data

Impacts on School Climate

Since Chicago made changes to their policy, the district has experienced some positive outcomes. In schools where Black students make up the majority — where suspension rates were once the highest in the district — students reported feeling much safer at school.⁴⁸ Some studies have also found these policy changes led to increases in attendance (beyond direct impact of fewer suspensions), decreases in arrests, decreases in out-of-school suspensions, increases in academic achievement, and large improvements in how students felt about school.⁴⁹

Chicago hasn't yet eliminated racial disparities in suspension rates, however, and there is still more leaders must do to create safer schools for students of color — especially girls. In the 2019–2020 school year, Chicago again made changes to its student code of conduct and to its sexual harassment policy.⁵⁰ These changes came after a 2018 series by the *Chicago Tribune* exposed systemwide failures to address reports of sexual harassment and abuse in Chicago public schools,⁵¹ and an investigation by the U.S. Department of Education's Office for Civil Rights found widespread failures in how the district responded to complaints of harassment under Title IX, the federal law that prohibits sex discrimination in school.⁵²

The new CPS policy clearly defines terms such as sexual harassment, consent, and retaliation, while outlining how individuals should report student-on-student and teacher-on-student sexual misconduct. The policy changes are accompanied by a new 20-person office to address Title IX complaints and allegations of sexual misconduct against students.⁵³ On the preventive end, CPS adopted comprehensive sex and healthy relationship education on an ongoing basis starting for students in kindergarten.⁵⁴ Although it is too early to gauge the impact of these changes, they show that the district is investing in systemwide changes to curb sexual violence that all too often pushes Black girls and Latinas out of school.

In their words: Chicago

Girls in Chicago prefer alternatives to exclusion and offered ways to further improve discipline policies, including:

Instead of excluding students, there should be processes in place to provide second chances.

“Here, if you get in trouble, like how I got in trouble with the fight, I had to write an appeal letter as to why they should let me do my senior activities, like luncheon and prom, and stuff like that, why I should do it. Then, I have like an interview with the dean and my principal ... [T]hey give you a second chance.”

— High School Student, Chicago

Students should have an opportunity to be heard in each situation — even in conflicts with school staff.

“[The teachers] have to fill out this form where they write down what happened in the classroom, and the student has to write one too, and they just look at both of the things. Then they ask the teacher what happened, and they ask the student once they calm down.” — High School Student, Chicago

Students appreciate opportunities to talk through conflicts.

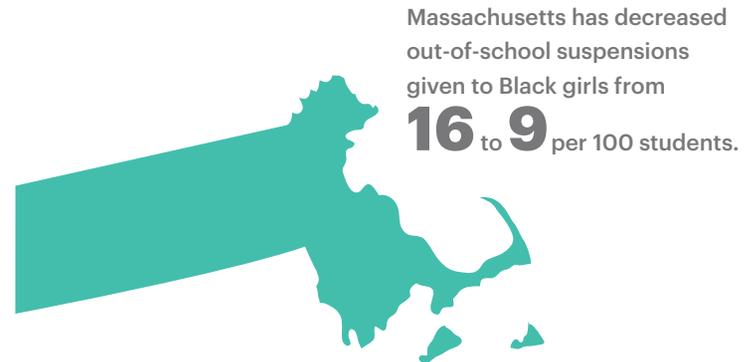
“We both put our differences aside and put our guard down. We was actually talking and letting each other know how we felt at the moment, things was happening, and stuff. Yeah, it worked.” — High School Student, Chicago

FEATURED MODEL FOR CHANGE: MASSACHUSETTS

While disciplinary decisions are often made at the district and school levels, states have an important role to play in ensuring schools and districts have the technical and financial support they need to make positive changes. Massachusetts has attempted to address that need.

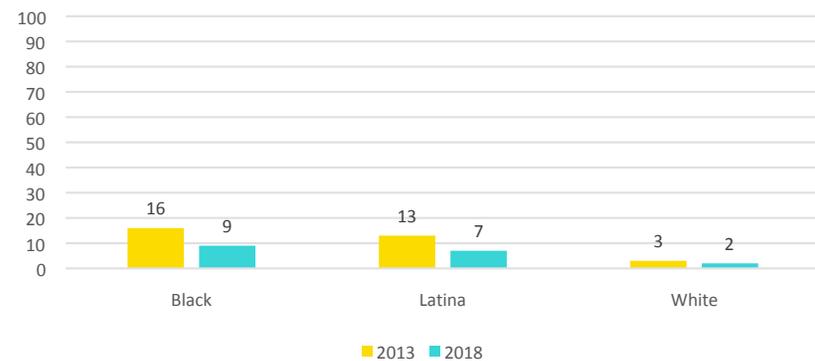
What Massachusetts Did

In 2012, Massachusetts legislators passed a law known as Chapter 222, which went into effect in 2014. The law was passed to reduce the use of out-of-school suspensions for minor infractions by requiring educators to first try alternatives such as restorative justice or positive behavioral interventions and supports.⁵⁵ The law also requires districts to disaggregate and report discipline data.⁵⁶ While the primary responsibility for reviewing the data and addressing disparities is placed on principals, the data allows the Massachusetts Department of Education to offer increased support to school districts that suspend students for long periods of time and districts that have persistent disparities in suspensions.⁵⁷ Every year, the state's department of education identifies schools and districts using the data required under Chapter 222. Schools and districts identified by the state must submit an annual action plan to reduce disproportionate discipline and to decrease the length of suspensions. Districts and schools identified are also encouraged to participate in additional professional development opportunities.⁵⁸



Even though the state can do much better at ensuring Black and Latina girls are not missing valuable class time, the data shows some improvements for girls in Massachusetts. The state has significantly decreased the number of out-of-school suspensions, from 16 to 9 suspensions per 100 Black girls. Given that Black girls make up more than 1 in 5 out-of-school suspensions given to girls each year, Massachusetts must continue to work on this.⁵⁹

NUMBER OF GIRLS SUSPENDED PER 100 GIRLS



Source: Ed Trust Calculations of Out-of-School Suspensions with SDDR data retrieved from <http://www.doe.mass.edu/infoservices/research/>



What can your state or district do?

Racial disparities in school discipline aren't inevitable. Policymakers, advocates, and school leaders can work together to address these disparities. This checklist is a start. Use it to assess existing systems and make changes to build a positive school climate — one where students can feel safe; have a supportive academic and physical environment; experience positive social and emotional growth; and have respectful, trusting, and caring relationships.

Each box represents a piece of the puzzle. These changes often must occur in stages, but **the goal is to eventually check every box** to ensure that all students — especially Black, Latina, and Native girls — attend a safe and inclusive school.

Checklist:

Data

- Does your district make discipline data publicly available in a way that breaks out race, gender, and disability status (i.e., data shows percentage of Black girls suspended)?
 - ___ Does this data specify the type of offense for which students were suspended?
 - ___ Does this data specify the length of suspensions?
 - ___ Does this data include both the number of students suspended once and number of students suspended multiple times?
 - ___ Is this data reported in a way that you can find info for students who fall into more than one category (e.g., instead of just reporting data for girls overall, does it also provide information for Black girls and Native girls)?

- Does your state or district use an evidence-based school climate survey⁶⁰ that allows you to break out results by race, gender, and disability status?
 - ___ Has the state or district consulted students, parents, and other members of the community to make changes where necessary based on school climate data?
 - ___ Has the state or district used school climate data to make changes to school policies?

Discipline Policies and Practices

- Does your district have a clear discipline policy that is..
 - ___ Posted on the website and given to all families?
 - ___ Available in diverse languages?⁶¹
 - ___ Clear to students, families, and staff what students can and cannot be suspended, expelled, or miss class time for.⁶²
 - ___ Clear that students will not be suspended or expelled unless the district determines it's more likely than not the student violated the code of conduct?

- Has your state or district implemented a policy around school discipline that minimizes lost instructional time?
 - Has the state and/or district replaced expulsions and suspensions for students in preschool through fifth grade with an alternative action that helps students to learn and grow?⁶³
 - Has the state and/or district banned the use of suspensions for subjective offenses like talking back and defiance at all grade levels?⁶⁴
 - Does the state and/or district encourage evidence-based interventions (e.g., restorative circles, meeting with school psychologists/social workers/counselors, peer mediation, non-financial restitution, community service) other than classroom or school removal, and do they ensure these interventions recognize culturally, ethnically, and racially diverse backgrounds?⁶⁵
 - Does the state and/or district provide clear guidance and targeted supports for schools to carry out alternative forms of discipline?
 - Are all classroom removals (e.g., student sent to the principal's office) documented as an in- or out-of-school suspension, to accurately reflect lost instructional time?
- Has your district adopted discipline policies and practices that focus on repairing and sustaining relationships, such as fully implementing restorative justice practices? Has the district...⁶⁶
 - Hired a district coordinator and a sufficient number of trained, high-quality on-site school coordinators?
 - Provided training to all teachers and staff on best restorative justice practices?
 - Mandated that the corrective action be relevant to the original action that led to using restorative practices?
 - Regularly evaluated the restorative program and made improvements based on evaluations?
 - Mandated that behavior specialists use evidence-based strategies and receive ongoing training to build relationships with and support the social emotional growth of students?
- Has your state or district implemented anti-racist and anti-sexist policies around dress codes?⁶⁷
 - Does it celebrate or affirm expression of diverse cultures? For example, schools should permit students to wear any religiously, ethnically, or culturally specific head coverings and hairstyles.
 - Does the dress code celebrate or affirm body diversity by saying it will be equally enforced without regard to body shape or size?
 - Is the dress code gender neutral? For example, are the same items of clothing allowed or prohibited regardless of whether the student wearing it identifies as a girl, boy, or nonbinary person?
 - Does it explicitly say students cannot be asked to leave the classroom or school for violating the dress code?
 - Does it explicitly prohibit school police from responding to dress code violations and other non-criminal acts?
 - If the dress code requires a uniform, does the school or district provide sufficient resources, multiple times a year, to students/families to cover the costs?
- Has your state and/or district banned the use of corporal punishment?
 - Black girls represent 16 percent of the girls enrolled in public schools and 33 percent of all instances of girls physically restrained. Has your state or district eliminated the use of physical restraint?

Checklist *continued:*

Support for Systemwide Policy Change

- The American School Counselor Association (ASCA) recommends a counselor to student ratio of 250 to 1.⁶⁸ Does the district ensure all schools have an adequate number of support staff, such as school counselors and school psychologists?
 - ___ Does the district or state track differences in school counselor to student ratios in schools with higher and lower concentrations of students of color or students from low-income backgrounds, and ensure that these historically underserved students are not being shortchanged?
- Does your state or district encourage school climate self-audits to assess whether their policies are disproportionately affecting certain groups of students?
 - ___ Does the state or district offer targeted supports to schools that are disproportionately excluding certain groups of students from class?
- According to the National Association of School Psychologists (NASP), school-based mental health services are essential to creating and sustaining safe schools.⁶⁹ Does the state or district invest in school-based mental health services for students and families?
 - ___ Does the district partner with local health providers and community organizations to provide mental health services to students?

Culture and Communication

A crucial component of school climate is having an inclusive curriculum where students can see themselves reflected.

- Does your district celebrate and encourage cultural diversity in meaningful ways?
 - ___ Does your district provide on-going professional development and coaching on culturally sustaining practices and reducing implicit bias?
 - ___ Has your district or state adopted curriculum procurement policies that emphasize cultural relevancy and diversity alongside academic rigor?⁷⁰ If so, has the district provided support and professional development to successfully implement the curriculum?
 - ___ Does the district provide educator and staff training on culturally sustaining pedagogy and on addressing race- and gender-based bias?
- Does your state or district policy ensure purposeful and consistent communication with families and the community — not just when there is a problem?
 - ___ Does the district provide translators to all families who need them?
 - ___ Does the school code of conduct, harassment policy, and dress code require community engagement? For example, are students and families an integral process of writing the code of conduct, harassment policies, and dress codes?

- Has the state or district invested in the recruitment, training, and retention of **teachers of color**?
 - ___ Has the district or school improved working conditions for teachers of color by developing programming to meaningfully engage, empower, and reward teachers for their efforts?
 - ___ Has the school created cultures that are inclusive and culturally affirming for teachers of color?
- Does the district policy make clear that stopping harassment is key to building a positive school culture and a climate of respect?
 - ___ Does the policy state that students have the right to be free from harassment (which includes verbal and physical conduct) based on race, color, national origin, disability or sex (which includes sexual orientation, gender identity, pregnancy, and conditions related to pregnancy)?
 - ___ Does the policy require educating students on consent and healthy relationships in all grade levels on an ongoing basis?
 - ___ Does the harassment policy include prohibitions on retaliation?
 - ___ Does the harassment policy make clear that students will not be punished for reporting they have been the victim of sexual violence, even if the code of conduct prohibits sexual conduct generally?
 - ___ Does the policy offer restorative practices as an option that survivors can pursue to resolve their complaints, in addition to informal or formal disciplinary proceedings?
- ___ Does the district provide educator and staff training on how to prevent harassment and assault and how to support students who experience it?
- Police do not belong in schools. Has your district committed to ending the criminalization of Black and Brown students in schools?
 - ___ Has the district committed to investing in support services for families, restorative justice programs, school counselors, restorative justice coordinators, and psychologists and divesting in school police or similar structures that criminalize students?
 - ___ Has the district set a clear goal to eliminate law enforcement in schools to the greatest extent possible?
- Has the district entered into an MOU with the local police department that?
 - ___ Prohibits educators from calling the police for minor/subjective offenses?
 - ___ Prohibits the police from engaging with students for typical youth behavior, ensuring trained educators and school staff to play this role instead?
 - ___ Specifies that in instances of sexual assault, schools will not contact law enforcement without the consent of the alleged victim, unless otherwise required by law?
 - ___ Specifies that any responding police officer will have received training on implicit bias, youth behavior, deescalation techniques, and trauma-informed communication?

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