



**NATIONAL
WOMEN'S
LAW CENTER**

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The Ending PUSHOUT Act: Fostering Safe, Supportive, and Inclusive Schools for Girls of Color

Every child deserves an education—a seat in the classroom. But discrimination against girls of color and other traditionally marginalized students has led schools to disproportionately exclude them from the classroom, through harsh discipline, such as suspension, expulsion, or even arrest. The Ending Punitive, Unfair, School-based Harm that Is Overt and Unresponsive to Trauma (PUSHOUT) Act, or the [Ending PUSHOUT Act](#), (H.R. 2248), would help end school pushout for these students.

For years, educators and school administrators have disciplined students of color, especially girls of color, more harshly than white students. Black and Native American girls face some of the largest barriers to educational opportunities due to racism and sexism baked into school codes of conduct, discipline policies and practices, and school dress codes, especially when these rules result in students being removed from their classrooms. School policies and practices that remove students from their usual classroom setting as a form of punishment are called exclusionary discipline.

Black girls, in particular, are subject to exclusionary discipline at disproportionate rates. Compared to white girls, Black girls are:

4X

More likely
to receive
out-of-school
suspensions

4X

More likely to be
expelled

5X

More likely to be
transferred to
another school for
disciplinary reasons

4X

More likely to be
arrested at school

In 2015-2016, Black girls in preschool made up 20% of girls enrolled and 53% of out-of-school suspensions for girls.¹

In 2017-2018, the most recent school year for which data is available, Native American girls were over 2 times more likely than white girls to be suspended from school.²

Exclusionary discipline can have severe long-term academic, career, and economic consequences, such as:

- Lower likelihood of graduating.³
- Lower likelihood of enrollment in a 4-year college.⁴
- Higher chance of involvement in the criminal legal system.⁵
- Losses totaling at least \$912,000 over a 40-year career for women working without a high school diploma.⁶

Even before students lost months of school time due to the coronavirus pandemic, students annually missed 11 million school days collectively, or 63,000 school years, due to exclusionary disciplinary actions.⁷ Among those lost school days, Black students were 5 times more likely to lose valuable school time than their white peers.⁸

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 communities of color.⁹
- High unemployment, especially for young women and girls of color.¹⁰
- Increased caretaker roles for sick relatives and younger siblings, especially for Black girls.¹¹
- Isolation from friends and other social outlets important to youth development.¹²
- Negative impacts on mental health, causing children and teens to experience increases in anxiety, depression, eating disorders, and suicidal thoughts.¹³

Students need their schools to respond to trauma with care and not punishment. Now more than ever, schools must be given the resources to be safe places for girls and all students to heal and thrive.

The [Ending PUSHOUT Act](#) would address these urgent national problems, by addressing the lack of federal investment and supports for schools that want to reform discipline policies; increasing data transparency regarding schools' use of exclusionary discipline; and bringing new

attention to addressing the criminalization and pushout of Black and brown girls, who are suspended, expelled, and arrested at alarmingly high rates—often for normal childlike and teenage behavior.

Specifically, the bill would:

- Establish \$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 climate;
 - Include funding for schools to hire trauma-informed care and mental health personnel, such as school counselors, school psychologists, and school social workers;
 - Include funding to train educators on identifying bias, implementing restorative programs, and establishing practices that reward positive behavior and maintain a positive learning environment;
- Strengthen the Department of Education's Civil Rights Data Collection by requiring annual collection of data on suspensions, expulsions, out-of-school transfers, referrals to law enforcement, and arrests; and
- Establish a Federal Interagency Taskforce to End School Pushout and examine its disproportionate impact on girls of color.

To learn more about the Ending PUSHOUT Act, watch the virtual congressional briefing the National Women's Law Center hosted in partnership with Girls, Inc. in October 2021.

- 1 NWLC calculations of U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection (CRDC), 2015-16 Public Use Data File available at <http://ocrdata.ed.gov>.
- 2 Georgetown Ctr. for Poverty & Inequality, Data Snapshot: 2017-2018 National Data on School Discipline by Race and Gender (2020), <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/12/National-Data-on-School-Discipline-by-Race-and-Gender.pdf>.
- 3 See, e.g., Russell J. Skiba et al., More than a Metaphor: The Contribution of Exclusionary Discipline to a School-to-Prison Pipeline, 47 EQUITY & EXCELLENCE IN EDUC. 546 (2014), <https://eric.ed.gov/?id=EJ1045755>; Robert Balfanz et al., Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade (Dec. 12, 2012) (prepared for the National Conference on Race and Gender Disparities in Discipline, Johns Hopkins University), <https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/state-reports/sent-home-and-put-off-track-the-antecedents-disproportionalities-and-consequences-of-being-suspended-in-the-ninth-grade/balfanz-sent-home-ccrr-conf-2013.pdf>.
- 4 Andrew Bacher-Hicks et al., The School to Prison Pipeline: Long-Run Impact of School Suspensions on Adult Crime 18 (Nat'l Bureau of Econ. Research, Working Paper No. 26257, 2019), https://www.nber.org/system/files/working_papers/w26257/w26257.pdf; see also Nat'l Women's Law Ctr. & The Educ. Trust, "...and they cared": How to Create Better, Safer Learning Environments for Girls of Color 2 (2020), https://nwlc.org/wp-content/uploads/2020/08/FINAL_NWLC_EDTrust_Guide.pdf.
- 5 "...and they cared", supra note 1, at 2.
- 6 NWLC calculations of U.S. Census Bureau, 2021 Current Population Survey accessed through Sarah Flood, Miriam King, Renae Rodgers, Steven Ruggles, J. Robert Warren and Michael Westberry. Integrated Public Use Microdata Series (IPUMS), Current Population Survey: Version 9.0 [dataset]. Minneapolis, MN: IPUMS, 2021. <http://doi.org/10.18128/D030.V9.0>. Figure is for 2020. Women without a high school diploma are typically paid \$27,200 per year. Women with a high school diploma or more are typically paid \$50,000 per year. The 40-year career loss assumes this \$22,800 wage gap each year for 40 years. Figure is not adjusted for inflation.
- 7 Daniel Losen & Amir Whitaker, 11 Million Days Lost: Race, Safety, and Discipline at U.S. Public Schools 4 (2018), https://www.aclu.org/sites/default/files/field_document/final_11-million-days_ucla_aclu.pdf.
- 8 Id. at 5.
- 9 See Ctrs. for Disease Control & Prevention, Disparities in Deaths from COVID-19: Racial and Ethnic Health Disparities, CDC.GOV (last update Dec. 10, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/disparities-deaths.html>.
- 10 Shengwei Sun, PhD., Institute for Women's Policy Research, Out of Work, Taking on Care: Young Women Face Mounting Challenges in the "She-Cession" (2021), https://iwpr.org/wp-content/uploads/2021/03/Young-Women-Brief.final_.pdf.
- 11 See, e.g., A Long Walk Home, Black Girls During the Pandemic and Protest 7 (2021), <https://www.alongwalkhome.org/covid-19-report>; Alliance for Girls, Uniting Isolated Voices: Girls and Gender-Expansive Youth During COVID-19 5 (2021), https://www.alliance4girls.org/wp-content/uploads/UnitingIsolatedVoices_FINAL_ForUpload.pdf.
- 12 Alliance for Girls, Uniting Isolated Voices: Girls and Gender-Expansive Youth During COVID-19 5 (2021), https://www.alliance4girls.org/wp-content/uploads/UnitingIsolatedVoices_FINAL_ForUpload.pdf.
- 13 See U.S. Dep't of Educ., Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs (2021), <https://www2.ed.gov/documents/students/supporting-child-student-social-emotional-behavioral-mental-health.pdf>.