



**NATIONAL
WOMEN'S
LAW CENTER**

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Dignity Denied: How Discriminatory School Discipline Leads to School Pushout

School discipline policies and dress codes can be rooted in racist and sexist stereotypes that disproportionately harm girls of color, especially Black girls.

Adultification bias is a particularly harmful stereotype where people see Black girls as:

- Older than they are
- Disruptive and defiant
- Less innocent than their white peers
- Less in need of care or protection than their white peers

Due to adultification bias, Black girls can be punished more often and more harshly for normal, age-appropriate behavior. This happens most often when teachers and school administrators can discipline students for things like “being disrespectful” or “having an attitude,” which have no clear definition. This also happens even though studies show that Black girls are not more likely than other students to misbehave in school.

Compared to white girls, Black girls are:

- **4x** more likely to be suspended
- **4x** more likely to be expelled
- **3x** more likely to have the police called on them in school
- **4x** more likely to be arrested in school

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>.

When Black girls are frequently disciplined, they lose critical learning time in the classroom, are often forced out of school, are more likely to enter the criminal legal system, and can encounter long-term barriers to higher education and success in their careers. This is called **school pushout**.

For more information about how school pushout affects girls of color and how to end it, visit www.nwlc.org/ending-pushout

Dignity Declared: Know Your Rights against Discriminatory School Discipline

Black girls who experience more frequent or harsher school discipline than their classmates may have experienced a violation of their civil rights.

Students' civil rights are generally protected under 3 main federal civil rights laws:

- **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Title VI makes it illegal for any educational programs (including all public K-12 schools and most universities) to discriminate against students because of their race, ethnicity, color, or national origin.

- **TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

Title IX makes it illegal for any educational programs (including all public K-12 schools and most universities) to discriminate against students because of their sex, gender identity, sexual orientation, pregnant or parenting status, or any other sex-related characteristics.

- **SECTION 504 OF THE REHABILITATION ACT**

Section 504 makes it illegal for any educational programs (including all public K-12 schools and most universities) to discriminate against students because of their disability or disabilities and requires educational programs to provide all students with disabilities with a **free appropriate public education (FAPE)**.

These are not the only 3 civil rights laws that may apply to students. For example, students are also protected under the Individuals with Disabilities Education Act (IDEA) and certain sections of the Americans with Disabilities Act (ADA).

You also have specific rights that are available to you while you are being disciplined. For example:

- **SUSPENSIONS & EXPULSIONS:** If you are being suspended out of school or expelled, you have the right to receive notice (information about what school policy you violated and why you are being punished) and some kind of hearing (this is usually any opportunity, formal or informal, to explain your side of the story to a teacher, principal, or other bodies like a disciplinary board).

- If you are not being formally suspended, but your school is sending you home or calling your parent/guardian to pick you up early as a punishment, this is called an informal suspension, which is illegal and may cause you to forfeit some of your rights to challenge the suspension.

- **DRESS CODES & OTHER GROOMING POLICIES:** If you are being punished for dressing in a way that conforms with your gender identity, your school may be enforcing **gender stereotypes** and violating Title IX.

- If you are being punished for wearing your hair in a protective style, such as braids, locs, Bantu knots, headwraps, or bandanas, this may be **hair discrimination** which can be a violation of Title VI and/or Title IX.

- **SEXUAL HARASSMENT & ASSAULT:** If you are being punished because you reported sexual harassment or assault at school, this is called **retaliation** and is a violation of Title IX.

- **CONTINUED SERVICES FOR STUDENTS WITH DISABILITIES:** If you are a student with a disability, receiving an individualized education plan (IEP), and/or receiving accommodations under Section 504, your school must provide you with **services and accommodations** if they discipline you by changing your usual educational setting for more than 10 days.

- If you are a student with a disability whose educational setting is being changed because of discipline, your school must host a **manifestation determination** within 10 days of the disciplinary decision, which is a meeting that should include parents/guardians to figure out if your behavior was related your disability.

If you feel like your civil rights have been violated after you have been disciplined, there are still options available to you:

- **FILE A FORMAL COMPLAINT WITH YOUR SCHOOL:** You may want to file a formal complaint with your school against the person who discriminated against you. Your school handbook or school website may have information about filing a formal complaint with your school administration or school district. Check your school's policies to see if you need to file a complaint within a certain number of days after the discrimination occurred.

- **FILE A COMPLAINT TO THE U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS:** If your school does not help you or if they make things worse, you may want to [file a complaint](#) against your school with the U.S. Department of Education’s Office for Civil Rights (OCR). Currently, OCR only investigates complaints that are filed within 180 days of the date of the discrimination. You can access the OCR “Complaint Assessment System” at ocrcas.ed.gov
- **FILE A LAWSUIT:** If your school does not help you or if they make things worse, you may want to file a lawsuit against your school. An attorney can help you determine whether you have any civil rights claim(s) or another legal claim(s) against your school and what your deadlines are.

If you believe you have experienced sex discrimination under Title IX, you may want to [fill out an intake form](#) with NWLC’s Legal Network for Gender Equity, which can connect you with 3 attorneys who have agreed to provide a first consultation for free. You can access the intake form at www.nwlc.org/legal-assistance.