



POLICY AGENDA

# GUARANTEE SAFE AND INCLUSIVE SCHOOLS

Students deserve schools that are safe, supportive, and affirming of their identity. Particularly for young women and girls—including transgender women and girls—and gender-nonconforming and nonbinary youth, this can make the difference between staying in school and not completing their education. Unfair and discriminatory policies can keep these young people from experiencing security and success in their education, health, jobs, families, and futures. As conservative extremists seek to roll back reproductive rights; Diversity, Equity, and Inclusion programs; inclusive learning materials; and Title IX protections, we must protect students and commit to creating schools that are safe, inclusive, and affirming.

## YOUNG WOMEN, GIRLS, TRANSGENDER, AND NONBINARY YOUTH NEED INCLUSIVE SCHOOL POLICIES

Starting as early as preschool, Black, Latinx, and Indigenous students of all genders are subject to harsh and discriminatory discipline policies that can force them out of school and have long-lasting effects on their futures. Sex harassment, including sexual violence, is also a pervasive issue for students starting in grade school and continuing into college—and schools are more likely to disbelieve and punish **women and girls of girls of color** (especially **Black women and girls**), **LGBTQI+ students**, pregnant and parenting students, and disabled students. Additionally, pregnant and parenting students—whether in secondary school, college, or graduate school—may face discrimination or be denied simple accommodations that would allow them to remain

and succeed in school. Many young people also face barriers to accessing health care, including college students who may be unable to access necessary reproductive health care services. In addition, far too many states and school districts are censoring the types of books and learning material students have access to.

Schools should not create barriers for young people working to secure their futures. Polling shows that [parents overwhelmingly](#) want schools to provide learning environments where all students feel seen, heard, and included and where students are safe. Policymakers should help eliminate barriers in education by centering the needs of young people who need support the most and putting forward a policy agenda that creates safe and inclusive schools.

## **POLICIES THAT WILL WORK TOGETHER TO SUPPORT OPPORTUNITIES FOR ALL STUDENTS INCLUDE:**

### **Ending Discriminatory Discipline Policies and Dress Codes.**

[Discriminatory discipline policies](#) can push girls out of school with long-lasting effects on their education. Black and Indigenous girls, for example, are more likely than white girls to be suspended from school, even though they are no more likely to misbehave, nor is their misbehavior more severe. Instead, these girls are [more likely to be suspended](#) for conduct that is minor (e.g., being late), subjective (e.g., “defiance”), or both (e.g., many [dress code](#) violations). These practices keep girls out of the classroom, making it harder for them to succeed and increasing their chances of being pushed out of school or being involved with the juvenile legal system. **States can reverse this trend** by [passing laws that ensure](#) educators have the tools to identify and address biases and other underlying problems that contribute to perceived misbehavior in the classroom. States must pass laws that ensure racial and gender equity and fairness in school dress codes, so that students are not disproportionately impacted by dress code policies based upon their [race, gender, gender identity, or culture](#). In addition, states that end suspensions and expulsions for minor or subjective conduct and replace exclusionary discipline with alternatives can keep students in the classroom while building positive social and emotional connections to school.

### **Investing in Counselors, Not Criminalization.**

Following the nationwide reckoning with racism and police violence and a pandemic that highlighted the educational inequities that have long existed in school districts with significant populations of Black, Latinx, and Indigenous students, many youth advocates have pushed school districts to [divest from resources that criminalize students](#) and instead invest in resources that allow students to thrive academically, socially, and emotionally. For example, according to an ACLU report using data from 2015–2016, [3 million students](#) attend schools with police but no school nurse, and [six million students](#) attend schools with police but no school psychologist. At the same time, a growing body of research has [not found any evidence](#) that school-based police make schools safer; instead, the presence of school-based police has been shown to [increase the likelihood](#) that students—[especially Black students](#)—will be arrested for typical childlike behavior. For example, [Black girls](#) are almost [3.66 times more likely](#) to be arrested in school than their white peers, even though [studies show](#) Black girls are not more likely to misbehave. During this time especially, when students are still wrestling with the emotional toll of [living through a pandemic](#) that has [disproportionately affected](#) Black, Latinx, and Indigenous communities, **states should increase** funding to provide mental health supports for students and increase investments in school support staff. All students deserve a positive climate focused on their social, emotional, and academic needs, instead of [increased investments](#) in [cultures of criminalization](#). Policymakers must also center students, parents, and the community when seeking solutions to create safer schools.

### **Addressing Sex Harassment and Sexual Assault in K-12 & Higher Education.**

No student should ever be pushed out of school because of sex harassment, sexual assault, dating violence, or stalking. Yet violence starts early. [Eighteen percent of girls](#) report experiencing sexual violence (including being kissed or touched without their consent) during their time in high school and [26% of women are sexually assaulted during their time in college](#). Waiting until college to talk to students about sex harassment and sexual violence is too late, and **states should require** schools to teach students of all ages about consent and healthy relationships. In addition, states can improve school responses to harassment by passing a [state SAFER Act](#), which would address gaps in Title IX and other federal civil rights laws. A state SAFER ACT would require schools to respond whenever a school employee knows or should have known about harassment that negatively affects a student’s ability to participate in school, regardless of where the underlying incident occurred. In these cases, schools would be required to offer supportive measures (regardless of whether there is an investigation), investigate the harassment



if requested, and take any other necessary actions to address the effects of the harassment (e.g., facilitate a [restorative process](#), conduct a school climate survey). If a school fails to take these basic steps, the survivor could bring a claim in state court to hold the school accountable.

### **Supporting Pregnant and Parenting Students.**

Students who are pregnant and parenting often encounter schools that are [not supportive of their needs](#) or their caregiving responsibilities. For example, pregnant and parenting students need excused absence policies that consider their health needs as well as the realities of unexpected childcare needs.

**States can implement basic protections** that enshrine and improve upon federal requirements by requiring schools to explicitly outline [lactation accommodations](#), inform students of their right to have excused absences for pregnancy-related reasons, and [excuse absences](#) for parenting students to care for sick children or when child care plans fall through. Further, states must invest in resources like transportation support, housing assistance, and childcare benefits to remove some of the barriers that prevent student parents from completing their education. This will ensure that pregnant and parenting students are able to take care of themselves and their children while continuing to succeed in school.

### **Ensuring Access to Reproductive Health Care and Information.**

Young people should be able to make their own decisions about their reproductive health care on their own terms and timelines. Yet, young people continue to face significant barriers to accessing many reproductive health care services, and the Supreme Court's decision to overturn *Roe v. Wade* has put young people's access to care at even greater risk. **States should remove barriers** to abortion, including laws that target or have a disproportionate impact on young people, such as laws that require a

parent's involvement prior to an abortion or efforts to prevent youth from traveling out of state for abortion care. States can also use their authority to regulate self-funded college student health insurance to require coverage of comprehensive reproductive health care, including birth control, abortion, prenatal care, childbirth, and postpartum care. States can also ensure access to comprehensive reproductive health care services at college campus health centers, or referrals to these services when appropriate.

### **Teaching Affirming and Accurate Curricula.**

Students deserve access to curricula that is reflective of their identity, historically accurate, and free from political or religious bias. Creating a safe and inclusive environment for students means that young people can see their own lives reflected in what they read and learn, so they can feel understood and safe to be who they are. It also requires giving young people access to stories and [lessons about people different from them](#), so they can develop empathy for their peers and across communities. Unfortunately, [far-right extremists](#) strive to [ban all topics](#) in schools that threaten their discriminatory agenda. In the last half of 2023, there were [4,000 instances](#) of book bans across the country. These bans particularly target books and curricula about LGBTQI+ identities, gender, and sexuality; race, racism, and the history of racism, segregation, and colonization; reproductive rights and sexual health; and [consent, sexual harassment, violence](#), and abuse. These efforts prevent students from accessing a [broad spectrum of information](#) which contributes to well informed citizens with [strong critical thinking skills](#). **States should pass legislation to prevent the banning of books and curricula** by school boards and administrators. Access to developmentally appropriate learning materials should be determined by professional librarians and educators who are trained to make these decisions.



NWLC staff collaborated with the DC Public Schools program *We the Girls* to conduct a series of rotating workshops for 30 high school students focused on educating students about their rights regarding: school discipline and pushout, pregnant and parenting students, supporting student survivors of sex-based harassment under Title IX, and supporting LGBTQI+ students. Students participated in interactive sessions, identified prominent issues within their school systems, and collectively established next steps.