

Civil Rights Principles for Safe, Healthy, and Inclusive School Climates



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The federal government's role in ensuring schools are free from discrimination has been articulated and affirmed by the U.S. Supreme Court, Congress, and the U.S. Department of Education (ED).¹ Ensuring that all children are safe and welcome in schools is incredibly important to our organizations, our partners, and the communities we represent.

At such a tenuous time, the nation, federal and state governments, and schools are focused on the importance of building safe, healthy, and inclusive school environments. The tragedies that have occurred in schools across the country demand serious investments in evidence-based policies and practices that keep children and staff safe and do not exacerbate the school-to-prison pipeline, further criminalize marginalized children, or increase the over-policing of students in schools and communities. These investments and policy changes are needed to prevent further disenfranchisement of historically marginalized students, including students of color, students with disabilities, LGBTQ youth, religious minorities, sexual assault survivors, and immigrant students, among others. These practices include comprehensive, multi-tiered systems of support; counseling; positive behavior supports; restorative justice programs; and trauma-informed care.

In order to ensure that students are learning in safe, healthy, and inclusive environments, we seek PK-12 school climate legislation that meets the following principles. We ask members of Congress to fulfill their role in helping educators and communities create and maintain safe schools that afford all students equal educational opportunities by incorporating these principles into all relevant

PRINCIPLE #1: ENSURE RIGHTS OF STUDENTS Federal law and policy must protect and enforce students' legal rights. Legislation should protect the right to a hearing for students who face suspension from school and the right to effective and timely parental notification of disciplinary actions; ensure all children, regardless of immigration status, have equal access to an education; ensure that transgender students are safe and supported at school, including by ensuring their access to programs and facilities that match their gender identity; ensure that schools address sexual harassment in an equitable manner consistent with guidance documents issued by ED in 2001,² 2011,³ and 2014⁴; ensure and affirm all rights of students, including First Amendment rights, which have historically protected organizing and dissent at schools; enforce the protections assured by the Constitution with regard to search, seizure, and interrogation at school for all students; and ensure that students are not subject to discriminatory discipline based on race, color, national origin, disability, religion, or sex (including sexual orientation, gender identity, and pregnancy status), including by restoring a private right of action for disparate impact claims. All legislation must include an oversight mechanism to publicly identify when schools and local education agencies are not protecting students' rights and a private right of action when students' rights are violated.

PRINCIPLE #2: ENCOURAGE SCHOOLS TO IMPLEMENT COMPREHENSIVE AND SUPPORTIVE DISCIPLINE PRACTICES The most effective methods for improving school climate engage children and teachers in pro-social activities that build positive relationships, promote cultural competency, confront bias, celebrate diversity, are trauma-informed, and instill a sense of community throughout the school. Any legislation intended to improve school climate should require that federal funds be used to



PRINCIPLE #3: ADDRESS CHILDHOOD TRAUMA Schools should foster a positive climate for learning by supporting all children, including by acknowledging the trauma that some children and their families – and also administrators and teachers – experience every day. Any legislation to address school climate must include funding for effective professional development for school personnel to implement practices that recognize, acknowledge, and respond appropriately to childhood trauma; more mental health services and counselors; and funding and technical assistance to programs that support children, including restorative justice programs, school-wide positive behavioral interventions and supports, positive youth development, and social and emotional learning. Such legislation must also include reporting and oversight requirements to ensure grant funding is being used as intended by the law.

PRINCIPLE #4: ENHANCE PROTECTIONS AGAINST HARASSMENT AND DISCRIMINATION IN SCHOOL Congress must resoundingly affirm children's



PRINCIPLE #5: ENSURE ACCOUNTABILITY THROUGH ACCURATE AND COMPREHENSIVE DATA COLLECTION

Schools and districts should be required to collect and report comprehensive school climate data that is disaggregated, cross-tabulated, accurate, timely, and broadly and publicly available without personally identifiable information. Students, parents, and community members deserve data transparency so they can gauge school climate within their districts. While the Civil Rights Data Collection includes important information about students' experiences, additional data are needed (including, for example, on the use of force by police in schools and all involuntary removals and transfers from school over five school days in length) and oversight is needed to ensure reported data are accurate. Data should be collected so as to inform updates on infrastructure, programming, resources, and school personnel training.

PRINCIPLE #7: ELIMINATE SCHOOL-BASED LAW ENFORCEMENT Police, including school resource officers (SROs), do not belong in schools. Education legislation intended to improve school climate should expressly prohibit using federal funds on school police or surveillance and work towards the elimination of law enforcement and surveillance in schools. To the degree that law enforcement, including SROs and school security guards, remain in schools, any legislation proposed must require local education agencies to have written Memorandum of Understanding (or legal agreements) that define the role and responsibility of all law enforcement and school safety personnel and that also prohibit school police officers and similar school personnel, including volunteers, contractors, and affiliates, from enforcing student codes of conduct, engaging in a school discipline role, or managing student behavior that belongs in the hands of administrators; prohibit both police and school personnel from carrying weapons; and require school police to receive comprehensive and ongoing training on youth behavior, implicit bias, and student rights. All legislation should include oversight and penalties for local education agencies that fail to comply with its provisions.

PRINCIPLE #8: ELIMINATE THREATS TO STUDENTS' HEALTH AND SAFETY Creating a safe and inclusive school climate requires stopping counterproductive and overly harsh punishments, including corporal punishment and restraints and seclusion, which impact our most marginalized youth and lead to long-term behavioral and mental health impacts. Federal legislation to address school climate must prohibit the use of restraints (except in situations of imminent danger of serious physical harm to self or others), prohibit the use of seclusion, and require the end of corporal punishment. These practices have no place in our schools. Legislation should limit or ban these harmful practices while also requiring

Arab American Institute
Association of University Centers on
Disabilities
Augustus F. Hawkins Foundation
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Center for Law and Social Policy
(CLASP)
Center for Popular Democracy
Clearinghouse on Women's Issues
Council of Parent Attorneys and
Advocates
Delta Sigma Theta Sorority, Inc.
Disability Rights Education & Defense
Fund (DREDF)
Education Law Center - PA
Feminist Majority Foundation
GLSEN
Hindu American Foundation
Hispanic Federation
Human Rights Campaign
Impact Fund
Interfaith Alliance
Iota Phi Lambda Sorority, Inc.
Lambda Legal
Lawyers' Committee for Civil Rights

Movement Advancement Project
NAACP
National Alliance for Partnerships in Equity
(NAPE)
National Association of Councils on
Developmental Disabilities
National Association of Human Rights
Workers
National Center for Law and Economic
Justice
National Center for Lesbian Rights
National Center for Special Education in
Charter Schools
National Center for Youth Law
National Disability Rights Network
National LGBTQ Task Force Action Fund
National Urban League
National Women's Law Center
NBJC
OCA - Asian Pacific American Advocates
PFLAG National
Shriver Center on Poverty Law
Southeast Asia Resource Action Center
(SEARAC)
Southern Poverty Law Center
TASH



The Leadership
Conference
Education Fund