

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



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

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).<sup>1</sup> 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 legislation.

## **Overarching Goals**

Several goals are included throughout school climate work and run through each of the principles outlined below. We believe each priority should be fully funded, provided with adequate resources to be effective, and targeted at the schools and students that need them the most. Additionally, all school staff need to receive evidence-based, culturally responsive training and other professional development to be able to implement any programs or policies put in place to improve school climate and ensure equitable educational opportunities for all students. All legislation should include sufficient oversight and enforcement to ensure compliance.

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<sup>1</sup> See: *Brown v. Board of Education* (1954); *Lau v. Nichols* (1974); *Plyler v. Doe* (1982); Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Individuals with Disabilities Education Act (IDEA); Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act (ADA) of 1990; Age Discrimination Act of 1975.

**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,<sup>2</sup> 2011,<sup>3</sup> and 2014<sup>4</sup>; 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 implement only evidence-based, preventative measures that build positive school cultures and alternatives to exclusionary discipline and criminalization. This includes offering comprehensive professional development opportunities; hiring enough guidance counselors, social workers, and health professionals who are knowledgeable about child-centered civil rights laws; and employing culturally responsive practices (including accessible to people with disabilities and English language learners), restorative justice, and school-wide positive behavioral interventions and supports. All legislation should include oversight provisions and penalties for local education agencies that fail to comply.

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<sup>2</sup> U.S. Department of Education Office for Civil Rights. "[Revised Sexual Harassment Guidance: Harassment of students by school employees, other students or third parties.](#)" January 19, 2001.

<sup>3</sup> U.S. Department of Education Office for Civil Rights. "[Dear Colleague Letter.](#)" April 4, 2011.

<sup>4</sup> U.S. Department of Education Office for Civil Rights. "[Questions and Answers on Title IX and Sexual Violence.](#)" April 29, 2014.



**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 right to be free from discrimination, including harassment and bullying (including cyberbullying) based on protected traits, including sexual orientation or gender identity. Schools that receive federal funds should be required to adopt codes of conduct that specifically prohibit bullying and harassment on the basis of actual or perceived race, color, national origin, disability, sex (including sexual orientation, gender identity, pregnancy and related conditions), and religion, as well as retaliation for being a party or witness in a complaint of discrimination or bullying. Additionally, Congress should affirm and clarify that sexual orientation and gender identity are protected traits that are subject to anti-discrimination protection in educational programs. Schools should also be required to provide reliable and accurate data disaggregated and cross-tabulated by race, sex, and disability on harassment and bullying (including cyberbullying) to the Department of Education. Further, any legislation should include a private right of action to ensure individuals can take legal recourse when state actors violate the law.



**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 #6: INVEST IN SCHOOL INFRASTRUCTURES THAT SUPPORT POSITIVE SCHOOL CLIMATES**

Children deserve to attend schools that are safe, clean, and conducive to learning. Legislation to improve school climate should provide adequate and equitable funding for proper facilities and services, including heat, air conditioning, drinkable water, food assistance programs like school lunches, full ADA compliance, modern buildings, and current, modern technology designed to improve student learning. Investment in educational materials should also be culturally responsive and affirming to the histories of children and families who make up our public education system. Any legislation should include oversight and penalties for local education agencies to ensure that funding is used to update buildings to facilitate learning and prohibit the use of school infrastructure funding to militarize or "harden" schools or increase surveillance of children.

**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 improved disaggregated school-level data collection, an immediate meeting between parents of the student and the school when one of these practices occurs, and also include a private right of action to ensure individuals can take legal recourse when state actors violate the law.

**Signers of the Civil Rights Principles for Safe, Healthy, and Inclusive School Climates, September 2019:**

The Leadership Conference on Civil  
and Human Rights  
The Leadership Conference Education  
Fund  
NAACP Legal Defense & Educational  
Fund, Inc.  
Campaign for Youth Justice  
ACCESS  
Advancement Project National Office



American Association for Access, Equity  
and Diversity  
American Association of University  
Women  
American Civil Liberties Union  
American Islamic Congress  
American-Arab Anti-Discrimination  
Committee  
Anti-Defamation League

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  
Under Law  
MALDEF

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  
Voto Latino  
YWCA USA



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