

Protecting Our Girls:  
Creating a Pathway to Eradicate Inequitable Exclusionary Disciplinary Practices for Black Girls  
in the State of Florida

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## Protecting Our Girls

### Summary

The utilization of zero tolerance discipline policies in the United States has established companion achievement and discipline gaps (Kennedy-Lewis, 2013; Khalifa, 2012; Ladson-Billings, 2006). In these chasms, minoritized students experience harsher treatment and receive more frequent suspensions and expulsions than their peers from dominant cultural and socioeconomic backgrounds (Fenning & Rose, 2007; Kennedy-Lewis, 2013; Khalifa, 2013; Ladson-Billings, 2013). Furthermore, students who are members of multiple oppressed groups, for the purposes of this policy proposal Black girls, experience exceptional vulnerabilities in rigid and punitive systems (Annamma et al., 2016; Esposito & Edwards, 2017; Gist, White & Bianco, 2017; Khalifa, Gooden & Davis, 2016). Systems in academic spaces modeled after the sentencing structure of the justice system serve to further marginalize and delegitimize the trauma, lived experiences and needs of students, as well as perpetuate the cycle of engagement; this cycle engages students in the school to prison pipeline, as opposed to the school to career pathway (Anyon et al., 2017; Skiba et al., 2006).

This policy proposal discusses the vulnerabilities experienced by Black girls within the discipline structures of the public school setting and proports a phased and comprehensive solution that will establish the groundwork necessary to create emotionally and physically safe spaces. Particular consideration has been given to Black girls, as a demographic that has been historically underserved by and disparately engaged in exclusionary discipline practices within academically focused institutions (Annamma et al., 2016; Skiba et al., 2011). The solution must come from the innovative collaboration of stakeholders in various sectors because the impact of

exclusionary disciplinary practices is felt in all facets of life, particularly those outside of the walls of a school building (Rohr, 2019).

## **Introduction**

Race, as defined by Andersen and Collins (2016), is “not real... the meaning and significance of race stems from specific social, historical, and political contexts” (pg. 57). The aforementioned definition makes it clear that race is an imagined construct, yet it has such influence and significance in the United States. When considering the qualifiers which solidify the multifaceted reality of the Black experience, particularly that of women and girls, it is negligent to ignore a component impacting intersectionality and the differences experienced by those who may share one or more oppressed identity (Gist et al., 2017; Harrison, 2015; Skiba et al, 2011). The research of Esposito & Edwards (2017) unpacks ideas that the femininity of Black girls and women is under racist and sexual assault, identifying the perception that aggression on the part of Black women is considered normal because Black women do not have the privilege of being docile. Due to the perpetuation of these norms in the media and society, violence among and poor treatment of Black girls and women is perceived as normal behavior (Anyon et al., 2017; Annamma, et al., 2016; Esposito & Edwards, 2017; Rohr, 2019; Wun, 2014).

"White women may experience gender discrimination, whereas African American women may experience both gender and racial discrimination. The joint possibility of gender and racial discrimination makes it impossible for African American women to make accurate causal attributions concerning potential discrimination" (Beckwith, Carter & Peters, 2016, p. 122). The foginess surrounding the discrimination of those in multiple oppressed groups, African American girls in this case, makes it difficult to notice, identify and call by name

(Shields, 2008; Wun, 2014). Furthermore, even greater difficulty exists when seeking to enact law that supports the eradication of this illusive discrimination (National Black Women’s Justice Institute, 2019; Rohr, 2019; Skiba et al., 2011). It is necessary to contextualize school discipline practices and their punitive nature along with the School to Prison Pipeline (Skiba et al., 2006) as a part of a larger carceral state (Wun, 2014) with the mass criminalization and imprisonment of bodies different from the norm (Annamma et al., 2016). A group of particular interest is Black girls, as the juxtaposition of the identity markers of gender and race produce intricacies that are not broadly accounted for in society, and particularly absent in school settings (Brown, 2019; Camera, 2017; Chakara, 2017; Rohr, 2019).

## **Description of the Problem**

### **Exclusionary Disciplinary Action: A National Issue**

Black girls make up 16% percent of the nation’s student population while 46% are suspended multiple times and contribute to 34% of school-based arrests (Esposito & Edwards, 2017). Black girls are seven times more likely to be suspended from school, three times more likely to be restrained or receive more than one in-school suspension, four times more likely to be arrested on a school campus and two times more likely to receive corporal punishment than their White female counterparts (Brown, 2019; National Black Women’s Justice Institute, 2019; US Dept. of Education Office for Civil Rights, 2016). To further illuminate the discipline gap, Annamma et al. (2017) share, “nationally, Black girls experience discipline rates 6 times higher than White girls; they experience suspension rates higher than 67% of boys as well” (p. 4).

Esposito & Edwards (2017) associate these data points with the existing societal bias against Black women and implicit bias against Black girls within the school system. These

phenomena are explained by Ladson-Billings (2006) as historical and sociopolitical debts. Esposito & Edwards (2017) describe an intersection of lived experiences of some Black girls and women that is frequently addressed within the school context in criminalizing, punitive ways; these means of response do not address root causes, rather treat the symptoms of systematic oppression. When only symptoms are addressed, the opportunity gaps persist in detrimental ways (Annamma et al, 2016; Ladson-Billings, 2006, Ladson-Billings, 2013).

The discriminatory, punitive and biased treatment endured by Black girls in school settings translates to a skewed perception of self and relationships with others (Brown, 2019; Esposito & Edwards, 2017; Harrison, 2015). Far too often, stories are shared regarding the inhumane circumstances Black girls endure in a place posited one of the safest for school-aged children. There are many stories that make headlines—like the death of fifth grader RaNiya Wright in North Carolina after an encounter with a bully in her classroom (Chavez & Holcombe, 2019) or high school student Amy Joyner-Francis in Delaware who died in her high school bathroom after an altercation (Esposito & Edwards, 2017) or after an unnamed student was slammed out of her desk by a school resource officer in South Carolina (Fausset & Southall, 2015). There are also thousands more that do not make it to media outlets, yet they sustain significant impact on the lives of students— those experiencing the situations firsthand and observers— by compounding existing trauma and adverse childhood experiences (Centers for Disease Control, 2019).

## Findings

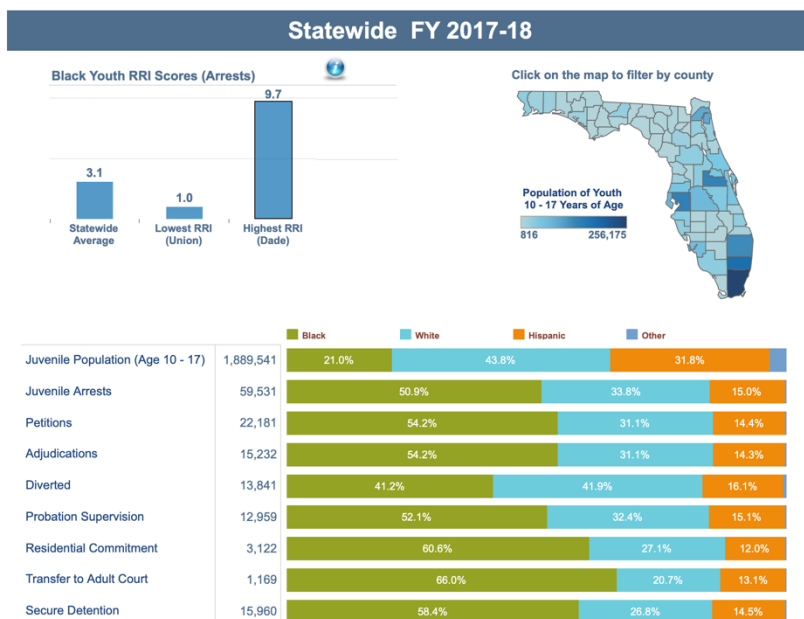
### Starting at Home: Implications for the State of Florida

Florida school level data provided by school districts and displayed on the Department of Education website reflects national trends (Florida Department of Education, 2020a). The list accounts for the range of disciplinary actions, including, but not limited to, in school suspension, out of school suspension, physical restraint, corporal punishment, placement in an alternative educational setting, and expulsion with or without continuing education.

In cases where the listed student demographic is less than ten, the anonymity of those students would be jeopardized if the numbers were published (Florida Department of Education, 2020b). Furthermore, it cannot be presumed there were not qualifying students for that particular category (Florida Department of Education, 2020b). All behavior data published at the state level aggregates student data along lines of racial difference as well as by sex

(Florida Department of Education, 2020b); there are no reports available to the public representing data at the intersection of race and gender. Black students are represented in every county/school district for disciplinary actions ranging from in and out of school suspension to placement in an alternative educational setting (Florida Department of Education, 2020b). The

Figure 1: Statewide Disparities. Florida Department of Juvenile Justice, 2020.



data is not layered by identity factor to demonstrate the specific intersections of student demographic. This gap in information accuracy is problematic for the most vulnerable populations served by our public academic institutions.

Because Florida State Statutes 1012.27 and 1012.28 require principals and superintendents to support teachers and staff in the removal of disruptive students and placement in the best suited educational setting, there is a level of responsibility on school and district leadership to be supportive in behavioral redirection of students. This support of student learning and communal, relational engagement in the classroom setting is determined in a subjective manner. Exclusionary discipline has become a significant issue nationwide and been included in statewide action plans (Miami-Dade County Public Schools, 2018). School districts, like Miami-Dade Public Schools, have been identified as implementing practices that find loopholes in statutes to demonstrate growth without making significant shifts in practice. The disparities also exist within other agencies that are designed to support the development and support of youth.

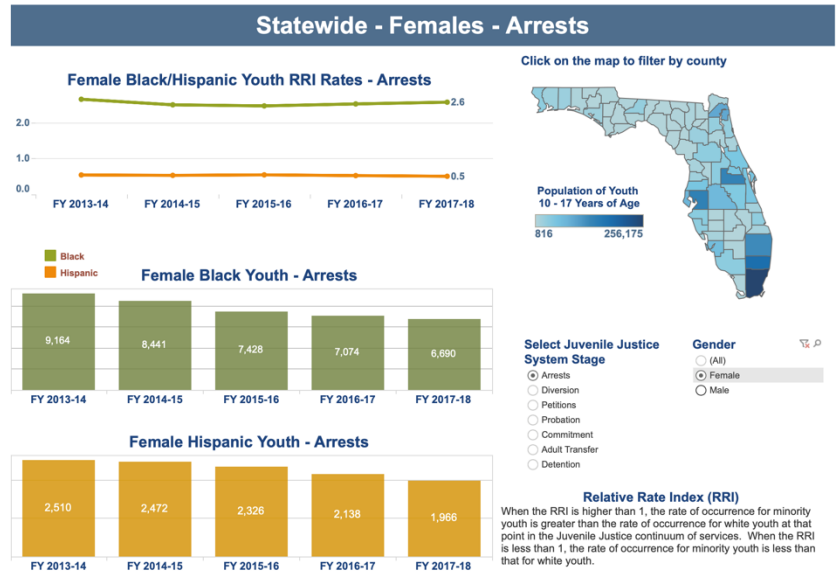
Florida has come close to establishing statutes that would create a runway for the long-term conversation concerning suspensions by implementing a check and balance through oversight by the school board. Such legislation was in the works during the 2017 legislative session. Senate Bill 418 proposed improvement plans for schools with consistently high rates of in-school and out-of-school suspension when compared to the state average (FL SB 418, 2017). Additionally, early warning indicators and respective intervention strategies would be made available to schools through professional development. This bill passed in the Senate and died in the House, after being indefinitely withdrawn from consideration (Lobby Tools, 2019).



During the 2018 legislative session, Florida Senate Bill 1626, An act relating to student discipline, was brought before the Education committee and died. This bill would have prevented school resource officers from being able to arrest students or refer them to the juvenile justice system for petty acts of misconduct (FL SB 1626, 2018). This is a particularly pertinent protection for vulnerable student populations against exclusionary discipline practices that reroute students into the School to Prison Pipeline. Also, incorporated in Florida Senate Bill 1626 (2018) were provisions for the school board responsibilities to be adjusted to serve in an advisory capacity for school safety and discipline issues.

The failure of these bills to pass makes the outlook of actionable change for the sake of students and their engagement with exclusionary practices bleak. Furthermore, these articles of legislation do not explicitly name inequities that face Black girls or other students who exist in the intersection of multiple oppressed groups. Of all the states that have proposed or enacted legislation to make changes regarding exclusionary discipline practices, Florida is not on the list. However, changes to make that a pragmatic reality are not far out of reach.

Figure 2: Black and Hispanic Female Youth Arrests in the State of Florida. Florida Department of Juvenile Justice, 2020.



## **A View of Federal and State Legislation, Best Practice**

Representative Ayanna Pressley of Massachusetts Seventh district has sponsored the Ending Punitive, Unfair, School-Based Harm that is Overt and Unresponsive to Trauma (PUSHOUT) Act (H.R. 5325, 2019). The Ending PUSHOUT Act (HR 5325, 2019) is the first of its kind and echoes the call to action from the federal to state, county and city level The legislation is designed to bring national awareness and resources to the aid of Black girls in preschool through twelfth grade. Intended to galvanize leaders to reconsider the ways students are developed to think about relationship and community building, and the structures in place that send implicit messages some are more welcomed into school settings and classrooms than others. Addressing not only alternatives to exclusionary discipline practices like in and out of school suspension, the Ending PUSHOUT Act (HR 5325, 2019) seeks to revamp codes of conduct, dress codes and other policies that are littered with subjective and culturally insensitive and unresponsive expectations. In partnership with the National Black Women’s Justice Institute (2019), there are opportunities for the voices of historically silenced Black girls to be heard, including, but not limited to those who are members of the LGBTQI community or experiencing housing insecurity, homelessness or other circumstances beyond their control. The intention of the Ending PUSHOUT Act is to give voice to the silenced narrative of Black girls and women, their adverse educational experiences and establish a level space for equitable access to opportunity. .

### ***Tennessee***

During the 2017 State Legislative Session, Tennessee enacted House Bill 872 and its companion Senate Bill 1394 (Education Commission of the States, 2018; TN H.B. 872, 2017; TN S.B. 1394, 2017). These bills prohibit the suspension or expulsion of students in preschool

and kindergarten, unless the safety of another student or personnel are endangered (LegiScan, 2020; TN H.B. 872, 2017; TN S.B. 1394, 2017). When suspension is the utilized intervention, students may not be suspended for longer than three days and suspension is not to begin prior to de-escalation of the student accompanied by a conversation with school leadership and parent notification (Education Commission of the States, 2018; TN H.B. 872, 2017; TN S.B. 1394, 2017; LegiScan, 2020). Knoxville City Schools is doing work centered on the disparate suspension rates within their district. School board member, Evetty Satterfield, expressed concern for national and local trends, noting her determination to be a voice for Black and Brown students being excluded from community and missing critical classroom time (E. Satterfield, Personal Communication, March 2020). The Knoxville City School board has recently conducted a study to assess the discipline data, namely in-school and out of school suspensions by race. Though this is a step in the direction of change and brought awareness to the discipline gaps that exists, there is more work to do in order to pull data that layers more than one identity marker (E. Satterfield, Personal Communication, March 2020). Satterfield stated, “we don’t have that yet, but it would be beneficial to the cause we’re trying to fight for our kids” (Personal Communication, March 2020).

### ***Colorado***

Denver Public Schools has spent a great deal of time, effort, social and financial capital to develop and refine an behavior system that is relevant and responsive to the needs of the diverse student population served in the largest school district within the State of Colorado (Annamma et al, 2016; Denver Public Schools, 2020). Dating back to 2009, the work of Denver Public Schools is documented and mentioned by other states, Florida included, as a model of innovation for work toward equitable discipline matrices and behavior interventions (Miami-

Dade County Public Schools, 2009). The focus of Denver Public Schools has been on leveraging relationships to redirect and constructively influence student choices and behavior. Pilots of Restorative Practices were established as the behavior management system in comprehensive high schools, including North High School during its turnaround efforts in the 2011-12 academic year (S. Wolf, Personal Communication, June 2016).

Room for growth and evidence of disparity was illuminated through the study conducted by Annamma et al. (2016) when school discipline data from Denver Public Schools was analyzed to identify root causes in the rates of disciplinary infractions, like suspension and office referrals, of Black girls in particular. A noticing made by Annamma et al. (2016) states, “The field needs an analysis that is simultaneously raced and gendered because discipline reform efforts targeting racial discipline gaps do not usually differentiate strategies by sex” (p. 5). From this statement, two assumptions emerged: Black male issues of overrepresentation in the pipeline is a more pressing problem and black males and females are disciplined for identical reasons, therefore need similar interventions (Annamma et al., 2016, p. 5). The layering of data by the team contributing to the study allowed for multiple variables to be considered. In this instance the variables were primarily identity markers of race and gender, though others were considered to determine any degree of contribution to the disparate data.

When analyzing the referral reasons, there were statistically significant differences between Black girls and females of other backgrounds. Of all Black girls, 52% were suspended from school and 0.9% were expelled, compared to 0% of White girls. The primary influencer of discipline referrals is based on perception (Annamma et al., 2016). Language Colorado Department of Education states detrimental behavior as “detrimental to the welfare or safety of other students or of school personnel... creates a threat of physical harm” (Annamma et al.,

2016, p. 19). Exacerbating this reality is the issue of gender norms concerning femininity, which are typically aligned with White, middle-class values (Annamma, 2015). As a result, Black girls experience excessive surveillance, according to the qualitative and quantitative analysis of the researchers.

### *California*

The San Francisco Unified School District has implemented the Safe and Supportive Schools Resolution (SSSR) (California Department of Education, 2019). The Safe and Supportive Schools Resolution, adopted by the School Board in 2014, provides an alternative to suspension. Notably, the Safe and Supportive Schools Resolution only permits suspension once every available intervention has been exhausted and documented according to the behavior intervention and support matrix (California Department of Education, 2019; San Francisco Unified School District, 2018). Once sufficient documentation has taken place and suspension is the only option, the school-based team approves the suspension. Additionally, if the student is Black or a member of another student group disproportionately referred for discipline, the school must contact the Assistant Superintendent or a designee (California Department of Education, 2019; San Francisco Unified School District, 2018).

The checks and balances embedded in the Safe and Supportive Schools Resolution are implemented to ensure equity and eliminate disparate treatment of students. The Safe and Supportive Schools Resolution began as a grant given to eleven states through the Safe and Supportive Schools (S3) Grant through the United States Department of Education in 2010 through September 2015 (California Department of Education, 2019) The Safe and Supportive Schools Resolution is analogous to California Senate Bill 419, which will be enacted beginning July 1, 2020 (CA SB 419, 2019) California under SB419, students cannot be suspended or

recommended for expulsion as a result of disruptive behavior unless the Superintendent of the district or principal of the school so determines. Additionally, the law prohibits suspension of students enrolled in kindergarten through grade three and the recommendation of the expulsion of a student enrolled in kindergarten through grade twelve for disruptive behavior or willful defiance (CA SB 419, 2019).

### *Arkansas*

Arkansas House Bill 1859 (2017) requires the State's Department of Education to report exclusionary disciplinary actions at the school, district and state level in a way that allows for comparison between districts and schools. These data are required to be aggregated by demographic categories, including race, ability level and economic disadvantage (AR HB 1859, 2017; Education Commission of the States, 2018). Arkansas enacted Senate Bill 609 (2017), which prohibits the out of school suspension or expulsion of students in kindergarten through grade five, which exceptions provided for students who are a risk to themselves or a significant disruption that is not addressed through alternative means of intervention (AR SB 609 2017; Education Commission of the States, 2018).

### **Recommendations**

The recommendations for next steps regarding a solution for the disparate rates of exclusionary practices experienced by Black girls in the state of Florida requires implementation in phases. The short-term implementation requires a series of small changes, the majority of which are administrative. The first is the institution of a statutory changes regarding the alternatives to suspension. Required would be a change to Florida State Statutes 1012.22, 1012.27, and 1012.28 to reflect the updated responsibilities of teachers, school principals as well

as school board members to serve as active participants in the suspension progress-monitoring process, particularly when students of multiple oppressed groups, namely Black girls are receiving behavior intervention support (San Francisco Unified School District, 2018).

Intentional emphasis is placed on the suspension process of Black students, particularly girls, with sensitivity to the current national trends, legislation, district policies instituted in other states. All existing supports should be exhausted and documented; this does not pose a deviation from the current documentation models in place (Florida Department of Education, 2020). As such, the changes would not require any additional training or investment in personnel or infrastructure because the schools would leverage pre-existing resources, positions and allocations available.

Longer term implementation would incorporate the establishment of an inter-agency advisory council. The state agencies eligible to participate in the council will have a vested interest in the equitable treatment of Black girls across the State of Florida. Florida's Departments of Children and Families, Juvenile Justice, Education and Economic Opportunity are the foundational agencies because of the nature of their current work in the state and access to pertinent information, personnel and context. Additionally, an inter-agency council creates an opportunity for explicit conversations about dually served youth, youth with overlap between the Department of Children and Families and Juvenile Justice. The principal purpose of the council would be to streamline the processing, analysis and sharing of information, ensuring its user-friendliness and the progress-monitoring of trends.

Members from the Office of Equity and Inclusion, K-20 Education, Data and Research, Office of Youth and Family, State Coordinators for Dually Served Youth and Members of the Youth Advocacy Board from the respective agencies are positioned to provide expertise and

direct contact with the experiences of students in Florida. A particular advantage to establishing a succinct means of data sharing between agencies would require ongoing communication. The sharing of data through the inter-agency council will create space for the layering of identity markers and increased accuracy in measuring the various levels of engagement with the agencies and/or disciplinary structures in place. Being able to accurately communicate with accuracy the disparities that exist allows for realistic, targeted and intentional changes to be implemented in real time.

As a result of the changes enacted by the council, there is space for more robust alternatives to exclusionary disciplinary practices to be developed. Collaborative innovation that transitions schools from zero tolerance policies to replacements grounded in restorative practices and mindfulness.

## **Limitations**

This study would benefit from robust data support necessary to pinpoint change that immediately impacts the lived experiences of Black girls in the academic space. For the purposes of this proposal, only gender and race are the explicit focus, though it is acknowledged Black girls experience additional vulnerabilities when other identity factors are incorporated in data analysis (Annamma et al., 2016). Current data collection and processing measures are limited. Many systems are currently designed to filter disciplinary infractions by race or gender or socioeconomic status or educational exceptionality (remediation or extension). There are very few organizations intentionally filtering discipline data by intersecting these identity markers and



sharing them publicly. The hesitation to transparently share data will be a hinderance in the long-term and those who will suffer from the obstruction is, inevitably, the students who are in the most vulnerable intersections of identify markers, especially Black girls.

## **Conclusion**

Implementing programs analogous to Safe and Supportive Schools currently implemented in other states by adjusting state statute is a cost-conservative redirection of a system that has established a comprehensive funnel of a cross section of students out of the classroom setting and into the justice system (Skiba et al, 2011; Wun, 2014). Leveraging existing professional development modules while making small and intentional changes to the roles and responsibilities of school and district leaders will have a positive impact on students. By incorporating necessary checks and balances, a concerted effort to end the disparate and inequitable funneling of students out of learning spaces can transition to really powerful opportunities for students to engage deeply in their learning and contribute to their communities (Dantley, 2009; Wun, 2014). Intentional, monitored and sober-minded change needs to happen, and it will require the effort of all stakeholders. It is within reach and we, as the leaders and examples, owe it to our students to not only calibrate access, but create space for historically silenced voices to be heard and make lasting change.

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