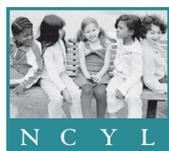


Civil Rights Principles for Safe, Healthy, and Inclusive School Climates



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).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, Native students, 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.

¹ 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 (including boys, girls, and children of all other genders) 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 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.

² 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.

³ U.S. Department of Education Office for Civil Rights. [“Dear Colleague Letter.”](#) April 4, 2011.

⁴ 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,
October 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 Humanist Association
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 Transgender Equality
National Center for Youth Law
National Council on Independent Living
National Disability Rights Network
National LGBTQ Task Force Action Fund
National Partnership for Women & Families
National Organization for Women
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

The following organizations joined the original signers in endorsing these Civil Rights Principles for Safe, Healthy, and Inclusive School Climates as of June 15, 2020:

National

Alliance for Educational Justice
Alliance for Strong Families and Communities
American Association of Colleges for Teacher Education (AACTE)
American Association of People with Disabilities
American Atheists
American Council of the Blind
American Dance Therapy Association
Association of Latino Administrators and Superintendents
Association on Higher Education And Disability (AHEAD)
Autistic Reality
Autistic Women & Nonbinary Network
Brain Injury Association of America
Campaign for Trauma-Informed Policy and Practice
Center for African Immigrants and Refugees Organization (CAIRO)
Center for American Progress
Center for Community Resilience
Center for Disability Rights
Center for Law and Education
Center for Public Representation
CenterLink: The Community of LGBT Centers
Children's Advocacy Institute
Children's Defense Fund
Civil Rights Project/Proyecto Derechos Civiles
Civitas ChildLaw Center, Loyola University Chicago School of Law
Collaborative for Academic, Social, and Emotional Learning (CASEL)
Collaborative for Student Success

Committee for Children
Dignity in Schools Campaign
Domestic Violence Legal Empowerment and Appeals Project
Easterseals
Education Law Center
Education Reform Now
Educators for Excellence
EduColor
Empowering Pacific Islander Communities (EPIC)
End Rape On Campus
Family Equality
Family Focused Treatment Association
First Star Institute
FORGE, Inc.
Futures Without Violence
Garifuna International Indigenous Film Festival
Girls Inc.
Global Women's Institute
Hip Hop Caucus
IDRA (Intercultural Development Research Association)
Intersystems
Japanese American Citizens League
KIPP
Kros Learning Group
Learning Disabilities Association of America
MANA, A National Latina Organization
Minority Veterans of America
Modern Military Association of America
National Action Network Nassau County Chapter
National Alliance to End Sexual Violence
National Association of the Deaf

National Black Child Development
Institute, Inc.
National Center for Learning Disabilities
National Center for Parent Leadership,
Advocacy, and Community
Empowerment (National PLACE)
National Center for Victims of Crime
National Coalition for LGBT Health
National Council of Asian Pacific
Americans
National Council on Educating Black
Children
National Crittenton
National Down Syndrome Congress
National Health Law Program
National Immigration Law Center
National Juvenile Justice Network
National Network to End Domestic
Violence
National WIC Association
National Youth Advocate Program, Inc.
NEA Foundation
New Leaders

State/Local

Advocates for Children of New York
Agency for Humanity
All Voting is Local Georgia
Allendale Association
Alliance for Community
Transformations
Amani Community Services
APEX Behavioral Consulting LLC
Arizona Coalition to End Sexual and
Domestic Violence
Avanzar
AWACE LIFE CARE CENTER
BBNC Education Foundation
Black Girls Rock of MS, Inc.
California Partnership to End Domestic
Violence

Ounce of Prevention Fund
Poverty & Race Research Action Council
Public Advocacy for Kids (PAK)
RespectAbility
Restoring Community of Illinois
ReTribe Transformations, L3C
Southern Education Foundation
SPAN Parent Advocacy Network
Speak Up Special Education Advocacy
Starr Commonwealth
The Education Trust
The National Association for Bilingual
Education
The Sentencing Project
The Trevor Project
TNTP
Trust for America's Health
Ujima Inc: The National Center on Violence
Against Women in the Black
Community
UnidosUS
Union for Reform Judaism

California State Council on
Developmental Disabilities
California Work & Family Coalition
Center for Children
Center for Pan Asian Community
Services, Inc.
Chicago Lawyers' Committee for
Civil Rights
Child Justice, Inc.
Children's Defense Fund - New York
Children's Defense Fund - Ohio
Children's Defense Fund - Texas
Children's Rights Clinic, Southwestern
Law School
Citizens Review Board for Children

Colorado Children's Campaign
Crisis Center Dodge City
DCADV
Deaf Iowans Against Abuse, Inc.
Decoding Dyslexia MA
Disability Law Center
Disability Law Colorado
Disability Rights Arkansas
Disability Rights California
Disability Rights Center of the Virgin
Islands
Disability Rights Florida
Disability Rights Maine
Disability Rights Maryland
Disability Rights Nebraska
Disability Rights North Carolina
Disability Rights Oregon
Disability Rights Pennsylvania
Disability Rights Tennessee
Disability Rights Texas
Disability Rights Wisconsin
District Alliance for Safe Housing, Inc
Earl Carl Institute for Legal & Social
Policy, Inc
EdLaw Project of the Committee for
Public Counsel Services
El Sol Science and Arts Academy
Equality California
Equality North Carolina
Family Crisis Center, Inc.
Friends of Goody Bassett
Garifuna International Indigenous Film
Festival
Georgia Coalition for the People's
Agenda
Girls Inc. of Carpinteria
Girls Inc. of Long Island
Girls Inc. of Memphis
Girls Inc. of Orange County
Girls Inc. of Santa Fe
Girls Inc. of the Valley
GIRLSwSTEAM

GRASP (Great Aspirations Scholarship
Program, Inc.)
Hawaii State Coalition Against Domestic
Violence
Illinois Coalition Against Domestic Violence
Indiana Coalition Against Domestic
Violence
Indiana Disability Rights
Iowa Coalition Against Domestic Violence
Journey of Hope Inc.
Justice Center of Southeast MA
Kansas Coalition Against Sexual and
Domestic Violence
Kentucky Coalition Against Domestic
Violence
Lawyers' Committee for Civil Rights of the
San Francisco Bay Area
Legal Aid Justice Center
Los Angeles LGBT Center
Loud Voices Together Educational
Advocacy Group, Inc.
Maine Developmental Disabilities Council
Maryland Center for Developmental
Disabilities
Maryland Essentials for Childhood
Maryland State Council on Child Abuse
and Neglect
Massachusetts Advocates for Children
Massachusetts Attorneys for Special
Education Rights
McFarland and Associates, Inc.
Mental Health America of North Dakota
Mental Health Legal Advisors Committee
Michigan Alliance for Special Education
Michigan Protection & Advocacy Service,
Inc.
Mid-Atlantic P.A.N.D.A. (Prevent Abuse and
Neglect through Dental Awareness)
Muncie Human Rights Commission
ND Federation of Families for Children's
Mental Health

Nebraska Coalition to End Sexual and Domestic Violence
Nevada Coalition to End Domestic and Sexual Violence
New Jersey Coalition to End Domestic Violence
New Orleans Youth Alliance
New York State Coalition Against Domestic Violence
North Carolina Coalition Against Domestic Violence
North Dakota Protection & Advocacy Project
NYCLU
Ohio Domestic Violence Network
Ohio Hispanic Coalition
OutNebraska
Pegasus Legal Services for Children
Prevent School Violence Illinois
Progressive Life Center, Inc.
Project Butterfly New Orleans
Project Sanctuary of Mendocino County
Project: PeaceMakers, Inc
Racial Justice NOW
Rape/Domestic Abuse Program
Restore Advocacy
Rhode Island Coalition Against Domestic Violence
Rise-NY
Safehouse Crisis Center
Saint James Missionary Baptist Church
Silver State Equality-Nevada
Sisters Acquiring Financial Empowerment

Special Education Advocacy and Consulting
Special Needs Advocacy Network, Inc (SPaN) - Massachusetts
Strong Youth Foundation
Systems Change Consulting
Taller Salud
Taste of Korea Chicago
The Family Tree/Prevent Child Abuse Maryland
The Network: Advocating Against Domestic Violence
Thompson Child & Family Focus
Transforming School Discipline Collaborative
Uplift Education
Urban League of Hampton Roads, Inc.
Urban League of Springfield, MA
Ventura County Women's Political Council
Vera House, Inc.
Violence Free Colorado
Virginia Sexual & Domestic Violence Action Alliance
West Virginia Coalition Against Domestic Violence
Western CT Association for Human Rights - WeCAHR
YWCA Berkeley/Oakland
YWCA Darien-Norwalk
YWCA Kalamazoo
YWCA National Capital Area
YWCA of Glendale
YWCA of the Sauk Valley
YWCA Southeastern Massachusetts
YWCA Yakima





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