



The Bill of Rights to Support the Mental Health of Girls and Gender-Expansive Youth of Color in Schools

Companion Evidence Document

Authors

Toella Pliakas, The Learning Network

Michaela Minnis, The Learning Network



ABOUT THE LEARNING NETWORK FOR GIRLS OF COLOR

The Learning Network for Girls of Color provides a secure platform for school system leaders and educators to learn from experts across the country about trauma-informed approaches for girls and gender expansive youth of color and engage in peer-to-peer learning.

The Learning Network's content is guided by a youth advisory committee composed of girls and gender expansive youth of color and a steering committee including experts in trauma-informed learning and/or issues relating to race, ethnicity, and gender.

Membership is free for educators, school leadership and support personnel, district leadership, school support staff, school counselors and therapists, and other members of school communities. For more information about the Learning Network's work, please visit: genderjusticeandopportunity.georgetown.edu/learning-network.

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This document was based on the ideas and contributions of the Youth Advisory Committee from the 2021-2022 school year. The Youth Advisory is a group of girls and gender expansive youth of color, between the ages of 14 and 22, who guide the work of the Schools for Girls of Color Learning Network by providing recommendations to transform schools into supportive learning environments based on their life experiences. Membership on the Committee also offers leadership and public speaking skills to young people.

Myranda Bell

Belen Buckley

Juzette Celis

Samantha Giles

Aliya Horton

Manzili Koyaki

Marie Smith

Jade Thompson

Karsen Thompson



Introduction

In the Summer of 2022, the Youth Advisory Committee launched its inaugural capstone project: a Bill of Rights to Support the Mental Health of Girls and Gender-Expansive Youth of Color in Schools. The Bill of Rights presents the rights and demands that the Youth Advisory Committee believes schools must uphold and fulfill to support the mental health needs of girls and gender-expansive youth of color.

All the rights and demands outlined in the Bill of Rights are supported by research and evidence. We created this document for those interested in learning how the rights and demands cited in the Bill of Rights can advance the mental health and wellness of girls and gender-expansive youth of color. This document highlights data and research findings suggesting that current policies, laws, and practices in US schools and other systems, including the youth legal system, negatively affect girls and gender-expansive youth of color in their performance in school and their mental health.

Many schools lack the necessary tools and practices to support the mental health of girls and gender-expansive youth of color. School officials must create inclusive, respectful, and safe environments where girls and gender-expansive youth of color can learn, play, and grow. This document offers solutions that school officials can use to recognize each of the five rights, and as a result, better support the mental health of girls and gender-expansive youth of color and empower them at school.



Bill of Rights to Support the Mental Health of Girls and Gender Expansive Youth of Color in Schools

Preamble

We, the Youth Advisory Committee of the Schools for Girls of Color Learning Network, recognize that the American education system is lacking the necessary mental health support and care to support girls and gender-expansive youth of color in schools. This document describes the rights of girls and gender-expansive youth of color in schools as they pertain to mental health. As girls and gender-expansive youth of color, we require unique and specific rights to be respected in order for us to be able to focus and learn. Recognition of these rights will contribute meaningfully to the treatment of girls and gender-expansive youth of color with dignity and respect as human beings.

The Bill of Mental Health Rights

- The Right to Mental Health Care
- The Right to Culturally Relevant Curricula
- The Right to Physical Health
- The Right to Spaces to Be Ourselves
- The Right to Police-Free Schools



1. The Right to Mental Health Care

All children deserve access to adequate mental health care. Girls of color experience unique challenges that must be better addressed by schools, including high rates of adverse childhood experiences (ACEs), which can have profound effects on mental health in adolescence and adulthood.¹ 21.8 percent of Hispanic girls, 30.7 percent of Black girls, and 43.9 percent of Native American girls have reported experiencing two or more ACEs.²

In addition, harmful government actions such as police violence against people of color can harm the mental health of children of color directly and indirectly.³ While white girls make up 3 percent of use-of-force incidents involving minors, Black girls make up about a fifth of those incidents.⁴ Black girls also experience trauma bearing witness to police violence in their communities. Darnella Frazier, the 17-year-old girl who recorded George Floyd's murder, has written about the trauma she has dealt with as a result of the experience.⁵ At the same time, our judicial system minimizes the trauma Black girls experience as witnesses to such violence.⁶ As a result of adultification bias, many adults view Black girls as less innocent and less in need of

¹ Kimberlyn Leary, *Mental Health and Girls of Color*, GEO. L. CTR. POVERTY & INEQUALITY, DEC. 2019, at 5 (available at

<https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/Mental-Health-and-Girls-of-Color.pdf>).

² See *2016 National Survey of Children's Health: Child and Family Health Measures and Subgroups, SPSS Codebook, Version 2.0*, Child and Adolescent Health Measurement Initiative (CAHMI), Data Resource Center for Child and Adolescent Health, 2018, 174-177 (available at

https://www.childhealthdata.org/docs/default-source/nsch-docs/spss-codebook_-2016-nsch_v2_09-06-18.pdf?sfvrsn=41555917_2); Marlén Mendoza, Nia-West Bey & Whiney Bunts, *Young Women of Color and Mental Health*, CTR. L. & SOC. POL'Y (Dec. 2018) (available at

https://www.clasp.org/wp-content/uploads/2022/01/2018_mentalhealth.pdf).

³ Sydney McKinney, Dayanara Ruiz, Angela M. Vázquez & Mayra E. Alvarez, *Youth-Centered Strategies for Healing and Health*, NAT'L BLACK WOMEN'S JUST. INST., May 2022, at 7 (available at

https://childrenspartnership.org/wp-content/uploads/2022/07/Youth-Centered-Strategies-for-Hope-Healing-and-Health_H3-Collective-Final-Report.pdf).

⁴ Abbie Vansickle & Weihua Li, *Police Hurt Thousands of Teens Every Year. A Striking Number Are Black Girls*, MARSHALL PROJECT (Nov. 11, 2022, 5:00 AM),

<https://www.themarshallproject.org/2021/11/02/police-hurt-thousands-of-teens-every-year-a-striking-number-are-black-girls>.

⁵ Darnella Frazier (@darnella_frazier03), INSTAGRAM,

https://www.instagram.com/p/CPT5_olBlie/?utm_medium=copy_link

⁶ See generally Omar Jimenez, *Minnesota prosecutors ask judge in Derek Chauvin trial to amend memo that downplayed witnesses' trauma*, CNN. (Jul. 8, 2021, 2:42 PM),

<https://www.cnn.com/2021/07/08/us/derek-chauvin-judge-trauma>



nurturing than their white peers, thereby failing to properly address the emotional needs of Black girls.⁷

During the COVID-19 pandemic, the mental health of girls of color has been particularly affected, as the virus has disproportionately affected communities of color and girls have shouldered additional household caretaking responsibilities. Nearly half (44 percent) of girls of color in a California-based study indicated that they had significantly more caregiving duties than before the pandemic and 66 percent report experiencing greater stress or anxiety since the lockdown began.⁸ The National Commission on COVID-19 and Criminal Justice found that in the United States, instances of domestic violence increased by 8.1 percent after the 2020 lockdown orders imposed to curb the COVID pandemic.⁹ Gender-based violence was particularly exacerbated in communities that our social systems already failed to support – failures that became more pronounced during the pandemic.¹⁰ As Thomas Abt, director of the Commission, stated: “The pandemic has thrown many of the most vulnerable people in our society into especially challenging circumstances.”¹¹ Trauma resulting from domestic violence in their homes can have adverse effects on girls’ mental health.

⁷ Rebecca Epstein, Jamilia J. Blake & Thalia González, *Girlhood Interrupted: The Erasure of Black Girls’ Childhood*, GEO. L. CTR. POVERTY & INEQUALITY, at 1, 4 (available at <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/girlhood-interrupted.pdf>).

⁸ Linda Lu, Jocelyn Michelsen & Peter Cooper, *Uniting Isolated Voices: Girls and Gender-Expansive Youth During COVID-19*, ALL. FOR GIRLS, Jul. 2021, Jul. 2021, at 3, 25 (available at https://www.alliance4girls.org/wp-content/uploads/UnitingIsolatedVoices_FINAL_ForUpload.pdf).

⁹ Alex R. Piquero, Wesley G. Jennings, Erin Jeminson, Catherine Kaukinen & Felicia Marie Knaul, *Domestic Violence During COVID-19 Evidence from a Systematic Review and Meta-Analysis*, COUNCIL ON CRIM. JUST., Feb. 2021, at 3, 5, 10 (available at <https://build.neoninspire.com/counciloncj/wp-content/uploads/sites/96/2021/07/Domestic-Violence-During-COVID-19-February-2021.pdf>).

¹⁰ Clare E. B. Cannon, Regardt Ferreira, Frederick Buttell & Jennifer First, *Intimate Partner Violence, and Communication Ecologies*, 65 AM. BEHAV. SCIENTIST 992, 1002-03 (2021). <https://journals.sagepub.com/doi/pdf/10.1177/0002764221992826>

¹¹ Press Release, Jenifer Warren, Council on Criminal Justice, New Analysis Shows 8% Increase in U.S. Domestic Violence Incidents Following Pandemic Stay-At-Home Orders, <https://counciloncj.org/new-analysis-shows-8-increase-in-u-s-domestic-violence-incidents-following-pandemic-stay-at-home-orders/>.



The effects of these unique challenges are startling. Experiences with racism are associated with depressive symptoms for Black youth.¹² Black and Latina girls are almost twice as likely as Black and Latino boys to attempt suicide,¹³ with the suicide rate for Black girls increasing by 182 percent from 2001 to 2017.¹⁴ In Native American communities, 35.7 percent of suicides take place among people aged 10 to 24, with the suicide rate for Native American females increasing by 139 percent from 1999 to 2017.¹⁵

Yet girls of color are still not receiving the services and care they need in school. According to the ACLU, 14 million students are enrolled in schools that have a police presence but no nurse, counselor, psychologist, or social worker.¹⁶ While Black girls are twice as likely to interact with the juvenile justice system as a result of status offenses like truancy, these behaviors are often reflections of experiences with trauma.¹⁷

Solutions:

Schools can better support the mental health of girls of color by implementing:

- School-based comprehensive and long-term mental health counseling
- School-based meetings with psychiatrists

¹² Devein English, Sharon F. Lambert, Brendesha M. Tynes, Lisa Bowleg, Maria Cecilia Zea & Lionel C. Howard, *Daily multidimensional racial discrimination among Black U.S. American adolescents*, 66 J. APPLIED DEV. PSYCH. 1, 8 (2020) (available at <https://reader.elsevier.com/reader/sd/pii/S0193397319300462?token=2C2724027EA43657E945D5F5727190E51D2F582176ABD6E4123CB94EE80F7FB0508DD51BD9A022C2F948D5275748D5A3&originRegion=us-east-1&originCreation=20220907133614>).

¹³ McKinney, et al., *supra* note 3, at 7.

¹⁴ James Price & Jagdish Khubchandani, *The Changing Characteristics of African-American Adolescent Suicides, 2001-2007*, 44 J. CMTY. HEALTH 756, 756 (2019). <https://www.neomed.edu/medicine/wp-content/uploads/sites/2/The-Changing-Characteristics-of-African-American-Suicides.pdf>

¹⁵ Rachel A. Leavitt, Allison Ertl, Kameron Sheats, Emiko Petrosky, Asha Ivey-Stephenson & Katherine A. Fowler, *Suicides Among American Indian/Alaska Natives — National Violent Death Reporting System, 18 States, 2003–2014*, 8 CDC MORBIDITY & MORTALITY WKLY. REP. 237, 237 (2018) (available at <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6708a1-H.pdf>). Sally C. Curtin & Holly Hedegaard, *Suicide Rates for Females and Males by Race and Ethnicity: United States, 1999 and 2017*, CDC NAT'L CENT. FOR HEALTH STATS., Jun. 2019, at 6 (available at https://www.cdc.gov/nchs/data/hestat/suicide/rates_1999_2017.htm).

¹⁶ Amir Whitaker, Sylvia Torres-Guillén, Michelle Morton, Harold Jordan, Stefanie Coyle, Angela Mann & Wei-Ling Sun, *Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students*, ACLU, 2019, at 22 (available at <https://www.aclu.org/report/cops-and-no-counselors>).

¹⁷ Leary, *supra* note 1, at 8.



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- Opportunities for girls and gender-expansive youth of color to provide input about their own mental health needs and solutions to meet those needs
 - Space for mindfulness activities and moments to breathe and relax
 - Opportunities to speak publicly or anonymously to administrators about how mental health is being dealt with at school, including spaces to offer recommendations for improving service quality and access.
 - Mental health days, such as excused absences, to address mental health needs that do not require formal documentation from a medical or mental health provider
 - Curricula that teach girls and gender-expansive youth of color about mental health and wellness

2. The Right to Culturally Relevant Curricula

Teaching is effective when it is accessible and engaging.¹⁸ Generally, students have been shown to be more engaged when taught culturally relevant content.¹⁹ Culturally relevant pedagogical approaches can also help foster a stronger sense of connection between students and their communities.²⁰ A study of the effects of culturally relevant curricula on young Black women found an increased sense of pride, positive perception of cultural group identity and self-identity, personal affirmation, and increased connections to instructional content.²¹ And a 2017 report found that culturally responsive educational programming can create safer school environments for girls of color,²² encouraging students to treat one another with respect and dignity.²³

By contrast, when girls of color do not see themselves reflected in school materials, their psychological and emotional development can be harmed.²⁴ Some view this invisibility as a form of institutional violence, contributing to school pushout and making girls of color feel disconnected and less valued by schools.²⁵ Yet curricula that are culturally relevant to girls of color are sorely lacking in schools. Women's roles in history textbooks are diminished.²⁶ People of

¹⁸ CONRA GIST, IESHA JACKSON, BIANCA NIGHTENGALE & KEISHA ALLEN, CULTURALLY RESPONSIVE PEDAGOGY IN TEACHER EDUCATION, OXFORD RESEARCH ENCYCLOPEDIA 31 (2019) (available at https://www.academia.edu/40214467/Culturally_Responsive_Pedagogy_in_Teacher_Education?email_work_card=title).

¹⁹ Christopher C. Martell, *Teaching Race in U.S. History: Examining Culturally Relevant Pedagogy in a Multicultural Urban High School*, 198 J. EDUC. 63, 73 (2018) (available at <https://www.jstor-org.proxygt-law.wrlc.org/stable/26612663?sid=primo&seq=11>).

²⁰ Eileen Carlton Parsons, *From Caring as a Relation to Culturally Relevant Caring: A White Teacher's Bridge to Black Students*, 38 EQUITY & EXCELLENCE EDUC. 25 (2005).

²¹ Yolanda Sealey-Ruiz, *Wrapping the Curriculum Around Their Lives: Using a Culturally Relevant Curriculum With African American Adult Women*, 58 ADULT EDUC. Q. 44, 54-57 (2007).

²² Katherine Terenzi, Kesi Foster & Youth Leaders of the Urban Collaborative, *The \$746 Million a Year School-to-Prison Pipeline: The Ineffective, Discriminatory, and Costly Process of Criminalizing New York City Students*, CTR. FOR POPULAR DEMOCRACY, 2017, at 28 (available at https://www.populardemocracy.org/sites/default/files/STPP_layout_web_final.pdf).

²³ Kadija Hudson & Brittany Brathwaite, *The School Girls Deserve*, GIRLS FOR GENDER EQUITY, 2017, at 36 (available at https://ggenyc.org/wp-content/uploads/2017/11/GGE_school_girls_deserveDRAFT6FINALWEB.pdf).

²⁴ Parsons, *supra* note 21, at 25.

²⁵ Hudson & Brathwaite, *supra* note 24, at 6.

²⁶ See generally Annie Chiponda & Johan Wassermann, *What message does this send to the youth?*, in 6 YESTERDAY & TODAY 13 (2010) (available at http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2223-03862011000100006).



color are missing in chemistry book illustrations;²⁷ when they are included, they are more likely to be portrayed within non-scientific settings.²⁸ Even social-emotional learning fails to recognize values and norms based on students of color.²⁹ And legislation has been introduced in states across the country that threatens schools' ability to recognize institutional racism and potentially chill the availability of open, critical conversations about race, gender, and sexuality.³⁰ The need to include girls of color in school curricula is more important now than ever: during the COVID-19 pandemic, students of color have reported increased disengagement from school.³¹

Solutions

Schools can take the following steps:

- Mandatory cultural-competency training for all faculty and staff
- Opportunities to engage in open dialogues about national- and community-level current events that uniquely impact girls and gender-expansive youth of color
- Trauma-informed classrooms that flexibly respond to the emotional needs of students to make them feel physically, emotionally, and socially safe
- Culturally relevant curricula

²⁷ See generally THE NEW POLITICS OF THE TEXTBOOK: PROBLEMATIZING THE PORTRAYAL OF MARGINALIZED GROUPS IN TEXTBOOKS (Heather Hickman & Brad J. Porfilio eds., 1st ed. 2012).

²⁸ See generally *Id.*

²⁹ Cierra Kaler-Jones, Jaime T. Koppel, Thena Robinson Mock, Allie McCullen, Alexis J. Smith & Allison R. Brown, *Reclaim Social-Emotional Learning: Centering Organizing Praxis For Holistically Safe Schools*, JUST SChS. FUND, 2020, at 20 (available at <https://drive.google.com/file/d/1NmFOOCumhYsB5IRpBGDKBRoTRAw2zXBt/view>).

³⁰ *Defending Our Right to Learn*, ACLU Miss. (Mar. 10, 2022 11:45 AM), <https://www.aclu-ms.org/en/news/defending-our-right-learn>

³¹ Tiffany M. Jones, Anne Williford, Michael S. Spencer, Nathaniel R. Riggs, Rebecca Toll, Melissa George, Kaylee Becker, and Samantha Bruick, *School Mental Health Providers' Perspectives on the Impact of COVID-19 on Racial Inequities and School Disengagement*, 43 CHILDREN & SChOLS 1, 4 (2021) (available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8194900/pdf/cdab009.pdf>).



3. The Right to Physical Health

Physical health plays an important role in the mental health of adolescents, and both are impacted by ACEs.³² In addition to improving educational outcomes and earning potential³³—two risk factors for mental illness in adulthood³⁴—exercise and movement can help address the impact of trauma for girls and gender expansive youth of color, who tend to report higher rates of ACEs than boys.³⁵ Access to exercise and movement is particularly important for girls and gender-expansive youth of color who experience particularly high rates of sexual violence in childhood. A study by the National Institutes of Health, for example, found that Black children were nearly twice as likely to experience sexual violence compared to white children.³⁶ Schools can be sites of such trauma.³⁷

Although physical activity can help combat the negative impacts of trauma on girls, many girls of color lack adequate access to such opportunities at school. One study of African American preschoolers found that “[i]n underserved communities, fundamental barriers exist that

³² Rebecca Epstein & Thalia Gonzalez, *Gender and Trauma: Somatic Interventions for Girls in Juvenile Justice: Implications for Policy and Practice*, GEO. L. CTR. POVERTY & INEQUALITY, Apr. 2017, at 7 (available at <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/gender-and-trauma-1.pdf>).

³³ Sean Joe, Emanique Joe & Larry L. Rowley, *Consequences of Physical Health and Mental Illness Risks for Academic Achievement in Grades K-12*, 33 REV. RSCH. EDUC. 283, 286 (2009) (available at <https://www-jstor-org.proxygt-law.wrlc.org/stable/40588126?sid=primo&seq=1>).

³⁴ Christopher G. Hudson, *Socioeconomic Status and Mental Illness: Tests of the Social Causation and Selection Hypotheses*, 75 AM. J. ORTHOPSYCHIATRY 3, 9 (2005) (available at <https://www.apa.org/pubs/journals/releases/ort-7513.pdf>).

³⁵ Epstein & Gonzalez, *supra* note 33, at 12.

³⁶ ANDREA J. SEDLAK, JANE METTENBURG, MONICA BASENA IAN PETTA, KARLA MCPHERSON ANGELA GREENE & SPENCER LI, U.S. DEPT. HEALTH AND HUM. SERVS., ADMIN. CHILDREN & FAMILIES, FOURTH NATIONAL INCIDENCE STUDY OF CHILD ABUSE AND NEGLECT (NIS-4): REPORT TO CONGRESS 113 (2010) (available at <https://www.childhelp.org/wp-content/uploads/2015/07/Sedlak-A.-J.-et-al.-2010-Fourth-National-Incidence-Study-of-Child-Abuse-and-Neglect-NIS%E2%80%934.pdf>).

³⁷ Johari Harris & Ann C. Kruger, *We always tell them, but they don't do anything about it! Middle School Black Girls' Experiences with Sexual Harassment at an Urban Middle School*, URB. EDUC. (2020).



obstruct young children's ability to be physically active",³⁸ including the lack of physical health education and sports opportunities at home and at school.³⁹

Stereotyping can effectively reduce girls' rates of physical activity, starting in early adolescence.⁴⁰ Black girls may be constrained in participating in physical movement in school due to the widespread hypersexualization they experience: in one qualitative study, girls of color in middle school and high school reported that they attempt to cover up their bodies to avoid sexualization by their peers and teachers.⁴¹ Such constraints also come from schools themselves: a study of harassment in physical education classes found that Black girls experienced high levels of harassment, contributing to their decisions not to participate.⁴²

Given the effect of physical activity on mental health, schools must do more to support it. In schools with a majority population of students of color, girls have only 67 percent of the opportunities to play sports afforded to their male peers, 39 percent of the opportunities afforded to girls at predominantly white schools, and 32 percent of the opportunities of boys at predominantly white schools.⁴³ Yet a study of sedentary adolescent girls found girls were more

³⁸ Jacqueline D. Goodway & Dennis W. Smith, *Keeping All Children Healthy: Challenges to Leading an Active Lifestyle for Preschool Children Qualifying for At-Risk Programs*, 28 FAMILY & COMMUNITY HEALTH, 122, 142-55 (2005) (available at https://journals.lww.com/familyandcommunityhealth/Abstract/2005/04000/Keeping_All_Children_Healthy_Challenges_to.6.aspx).

³⁹ *Id.*

⁴⁰ See generally Leslie A. Lytle, David M. Murray, Kelly R. Evenson, Jamie Moody, Charlotte A. Pratt, Lauve Metcalfe & Deborah Parra-Medina, *Mediators Affecting Girls' Levels of Physical Activity Outside of School: Findings from the Trial of Activity in Adolescent Girls*, 38 ANNALS BEHAV. MED. 124 (2009) (available at <https://academic.oup.com/abm/article/38/2/124/4569451?login=false>).

⁴¹ Sharon Lamb, Tangela Roberts & Aleksandra Plocha, *Body Image, Sexy, and Sexualization in GIRLS OF COLOR, SEXUALITY, AND SEX EDUCATION* (2016) (available at https://link.springer-com.proxygt-law.wrlc.org/chapter/10.1057/978-1-137-60155-1_2).

⁴² Patricia O'Brien-Richardson, *Hair Harassment in Urban Schools and How It Shapes the Physical Activity of Black Adolescent Girls*, 51 URB. REV. 523 (2019) (available at <https://link.springer.com/article/10.1007/s11256-019-00500-x>).

⁴³ Tiffany Allen, Mary Bissell, Sonja Li Breda, Neena Chaudhry, Rebecca Epstein, Cheric Hopkins, Maheen Kaleem, Lara Kaufmann, Samantha Lopez, Cassandra Mensah, Adaku Onyeka-Crawford, Jeannette Pai-Espinosa, Shiwali Patel, Rebecca Robuck, Jessie Domingo Salu, Yasmin Vafa, K. Shakira Washington, *National Policy Platform: Centering Girls, Young Women, and Gender-Expansive Young People*, GIRLS @ THE MARGIN NATIONAL ALLIANCE, Feb. 2020, at 23 (available at <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2022/03/G@TM-Policy-Platform-2022.pdf>).



likely to increase physical activity when supported by teachers and peers.⁴⁴ Similarly, when schools provide social and logistical support to participate, engagement by girls of color has been shown to increase.⁴⁵

In addition to physical movement, schools must offer girls and gender-expansive youth of color access to culturally competent, gender-affirming sex education. Many girls who report a lack of education around menstruation feel embarrassed when discussing the topic,⁴⁶ and girls who experience puberty early on are particularly vulnerable to eating disorders and depression.⁴⁷ Educational opportunities can overcome this barrier. According to one study, girls who used an internet-based educational program that provided education about puberty reported higher levels of self-esteem.⁴⁸ Similarly, LGBTQ+ inclusive sexual health education is associated with lower rates of adverse mental health challenges for LGBTQ+ youth.⁴⁹

Solutions

Schools can increase physical health and education for girls and gender-expansive youth of color by providing the following:

- Opportunities to learn about how to maintain a healthy body and mind and the science behind those practices

⁴⁴ Dianne Neumark-Sztainer, Mary Story, Peter J. Hannan, Terri Tharp, Jeanna Rex, *Factors Associated With Changes in Physical Activity A Cohort Study of Inactive Adolescent Girls*, 157 ARCHIVES OF PEDIATRICS & ADOLESCENT MED. 803 (2010).

⁴⁵ Lytle, *supra* note 41, at 124-36.

⁴⁶ Carol C. Beausang & Anita G. Razor, *Young Western Women's Experiences of Menarche and Menstruation*, 6 HEALTH CARE FOR WOMEN INT'L 517, 524 (2010) (available at <https://www.tandfonline.com/doi/abs/10.1080/07399330050130304>).

⁴⁷ Tara M. Cousineau, Debra L. Frank, Meredith Trant, Diana Rancourt, Jessica Ainscough, Anamika Chaudhuri & Julie Brevard, *Teaching adolescents about changing bodies: Randomized controlled trial of an Internet puberty education and body dissatisfaction prevention program*, 7 BODY IMAGE 296 (2010) (available at https://www.sciencedirect.com/science/article/abs/pii/S1740144510000653?fr=RR-2&ref=pdf_download&rr=7393ef522f652913).

⁴⁸ *Id.*

⁴⁹ Chelsea N. Proulx, Robert W.S. Coulter, James E. Egan, Derrick D. Matthews & Christina Mair, *Associations of Lesbian, Gay, Bisexual, Transgender, and Questioning—Inclusive Sex Education With Mental Health Outcomes and School-Based Victimization in U.S. High School Students*, 64 J. ADOLESCENT HEALTH 608 (2019) (available at <https://www.sciencedirect-com.proxyqt-law.wrlc.org/science/article/pii/S1054139X18307973?via%3Dihub>).



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- Opportunities to become aware of and learn about overcoming eating disorders and body image issues
 - Nutritional meals that cannot be denied as a form of punishment
 - Spaces where students can learn about reproductive health, menstrual health, and gender identity in a serious, affirming, non-condemning way
 - Time to exercise, stretch, and engage in physical movement



4. The Right to Safe Spaces to Be Ourselves

Girls and gender-expansive youth of color are frequently criminalized for simply being themselves at school. The choice of how to dress and style hair, for example, are forms of self-expression, but school dress codes are enforced in a way that unfairly penalizes Black girls, who are punished for wearing natural hairstyles and perceived as too “curvy” for clothing that is deemed acceptable for white girls. Black students at a high school in Boston, for example, faced detention and even suspension for wearing box braids to school, a style that was not allowed by the school’s dress code.⁵⁰ In another school, where a 12-year-old Black girl experienced bullying about her afro, school administrators told her that she would be expelled if she failed to either straighten or cut her hair within a week.⁵¹ Dress codes also reinforce the hypersexualization of girls of color, as adults discipline students who are stereotyped as more promiscuous than their peers.⁵²

Punishing girls of color for perceived violations of other subjectively determined offenses can further penalize self-expression. Teachers have been shown, for example, to discipline Black girls for being too loud, and displaying “unladylike” behavior – all of which are indicia of violating norms of femininity that are based in white, middle-class norms.⁵³ A study of a Kentucky school district found that Black girls are disciplined for minor violations that are subjectively determined – such as dress code violations, inappropriate cell phone use, and loitering – twice as often as white girls.⁵⁴ The study also found that Black girls are disciplined 2.5 times as often as white girls

⁵⁰ Janiece Williams, *War on Black Hair: Wearing Braids Get Black Girls Banned from Prom at Malden Charter School in Massachusetts*, NEWSWEEK (May 12, 2017 11:00 AM), <https://www.newsweek.com/wearing-braids-sends-black-girls-detention-malden-charter-school-608303>.

⁵¹Update: African-American girl won’t face expulsion over ‘natural hair’, CLICKORLANDO.COM (Nov. 13, 2013 4:41 PM), <https://www.clickorlando.com/news/2013/11/27/update-african-american-girl-wont-face-expulsion-over-natural-hair/>.

⁵² Edward W. Morris & Brea L. Perry, *Girls Behaving Badly? Race, Gender, & Subjective Evaluation in the Discipline of African-American Girls*, 90 SOCIO. EDUC. 127 (2017) (available at https://journals.sagepub.com/doi/abs/10.1177/0038040717694876?casa_token=HfAjAf6R6zEAAAAA%3Ap3p_2qNKNLW4BBzXgeBcbfFRXBi5th1xVoiax9H3ns2_Bk7DaxbBJfIVVOlvuRPVc8vNrrjS5VM26Q&journalCode=soea).

⁵³ Edward W. Maorris, *Ladies or Loudies*, 10 YOUTH & SOC’Y 1, 10-21 (2007) (available https://www.researchgate.net/publication/258200296_Ladies_or_Loudies).

⁵⁴ Morris & Perry, *supra* note 53.



for “disobedience,” and three times as often as white girls for “disruptive behavior.”⁵⁵ Significantly, the difference in the rate of subjective violations was greater between Black girls and white girls than between Black boys and white boys.⁵⁶

Additionally, among transgender girls and nonbinary students, 72 percent of transgender girls and 70 percent of nonbinary students have reported experiencing discrimination in their schools including schools’ failure to respect their gender identity/pronoun use or provide facilities that aligned with their gender identity.⁵⁷ To avoid such unsafe spaces, LGBTQ+ students often miss school to protect themselves. LGBTQ+ youth are disproportionately suspended, expelled, and disciplined for truancy, despite the underlying cause often being harmful and unsafe school environments.⁵⁸

The punitive framework through which schools respond to girls and gender expansive youth precludes trauma-informed interventions that could be beneficial to their mental health, and it perpetuates additional harm. Research suggests that schools in which marginalized students do not have access to social-emotional learning tend to create further trauma and decreased school connectedness for students.⁵⁹

Schools can implement alternatives to exclusionary school discipline. School-based trauma-informed approaches have been found to “virtually ensure” that students who have experienced trauma receive the care they need.⁶⁰ Unlike exclusionary school discipline, which decreases school connectedness for students, restorative justice practices have been shown to increase school connectedness, an important protective factor for health.⁶¹ School

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Allen, et al., *supra* note 44.

⁵⁸ *Id.*

⁵⁹ Thalia Gonzalez & Rebecca Epstein, *Increasing School Connectedness for Girls: Restorative Justice as a Health Equity Resource*, GEO. L. CTR. POVERTY & INEQUALITY, 2020, at 4 (available at <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/Restorative-Justice-as-a-Health-Equity-Resource.pdf>).

⁶⁰ Tamique J. Rldgard, Seth D. Larcy, George J. DuPaul, Edward S. Shapiro & Thomas J. Power, *Trauma-Informed Care in Schools: A Social Justice Imperative*, 44 COMMUNIQUE (2015) (available at <https://www.nasponline.org/publications/periodicals/communique/issues/volume-44-issue-2/trauma-informed-care-in-schools-a-social-justice-imperative>).

⁶¹ Gonzalez & Epstein, *supra* note 60, at 4.



connectedness is also associated with reduced emotional distress, suicidal thoughts, and substance abuse.⁶²

Solutions

Schools can create better safe spaces for girls and gender-expansive youth of color by implementing the following reforms:

- The elimination of disciplinary responses to girls and gender-expansive youth of color for expressing themselves and instead the encouragement of expressions of all emotions, including sadness, anger, and joy
- Educator training to overcome racially-biased misperceptions of whether students present a physical threat or are disruptive or disobedient
- The elimination of the sexualization, over-surveillance, and criminalization of girls and gender-expansive youth of color related to dress code enforcement and other forms of self-expression
- Sensitive classroom discussions of differences
- Resources such as counseling and therapy that serve as alternatives to school discipline for students
- Safe alternatives to school punishment such as restorative justice practices
- Opportunities to build building community and conduct regular check-ins with students
- Opportunities for students to evaluate faculty and staff with accountability measures that ensure changes are made based on those evaluations

⁶² *Id.*



5. The Right to Police-Free Schools

School districts across the country are deeply invested in police presence in schools. In New York City schools, for example, with over 1.1 million students, 5,511 NYPD School Safety Division officers are employed, compared to 2,800 full-time guidance counselors and 1,252 full-time social workers.⁶³

Police presence pushes girls of color into the school-to-prison pipeline. During the 2017-2018 school year, Black girls were 3.66 times more likely than white girls to be arrested at school and 2.17 times more likely to have restraints placed on them at school.⁶⁴ Black girls and Native American girls were respectively 3.66 and 3.02 times more likely to be arrested at school than their white counterparts. During the 2015-16 academic year, Black girls made up 16 percent of girls in U.S. public schools, but data collected by the US Department of Education showed they accounted for more than a third of girls arrested in school that same year.⁶⁵ Girls of color often face higher rates of interactions with law enforcement at school. Despite these figures, research shows that Black youth are no more violent or impulsive than white youth and that violent crimes only made up 9 percent of all arrests of Black youth.⁶⁶ The criminalization of girls in schools increases their risk of interacting with the juvenile justice system, thereby increasing the likelihood of system-related trauma.

This criminalization significantly harms the mental health of Black girls. Students stopped by police in schools, for example, have been shown to be more likely to report post-traumatic stress and emotional distress.⁶⁷ Police-free schools that instead invest in mental health services and support would go far in strengthening the mental health of girls of color.

⁶³ Terenzi, et al., *supra* note 23, at 2.

⁶⁴ *Data Snapshot: 2017-2018 National Data on School Discipline*, GEO. L. CTR. POVERTY & INEQUALITY, 2020, at 3 (available at <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2021/04/National-Data-on-School-Discipline-by-Race-and-Gender.pdf>).

⁶⁵ Mary Ellen Flannery, *Pushed Out: The Injustice Black Girls Face in School*, NAT'L EDUC. ASS'N (Sept. 9, 2016), <https://www.nea.org/advocating-for-change/new-from-nea/pushed-out-injustice-black-girls-face-school>.

⁶⁶ KRIS HENNING, *THE RAGE OF INNOCENCE XVI* (2021).

⁶⁷ Thalia González & Emma Kaeser, *School Police Reform: A Public Health Imperative*, 74 SMU L. REV. FORUM 118, 125 (2021) (available at <https://doi.org/10.25172/slrf.74.1.5>).



Solutions

Schools can work to end the criminalization of girls of color by:

- Removal of police officers from school grounds
- Bans on arrests on school grounds
- Responses to students that are not based in racial or gender bias and which aim to understand the root cause of any school-based incident