

WE NEED SUPPORTIVE SPACES THAT CELEBRATE US:

Black Girls Speak Out
About Public Schools

EDUCATION
LAW CENTER



May 2023

TABLE OF CONTENTS

About the Education Law Center-PA	1
Dedication: A Love Letter to Black Girls	2
Acknowledgments	3
Executive Summary	4
Black Girls: A Necessary Focus	7
Methodology	9
Anti-Black Racism in Schools (An Overarching Theme)	11
Recommendations to Create Supportive Spaces	16
1. Hire, Retain, and Support Black Teachers, Administrators, & Staff	17
2. Provide Access to Supportive & Affirming Adults	18
3. Implement Culturally Responsive & Affirming Curriculum	19
4. Ensure Dress & Grooming Codes Are Fair and Inclusive, If Used	21
5. Provide Culturally Affirming Mental Health Supports	23
6. Remove Police from Schools	25
7. Provide Schools with Sufficient Resources	28
8. Adequately Respond to COVID-19	28
Call to Action	30
Notes	32



This report was prepared by Education Law Center staff attorney Paige Joki,

in partnership with her Education Law Center colleagues Kayla Edwards-Scott, Ashli Giles-Perkins, Kristina Moon, and interns Lars Odland, Robert Blake Watson, and Lisa López, with assistance from the Education Law Center legal team and Paul Socolar. Paige Joki, Ashli Giles-Perkins, and Joan Owhe designed and co-facilitated the focus groups with our valued organizational partners as detailed in this report.

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization

with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ students, and children experiencing homelessness.

As part of our mission, ELC works to advance and defend the rights of Black girls.

In service of this commitment, ELC has developed a set of programmatic work, including this report, that we call our “Black Girls Education Justice Initiative.” We challenge the root causes of inequity, such as racism, sexism, ableism, homophobia, and transphobia, through legal, policy, and communication strategies.

The basic principles guiding our Black Girls Education Justice Initiative,


developed by ELC staff attorney Paige Joki and former ELC legal intern and Meltzer Social Justice Fellow Brandon Miller, Ed.D., include: 1) specific investment of time and resources to address the educational barriers that arise for Black girls at school due to the intersections of anti-Black racism, sexism and other forces of oppression; 2) the development and implementation of unique legal strategies to address these barriers; and 3) the belief that Black girls must be fully and holistically supported, affirmed, celebrated, and provided with every opportunity to thrive at school.

To learn more about the rights that Black girls have at school, please see our [Back-to-School Guide](#) for a comprehensive compilation of fact sheets and self-advocacy tools.



**To all the
Black girls
to whom
we spoke:**

**We are inspired by your power,
and we will continue to follow your lead in pushing
schools to become spaces that honor and support you for
all that you are and will become as you continue your
educational journey.**



Acknowledgments

We are deeply grateful to all the Black girls who shared their expertise about the real-time conditions in the public schools they attend, the systemic barriers they face in accessing a high-quality public education, and the powerful and transformative solutions they identified to improve their education, informed by their own experiences navigating Black girlhood. We are thankful for the opportunity to learn directly from young people about what changes adults need to make to ensure that Black girls can attend school in the kind of educational spaces they are deserving of.

ELC greatly appreciated the opportunity to collaborate with our partner organizations

through co-hosted focus groups: Juvenile Law Center's youth advocacy groups ([Advocates for Youth Justice](#) and [Advocates Transforming Youth Systems](#)), [POPPYN](#), [we REIGN Inc.](#), and [Youth United for Change](#)).¹ All of these organizations are recognized leaders in centering the expertise of young people, advancing youth leadership, and creating more just social conditions for Black girls. We invite you to learn more about each of these groups and their significant impact on our communities. We are inspired and honored to have shared space with each of the young people who participated, and we are grateful for their expertise on the realities of attending public school in this moment.

We wish to acknowledge Juvenile Law Center's Marcía Hopkins (director of youth advocacy), Kade Diakite (youth advocacy program manager), Nadi Wisseh (former graduate intern), and Anthony Simpson (former alumni fellow) for their expertise and support in crafting focus group questions and designing focus group structure.





Executive Summary


Public schools should be supportive, affirming, and well-resourced places where Black girls are championed in their academic and personal growth and have every opportunity to learn and thrive. This is not the current reality for Black girls.

Inequities pervade every aspect of Black girls' education in Pennsylvania — where they go to school, what resources their schools have, what the environment is like in their schools, and what opportunities they can access. Due to the intersection of systemic anti-Black racism, sexism, and other forces of oppression, Black girls are subjected to especially daunting educational barriers.

Black girls who attend public schools in our communities are the experts on the real-time conditions in their schools and potential solutions. With this in mind, the Education Law Center-PA (ELC) co-hosted five focus groups with leading Philadelphia-based youth-serving and youth-led partner organizations to hear directly from Black girls about the barriers they face in schools and what conditions must change so that schools are responsive to their needs.

The groups explored themes such as the school climate needed for students to thrive, how anti-Black racism and other systems of oppression show up in schools and harm students, what types of school-based academic, mental health, and social-emotional supports are needed, and what schools and communities can do to eliminate the barriers Black girls face. ELC analyzed all these conversations to identify a set of common themes and recommendations and then reconnected with the groups to review those and seek additional guidance before finalizing the recommendations in our report.

The theme of anti-Black racism was an overarching one in all our focus groups. Every group reported that anti-Black racism at their school was pervasive and impacted all facets of their school experience. Specific instances of anti-Black racism that Black girls shared included: being subjected to racial slurs directed at them and their peers, often without any response from adults; facing discriminatory discipline on the basis of their race and gender; being exposed to harmful curriculum and teaching practices; being deprived of necessary supports, resources, and access to specialized, adequately trained personnel; and being targeted or at higher risk of discipline due to racism and sexism.



Schools have both a legal and moral obligation to prevent and address discrimination on the basis of a student's race and gender.

This report offers eight recommendations for changes schools can and must make to support Black girls and root out policies, attitudes, and actions that perpetuate anti-Black racism.



Each recommendation was identified as an essential measure to create supportive school environments for Black girls:

- Schools need to hire, retain, and support more Black teachers, administrators, and staff
- Black girls need access to supportive and affirming adults at school
- Schools must implement culturally responsive and affirming curriculum
- Dress and grooming codes, if used, must be fair and inclusive and must affirm all students' cultural and gender expression
- Schools must provide culturally affirming mental health supports and increase the number of school-based mental health providers who have shared lived experiences and identities with Black girls
- Police should be removed from schools
- Schools need sufficient resources to fully educate Black girls and support their academic success
- Schools must adequately respond to the ongoing COVID-19 pandemic

All of the recommendations coming out of the focus groups are consistent with the findings in national scholarship and research at the national, state, and local levels, including data and research in Philadelphia and in Allegheny County. The message from all of these sources is unmistakably clear: that schools must change in order to fully support and equitably educate Black girls.

Lawmakers, school leaders, teachers, counselors, and school staff have the power to create supportive education spaces where Black girls can have the opportunities they deserve — opportunities to learn and develop the skills they need to envision and create their bright futures. Discriminatory conditions, resource deprivations, and racist beliefs that result in harsh mistreatment of Black girls and spread doubts about their ability to succeed can be replaced with culturally competent staff, affirming policies, and necessary supports and resources.

We believe that the experiences voiced by the Black girls featured in this report are reflective of the harmful conditions Black girls face in public schools in Pennsylvania and nationally. Education Law Center calls on decision-makers to honor and respond to the expertise of the students with whom we spoke by adopting the policies and practices recommended in this report. We can and must heed their words and honor their expertise. The moment to do this is now. **ELC and its partners encourage others to join in conversation and in efforts to center and advance the educational rights of Black girls.**

**Schools
must
change
in order
to fully
support
and
equitably
educate
Black
girls.**


Black Girls: A Necessary Focus

Public schools should be supportive, affirming, and well-resourced places where Black girls are championed in their academic and personal growth and have every opportunity to learn and thrive. This is not the current reality for Black girls. For many students in Pennsylvania, particularly students of color, access to high-quality public education is limited. These limitations are heightened when students are forced to navigate systemic barriers including racism, sexism, and poverty, all of which impact their everyday reality at school, create conditions uncondusive to learning, and in some cases violate students' education civil rights.

Inequities pervade every aspect of Black girls' education — where they go to school, what resources their schools have, what the environment is like in their schools, and what opportunities they can access. Due to the intersection of systemic anti-Black racism, sexism, and other forces of oppression, Black girls are subjected to especially daunting educational barriers.² Despite this reality, Black girls are vastly underrepresented as a focus of research and are often passed over as recipients of targeted investments that other student cohorts receive.³ To enact durable and responsive solutions, Black girls must be prioritized, and targeted investments must be made to address these unique, pervasive barriers.

We cannot create equitable education spaces without intentionally considering the needs of Black girls and addressing the interlocking systemic barriers to accessing a high-quality public education. The oppressive conditions for Black girls at school cannot be addressed through solutions that fail to respond to barriers caused by racism and sexism. Therefore, the Education Law Center works to address the specific harms that Black girls face due to racism and sexism.

As an organization of civil rights attorneys, ELC recognizes that it is necessary to center the experience and expertise of those who are closest to systemic harm in the legal advocacy we undertake and in the remedies we seek. We recognize that this process is how we work in partnership to advance true justice.

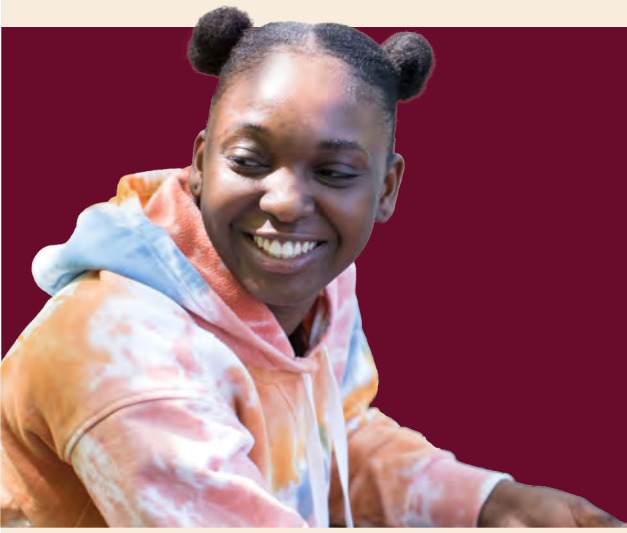


We have so much to learn from Black girls who attend public schools in our communities. They are the experts on the real-time conditions in schools. Decision-makers must listen to and implement the impactful solutions Black girls propose in order to transform schools from places that can cause great harm into places where they can thrive.

With this in mind, ELC co-hosted five virtual and hybrid focus groups with leading Philadelphia-based youth-serving and youth-led partner organizations to hear directly from Black girls about the barriers they face in schools and what conditions must change to ensure that public schools are fulfilling their duty to implement policies and practices that are responsive to the needs of Black girls, including Black girls who are able to thrive in spite of current deleterious conditions.



**We have so much to learn from
Black girls who attend public
schools in our communities. They
are the experts on the real-time
conditions in schools.**



Methodology

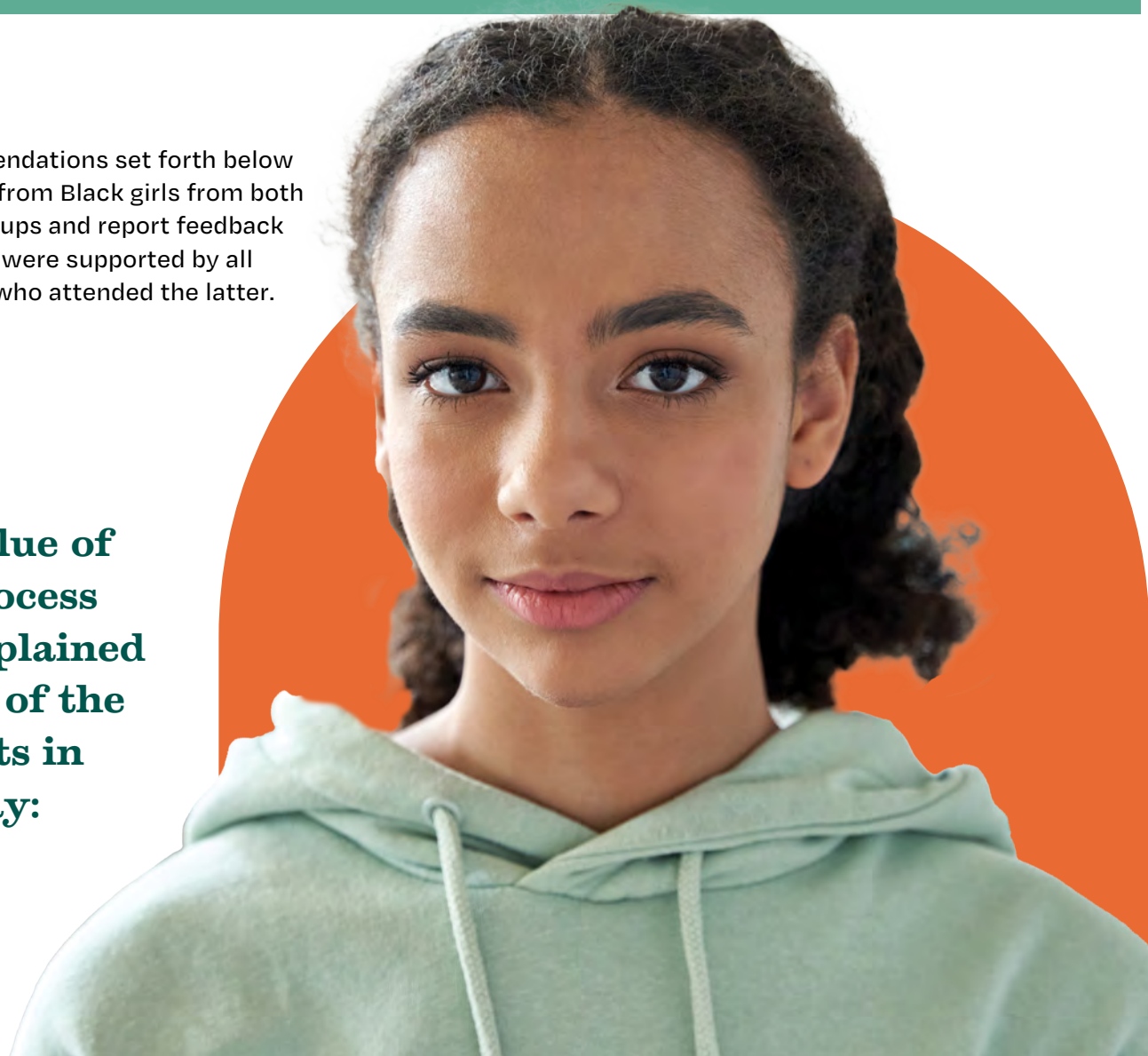
During our focus groups and feedback sessions, ELC attorneys sought the expertise of more than 20 Black girls who attend or attended a variety of public middle schools and high schools, most of them in the Philadelphia area, including neighborhood schools, Opportunity Network schools,⁴ charter and cyber charter schools, and educational programs offered in juvenile justice facilities.⁵ We heard directly from students about their perspectives and lived experiences during Black girlhood, including their experiences in school, what changes are needed, and what adults can do to support the efforts and leadership of students. Some of the participants chose to share their gender identity with us:⁶ Students identified themselves to us as cis-gender, gender-expansive, transgender, and non-binary.

We explored important themes such as the school climate needed for students to thrive, how anti-Black racism and other systems of oppression show up in schools and harm students, what types of academic, mental health, and social-emotional supports are needed in schools, and what **changes in policy and practice are needed at school to eliminate the barriers Black girls face.**

After listening to the experience and expertise of young people who participated in each focus group, ELC analyzed the shared themes that emerged across students' responses across all of the different focus groups. **Clear trends emerged across students' experiences**, which were united around the common theme of the imperative to address anti-Black racism in schools. From this analysis, ELC drafted a working list of shared themes and recommendations from across the focus groups. Notably, what students shared with us is consistent with the findings in national scholarship and in research at the national, state, and local levels, including data and research from Philadelphia and Allegheny County. And what was shared with us is also consistent with the types of barriers ELC knows of and addresses through handling hundreds of requests for legal support arising from anti-Black racism in schools across the state each school year. We then reconnected with each group to review the themes that were identified and sought additional guidance and expertise from the Black girls who participated in our partner organizations' programming, most of whom participated in the initial focus groups. All of the students who participated in our report review sessions had the opportunity to preview a full initial draft of the report, as well as to provide additional context for any of the previous recommendations they shared with us.

The recommendations set forth below reflect input from Black girls from both the focus groups and report feedback sessions and were supported by all participants who attended the latter.

The value of this process was explained by one of the students in this way:



“I am glad I got to open up about certain situations that happened to me at school.”

This report is the first part of a body of work that ELC will undertake on this topic. In our forthcoming work, we will speak to more Black girls, those with lived experience and expertise, subject-matter experts, and others to co-construct more specific legal and policy recommendations for what changes are necessary to fully support Black girls in schools.

Anti-Black Racism Pervades Black Girls' Educational Experience, Causing Grave but Preventable Violence

Schools have a duty to be places that support Black girls' academic success and wellbeing.

Instead, they are often places of profound harm because they fall short of these obligations. All of the students to whom we spoke had an understanding of anti-Black racism, which is defined as "any attitude, behavior, practice, or policy that explicitly or implicitly reflects the belief that Black people are inferior to another racial group. Anti-Black racism is reflected in the interpersonal, institutional, and systemic levels of racism and is a function of White supremacy;" this impacts their experiences at school and in the community because "racism in the United States is grounded in and motivated by anti-Black racism."⁷



Directly addressing and remedying anti-Black racism is paramount, scholar and racial equity consultant Altheria Caldera has explained, because “the racist violence inflicted upon Black students, anti-Black racism, differs in important ways from the racism inflicted upon other groups of racially minoritized students.”⁸ The results of this are evident in schools, where “Black expressions, traditions, and histories are marginalized, while Black bodies are monitored, restrained and violated.”⁹

The effects of racism, including anti-Black racism, result in lower life expectancy and “higher rates of illness and death across a wide range of health conditions” and impact every dimension of Black people’s health, well-being, access to opportunity, and “a range of social and economic benefits —such as housing, education, wealth, and employment.”¹⁰

During each focus group we asked questions specifically about anti-Black racism. **Every group reported that anti-Black racism at their school was pervasive and impacted all facets of their school experience.** While using a range of terms to name their experiences, the students described conditions and behaviors to us that can be defined as anti-Black racism, as detailed below.

The theme of anti-Black racism was an overarching one, central in all our focus groups. Students described anti-Black racism embodied in their schools’ policies and practices as well as emanating from the attitudes and actions of school personnel.

“Anti-Black racism is reflected in the interpersonal, institutional, and systemic levels of racism and is a function of White supremacy.”

- Altheria Caldera

The subsequent sections of this report, which detail the other eight themes that emerged, describe specific instances of anti-Black racism that Black girls shared, including:

- **being subjected to racial slurs directed at them and their peers, often without any response from adults**
- **facing discriminatory discipline on the basis of their race and gender, such as in the context of dress and grooming codes**
- **being exposed to harmful curriculum and teaching practices**
- **being deprived of necessary supports, resources, and access to specialized and adequately trained personnel**
- **being targeted or being at higher risk of discipline or punishment due to racism and sexism**



Anti-Black racism has no place.

The students with whom we spoke expressed that going to school guaranteed they would experience anti-Black racism. As described throughout the report, Black girls reported experiences of maltreatment and discrimination by peers and by school personnel. Importantly, they reported feeling and being unwelcome at school because they identify as Black girls and being treated more harshly than their white peers in school regardless of their behavior. What they described rises to the level of unlawful racial harassment and discrimination.

Despite clear legal prohibitions against such conduct at school and legal frameworks that address such types of education civil rights violations, we know that students are subjected to racist educational environments that fail to fully recognize them and treat them as human beings.¹¹

Anti-Black racism has no place. **The experiences that Black girls shared with us should never happen and are preventable.** They also align with a large body of research that explicates the harms of anti-Black racism at school. The manifestations include Black girls being singled out or punished more often and more harshly than peers for similar behaviors (despite following school rules at the same rates),¹² lowered expectations about the academic aptitudes and abilities of Black girls, and increasing incidents of racial harassment or discriminatory comments from members of the school community.¹³



The impact of lowered expectations stemming from racial bias is particularly well documented. The U.S. Supreme Court has long recognized the harmful educational effects and profound psychological effects of lowered expectations.

Citing Dr. Kenneth Clark's and Dr. Mamie Clark's "doll test" experiment in the seminal *Brown v. Board of Education* decision, the court stated that "a sense of inferiority affects the motivation of a child to learn."¹⁴

An updated contemporary investigation of the impacts of lowered expectations on Black students is the focus of Seth Gershenson & Nicholas Papageorge's *The Power of Teacher Expectations: How Racial Bias Hinders Student Attainment*, which found that teachers had "clear disparities in the expectations ... for students of different races."¹⁵ Due to "statistically significant" racial bias, white teachers are less likely to expect that the Black students they taught could successfully complete a college degree program because they held "lower expectations for black students than they do for similarly situated white students."¹⁶

Regardless of the ways that anti-Black racism and its intersections show up, schools must fulfill their legal duty and moral obligation to take proactive steps to prevent, respond to, and address discrimination and harassment on the basis of race and sex.

Supportive environments are not created by accident and require intentionality to maintain.

The following eight recommendations set forth some of the types of changes schools can and must make to support Black girls and root out policies, attitudes, and actions that perpetuate anti-Black racism. Importantly, "when anti-Black racism is pinpointed, educators are better able to develop targeted solutions to the intended and unintended racial violence perpetrated upon African American students through school policies and practices."¹⁷



Recommendations to Create Supportive Spaces

Below are **eight key recommendations**, organized around the central theme of needing to address anti-Black racism, identified by young people to whom we spoke as **essential to create affirming, supportive school environments for Black girls**. Each was identified as a necessary and interrelated component to create supportive spaces. The recommendations were not ranked in any particular order by the Black girls.

- 1 Schools need to hire, retain, and support more Black teachers, administrators, and staff
- 2 Black girls need access to supportive and affirming adults at school
- 3 Schools must implement culturally responsive and affirming curriculum
- 4 Dress and grooming codes, if used, must be fair and inclusive and must affirm students' cultural and gender expression
- 5 Schools must provide culturally affirming mental health supports and increase the number of school-based mental health providers who have shared lived experiences and identities with Black girls
- 6 Police should be removed from schools
- 7 Schools need sufficient resources to fully educate Black girls and support their academic success
- 8 Schools must adequately respond to the ongoing COVID-19 pandemic

This report explores the common themes and recommendations that emerged across the focus groups and feedback sessions. While each girl described her education in her own words, the harms they faced at school were felt collectively.¹⁸ Taken together, the voices and experiences of the Black girls to whom we spoke highlight systemic inequities that require everyone's immediate attention. Their comments and expertise should serve as a roadmap for education policy.



Schools need to hire, retain, and support more Black teachers, administrators, and staff.

Students thrive in supportive and nurturing environments where they feel respected and represented. To create welcoming and inclusive spaces for Black girls, it is important that Black girls see Black women in all facets of the school community and have opportunities to learn from teachers who share their identities. Multiple groups of students to whom we spoke described feeling alienated at school because of the absence of Black teachers and administrators, particularly staff who identify as Black women.

Having a teaching demographic that is reflective of the student body is especially important, several students shared with us. As one student stated, “Having a teacher that looks like you is deeper than that” because representation is a key aspect of “feeling comfortable and welcome at school.” Black girls reported that they are uncomfortable, and at times unsafe, in classrooms where they are the only Black person or only person of color. They were clear that being isolated in their classrooms made it more likely that they would experience harassment or racial discrimination.

One student stated that she knew her school was not “built” for her because “there are very few Black teachers.” Several student groups mentioned that a lack of Black teachers spoke volumes about their school’s climate.

Students reported that they directly observed Black teachers at their schools being subjected to behaviors that under the law would be considered racial harassment or racial discrimination. Students also reported that Black teachers were treated more harshly, were given less latitude around what was taught in their classrooms, and were afforded less discretion on creating positive climates in their classrooms, as compared to white teachers. Some of these Black teachers that the students directly observed being harmed and mistreated by members of the school community left the school altogether, which the students understood as being caused by the racist conditions in the school.

Turnover of Black staff was often experienced as a deeply traumatic loss by the Black girls to whom we spoke. For several of the girls, teachers leaving meant that they lost their advocates and champions at school. Other girls reported that these losses destabilized relationships between their schools and their families, because their teachers had often remained involved in their lives for several school years, even when the students no longer had them in class. In these ways, losing a beloved Black teacher meant losing both an important personal connection and a link to their school more generally.

In addition to missing important and supportive adults, students said the loss of Black teachers raised alarming realities about their school conditions. **The lack of Black teachers signaled they would not be seen or protected from racialized harm at school,** which compounded the impact of witnessing unabated harassment and discrimination against their teachers.

Girls also noticed that Black staff who remained at their schools were often not afforded necessary supports. They called on their schools to ensure that all staff, including Black staff, were given resources to be able to teach culturally responsive content in trauma-informed ways.

Consistent with the calls from these Black girls, researchers have also cited the dire need for more Black teachers. According to a [report](#) by Research for Action, *Teacher Diversity in Pennsylvania*,

“Having a teacher that looks like you is deeper than that”

schools across the commonwealth are shockingly unreflective of the communities they serve: while 35.8% of students in Pennsylvania are Black, only 6.0% of teachers are Black.¹⁹ Of the teachers who do identify as Black, the majority are concentrated in schools located in Philadelphia and Pittsburgh.²⁰

In fact, during the 2020-2021 school year, **48% of Pennsylvania schools (1,400 in total), representing 36% of school districts (178 in total), “employed zero teachers of color”** [emphasis added].²¹ This is an astonishing and disturbing reality.²² This grave disparity has also been noted by the Pennsylvania Department of Education (PDE). Specifically, PDE acknowledged in its 2019 Pennsylvania Consolidated State Plan adopted under the *Every Student Succeeds Act (ESSA)* that there is a “lack of diversity within Pennsylvania’s educator workforce,” and “it is vital for PDE to develop and promote teacher preparation pipelines that ensure that the most talented and diverse students enter the teaching profession.”²³

Research has consistently shown that representation matters. Ensuring a racially diverse school staff has an especially positive effect on the academic achievement of Black students as well as a positive impact on all members of the student body, regardless of their racial identity.²⁴ Further, substantial research demonstrates that students benefit when assigned to a demographically similar teacher, and the results are especially profound for Black and Brown students.²⁵ This match or “demographic congruence” is correlated with gains in student achievement and performance, reduction in absences and suspensions, lower rates of students being pushed out of school before graduation, and more favorable teacher perceptions of student engagement.²⁶

Schools need to develop and implement comprehensive strategies to attract, support, and retain Black teachers and administrators, particularly staff who identify as Black women. Alongside these initiatives, **schools must also make investments to ensure that staff have the necessary supports to teach in culturally responsive and trauma-informed ways**, so that these efforts are sustainable, celebrated, and supported.

2

Black girls need access to supportive and affirming adults at school.

School personnel such as teachers, administrators, counselors, social workers, bus drivers, and many others can serve as protective and trusted adults in students’ lives. The students to whom we spoke mentioned the negative impact of school personnel who belittle students and challenge their worth. All of the groups of Black girls reported experiences of seeking support and being denied it when they needed it most.



Many girls reported that they are regularly told they can't succeed academically at school and will not succeed professionally later in life by a range of adults employed by their schools. For example, one student reported that school personnel are "really negative about our future." Another reported that **"too many Black students are told they cannot do something."**

Students need school personnel who believe in their success and advocate on their behalf, yet all the groups of Black girls to whom we spoke recounted experiences where they had to routinely ask staff for necessary information or supports for simple things including details about how they would be learning during COVID-19, what classes they would be taking, and whom they should go to for help if they needed it. Each group also highlighted the ways that such challenges have only intensified as students shifted between hybrid and in-person learning, due to the ongoing pandemic. When describing these conditions, **Black girls detailed the ways in which the onus was placed on them** to navigate greater logistical hurdles, rather than adults taking responsibility for supporting them.

Providing access to affirming adults in school is crucial as students experience long-term benefits from even one supportive teacher.²⁷ Many of the Black girls we spoke with shared powerful stories about supportive teachers who were instrumental to their growth as students and as people, even if the teacher taught them many years ago. It is essential that all students are heard and affirmed by adults, especially when sharing their lived experiences. No one can explain the unjust circumstances Black girls face in schools better than Black girls themselves, but for change to come, adults must be ready to learn from them and supportively respond to their needs.

3

Schools must implement culturally responsive and affirming curriculum.

Black girls are deeply invested in their own learning and the ways the knowledge they gain at school will prepare them to navigate their bright futures. Unfortunately, the curriculum students are currently taught often has glaring and detrimental omissions that are extremely harmful. Moreover, in cases where the curriculum is more expansive or covers important content such as racism, students may be subjected to methods of teaching and delivering content that cause and perpetuate harm.

All of the students we spoke with expressed a desire to understand all aspects of Black history — not only the history of racism and oppression. They yearned for opportunities to learn about the ways Black people have impacted and continue to shape their communities and our world, in all subject areas and with examples that relate to their lived experiences. For example, one student shared that having a Black math teacher who used examples tied to her own cultural experiences to explain subject matter was transformative for her learning. Another student described the profound effect of being denied such learning opportunities: "We need to understand the impact that others have had that look like us, so we can proceed unapologetically."

This deprivation in curriculum also thrust Black girls into the spotlight in damaging ways, particularly in the discussion of American slavery in history courses. All the groups we spoke with also explained the deep pain that comes from seeing, hearing, and experiencing one's racial identity represented only in the context of American slavery, as well as the immediate and lasting harm that comes from being taught by educators who were not properly equipped to teach about American slavery, respond to students' questions, or support students afterwards.²⁸ One student stated, **"We need to be able to understand all of our history — not just slavery."** Another student powerfully shared, **"It is very uncomfortable to be the only Black student in class when you are talking about slavery, and you feel eyes staring at you; your teacher says, 'Why don't you raise your hand, this is your history.'"**

“We need to understand the impact that others have had that look like us, so we can proceed unapologetically.”

Schools should not subject Black students to these injurious and stigmatizing experiences, which students may remember for a lifetime. Renowned scholar Dr. Monique Couvson (formerly published as Monique W. Morris) poignantly named this harm directly in her book *Sing a Rhythm, Dance a Blues: Education for the Liberation of Black and Brown Girls*, in which she writes, “A violent curriculum — one that triggers historical trauma by carelessly handling academic content — can be just as disruptive to learning as physical violence.”²⁹

Schools need to proactively invest in culturally affirming and responsive curriculum and ensure that teachers are equipped to accurately teach subject matter in all courses in a way that minimizes harm.³⁰ These efforts will better ensure that students are given an accurate and meaningful sense of the history and contributions of their communities.

Responsive curriculum is a necessity, not an optional and debatable facet of student learning. These subjects must be protected, especially in light of the recent upswing in attacks on schools’ ability to teach truths, like the irrefutable ways that racism and its intersections with other forms of oppression have shaped and continue to impact all aspects of society. Schools must afford students access to accurate scholarship that is reflective of their identities and experiences. They must also ensure that academic contributions of scholars of color, particularly Black women, are included and centered in curricula.



Dress and grooming codes, if used, must be fair and inclusive and must affirm students' cultural and gender expression.

Students are in school to learn. Dress and grooming codes that restrict cultural or gender expression and punish students due to their body shape or size create a hostile school climate for students and undermine learning. **Students need and deserve to feel safe in school and not be excluded, shamed, or sexualized by adults policing how their bodies look.**

Every student group spoke to the profound and lasting impacts that discriminatory dress codes had on their school experience and the ways they faced rampant discrimination, sexualization, and harassment based on their body shape and size and/or cultural or gender expression. One student gave an example in which two students were wearing identical outfits that complied with the school's dress code; however, one of the girls was found to have violated the dress code because of the way administrators perceived the way her clothes fit on her body. This student was disciplined and shamed by school personnel.

The harm of this discriminatory behavior was not lost on the students, as one student shared, **"Just because we have two different body shapes does not mean that one should get in trouble."** Another student reported that even when she wears her clothes that comply with her school's dress code, **"I get sent home."** A third student weighed in that she was regularly **"in trouble for following the same rules as everybody else,"** despite wearing her school's required uniform. Discriminatory attitudes and actions such as these make school a hostile and unwelcome environment for Black girls. Several girls spoke about how the "judgment" they faced as a result of dress and grooming codes was so significant that they did not even want to attend school — "Do you want us to show up or not?"

All of the groups of students highlighted that they observed and in some cases experienced directly a racialized and gendered enforcement of a school's dress code or grooming code.³¹ In all of the examples they shared, Black girls were targeted. As one student described, "When I don't wear a uniform, I get a call home or email to my parent. When other people do [it], it's okay. ... Why is it different for me but not for other people?" Several students specifically named that white girls at their schools were not subject to punitive responsive to dress or grooming codes, regardless of whether they were following the same school rules.

Black girls to whom we spoke reported that the ways that dress codes were enforced made them feel unwelcome at school because of who they are: because of their identities. They described administrators who appeared to care more about the dress code than student learning or addressing the anti-Black racism Black girls faced at school. Importantly, they also explained that the way adult school personnel enforced dress and grooming codes sexualized and vilified girls' developing bodies. As powerfully put by one of the Black girls we spoke to when describing the imposition of school discipline for wearing a required school uniform, **"I am made to feel sexualized and feel grown when I am just being myself".**

Schools' racialized and gendered hyperfocus on appearance is one example of the many different ways that Black girls are subjected to the harms of "adultification bias." The term describes the perception of Black girls as less innocent, more sexual, more culpable for misbehavior, and more adult-like than peers of the same age.³² Adultification bias, as defined by groundbreaking scholars Rebecca Epstein, Jamilia J. Blake, and Thalia González, unfairly subjects Black girls to greater scrutiny and harsher punishments. It denies them the ability to **"make mistakes and to learn, grow, and benefit from correction for youthful missteps to the same degree as white children."**³³ Importantly, scholars have shown that these biases have deep and historic roots. For example, policing Black girls' bodies for what they look like in school uniforms harkens back to "paradigms of Black femininity that originated in the South during the period of slavery" and "have persisted into present-day culture," including the Jezebel stereotype, which relies on perceiving Black women as dangerous, hypersexualized, and exploitative.³⁴

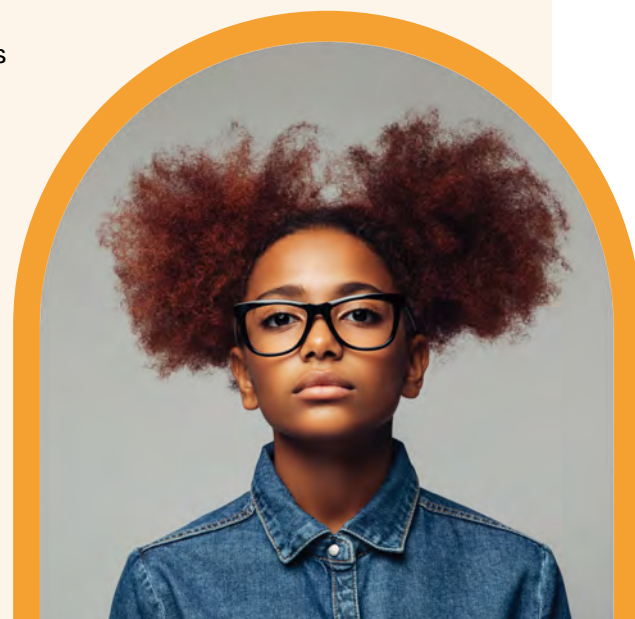
Black girls also consistently reported that schools scrutinized, stigmatized, and punished them for the texture of their hair or wearing their hair in culturally expressive ways such as afros, braids, puffs, locs, and weaves, or for wearing scarves or bonnets over their hairstyles. Similarly, students disclosed that their schools sought to discourage or ban certain hairstyles or wearing bonnets or scarves. One student shared that her school was “shaming us for our hair” and that she was “judged” for wearing her hair in an afro. Another student reported that her school was “always on me” for wearing a head scarf over a protective style. A third student shared that Black girls at her school had to challenge the discriminatory and anti-Black grooming code at her school. She reported, “It got to the point where we had to take it up with the principal,” after students were disciplined and shamed for wearing bonnets over their protective hair styles.

A 2022 report by the United States Government Accountability Office (GAO), entitled *Department of Education Should Provide Information on Equity and Safety in School Dress Codes*, highlighted the same key themes surfaced by the Black girls with whom we spoke. It concluded that “most dress codes (an estimated 59 percent) contain rules about students’ hair, hairstyles, and hair coverings, and these rules may disproportionately impact Black students” and are often subjective.³⁵ These vague descriptions invite bias in decision-making and can result in “dress codes prohibiting hair coverings and hairstyles” being “enforced more often against Black girls.”³⁶ The report also documented concerns that “Black girls may be perceived as wearing more “revealing” or “distracting” clothing because research shows that Black girls are mistakenly perceived to be older or more mature.”³⁷ **Dress code enforcement was also found to be a driver of pushout:** “Schools that enforce strict dress codes are associated with statistically significant higher rates of exclusionary discipline — that is, practices that remove students from the classroom, such as in-school suspensions, out-of-school suspensions, and expulsions.”³⁸

These actions and attitudes, which were experienced by the students to whom we spoke, made them feel unwelcome at school — pressured to alter their own image and suppress their own expression. Students’ right to be free from racism at school requires the elimination of racialized school grooming, dress code, and discipline policies.³⁹

Both locally and nationally, there is a growing movement to address the rampant hair discrimination against Black people that has existed and persisted since American slavery. Federal legislation known as the **CROWN Act** (Creating a Respectful and Open World for Natural Hair Act of 2022) recently passed in the U.S. House of Representatives and would extend statutory protections against race-based discrimination in public schools and workplaces to include hair styles and textures, such as afros, locs, braids, twists, and knots.⁴⁰ It has not yet been passed in the Senate. However, 19 states have adopted this important legislation, and many others are considering it.⁴¹ While Pennsylvania has not yet adopted this law, both Philadelphia and Pittsburgh have locally adopted CROWN Act protections.⁴²

Importantly, in December 2022, the Pennsylvania Human Relations Commission (PHRC), which is responsible for enforcing the state’s non-discrimination laws, adopted new regulations recognizing “that the term race includes traits historically associated with race, including hair texture and protective hairstyles,” and that “gender identity and expression” is included in protections against discrimination on the basis of sex.⁴³ These necessary changes are in effect and explicitly prohibit discrimination based on these protected class statuses. These new regulations advance students’ rights by addressing anti-Black racism and hair-based discrimination along with discrimination on the basis of gender identity and expression in schools and education institutions as well as in employment, housing, and public



accommodations contexts. This change also aligns Pennsylvania with other states that have worked to ban hair-based discrimination, including Connecticut, California, New Jersey, and New York.⁴⁴

In accordance with PHRC regulations, schools are now explicitly prohibited from enacting or enforcing policies or engaging in practices that discriminate on the basis of “race, including hair texture and protective hair styles” and/or on the basis of gender identity and expression.⁴⁵ **Schools should immediately adopt policies and practices that affirm students’ rights both to cultural expression, including in their hair and dress, and to expansively express their gender and gender identity.**

As a part of this process, schools must also explicitly prohibit discrimination on the basis of shape and size, prohibit discrimination on the basis of cultural and gender expression, and eliminate dress or grooming codes that enforce inaccurate, restrictive, and binary approaches to gender and gender expression.

Schools must revise language in codes of conduct and student handbooks that relies on subjective and vague descriptions as grounds to punish student behavior. School staff also need to be educated on the deep, lasting harms that come from sexualizing, policing, and discriminating against students for how their bodies look and how they express their culture and gender identity, and about the illegality of discriminating against students on the texture or style of their hair and on the basis of their gender identity and expression. Schools need to be spaces where community members can feel comfortable in their own bodies, express themselves, and be free of discrimination and harassment.

5

Schools must provide culturally affirming mental health supports and increase the number of school-based mental health providers who share similar lived experiences and identities with Black girls.

Many students require mental health supports to fully participate in school. Not providing these supports has profound negative impacts on academic achievement.⁴⁶ Yet every group of students we spoke to identified that schools did not provide sufficient access to supports or lacked these supports altogether. Several groups reported that when there was an adult in the role of “school counselor” or “guidance counselor,” the focus was often on academics and college preparedness alone, with no focus on mental health concerns, despite the documented growing need for mental health supports.⁴⁷ Some students shared that they can only connect with the person in this role during their senior year, and only if they initiate the contact. There was consensus across several groups that configuring counseling resources in this way did not meet their needs.

Students reported being ignored when they sought mental health supports and were unsure about who to ask for help. For example, one student spoke about wanting to engage the mental health supports at her school but being unable to do so: **“I know [the counselor’s] name. That is it. It is all on you. They make it harder for you at my school by not having supports.”**



Several groups of students said that schools rationed the very limited counseling resources by making mental health supports available only to students after they were already experiencing a mental health crisis and only after this information was provided to the school. This practice was described as leaving students who needed mental health supports and had not yet experienced a mental health crisis to fend for themselves. Schools also failed to provide an adequate level of support to the limited few who were receiving services. One student we spoke to described accessing mental health supports at school as being necessary for her to be able to engage in school: **“Mental health doesn’t just start when a student has a crisis. They should have helped beforehand.”** Another student said that she “couldn’t put trust” in her school for mental health supports because the “system is unreliable.”

Even in cases where students reported they did have access to a counselor, the professional they were able to reach may not have met their needs. One student reported that while she was able to access a school counselor, that person was not licensed to provide mental health care or support, which undercut her “direct access” to needed services and supports.

The lack of mental health support came up repeatedly in each of the focus groups as a barrier to learning and thriving at school. Black girls also spoke of the need for mental health professionals at their school to be reflective of their communities and the many identities they hold, to be equipped with sufficient resources and skills to holistically meet their needs, and to be able to help girls process and heal from trauma that they have survived in school and in their community.

One student shared, “My counselor was a Black woman and I had ‘Black girl’ issues that I could talk to her about.” The student went on to describe “Black girl” issues as the many intersectional barriers she faced at her school because of racism, sexism, and recent violent tragedies in her community. Another student spoke to the importance of working with a counselor who could support her needs. The assigned school counselor, a white woman who did not share her experiences, was unable to help her process recent traumatic events. The student stated, in reference to the trauma she survived, that the counselor “pushed it to the side like it was nothing.” She continued, “What is the point of going to you if you are not going to help me out?” A third student described a similar experience, stating, “It is like they are listening but not listening.” All the students who shared specifics about their experiences with a school counselor agreed that having a counselor who shared their identities made an impactful and necessary difference.

“My counselor was a Black woman and I had ‘Black girl’ issues that I could talk to her about.”

Moreover, the student groups uniformly identified that they needed adults, regardless of their role in school, to proactively check in with them about their well-being. They also wanted adults to recognize the impact that trauma, including unlawful discrimination, harassing conditions in the classroom, and violence in their communities, could have on their ability to participate in class or learn the material presented. Additionally, many of the girls we spoke with called for teachers and administrators to stop the practice of actively discouraging discussion of in- or out-of-school trauma at school. Instead, they called on all adults in the building to receive training on how to address student concerns, including violence in their communities, such as gun violence, head on.

The need for schools to provide spaces for students to discuss their experiences with the support of adequately trained adults is well documented,⁴⁸ as is the need for more mental health supports in school.⁴⁹ This is particularly true for youth of color, who “are more likely than white youth to receive mental health services in educational settings.”⁵⁰

But “[l]ess than 20% of Pennsylvania public school buildings meet the nationally recommended 250 students to one school counselor ratio.”⁵¹ Sadly, “20% of Pennsylvania public school buildings have ratios of 550 or more students to 1 school counselor, or no school counselor at all.”⁵²

Schools must provide consistent access to school-based professionals who offer mental health supports and services — such as counselors, psychologists, and social workers. These professionals must have sufficient resources and have the skills to respond to students in culturally competent and responsive ways, so that they can address intersecting barriers such as racism, ableism, and sexism that students may be facing in the school community and the community at large. They must be equipped to support students through traumatic events, as these events impact their ability to learn and fully participate in school. Importantly, **“increasing access to school-based mental health services can promote equity and reduce disparities in access to care.”**⁵³

Schools must also ensure that all staff have some skills to check in with students about their well-being and make referrals to mental health supports with a student’s consent. The turmoil of the past few years, including the COVID-19 pandemic and the surge in incidents of racism, hate, and violence in our communities, has only exacerbated these challenges and underscored the need for schools to invest in and provide comprehensive mental health supports.⁵⁴ Offering accessible and consistent mental health support is a necessary component in creating the supportive, nurturing spaces students require and deserve.

6

Police should be removed from schools.

Every student deserves to feel safe in school. Yet many of the Black girls we spoke with felt that police in their schools created a climate of fear and made them unsafe. Importantly, across all of the groups, students’ discussions around police were inextricably linked to calls for more supportive and adequately resourced educational environments where they had access to culturally competent mental health services and supportive adults. Many students were clear that the introduction of police in schools failed to address the types of safety concerns they were experiencing.

Students described and experienced their learning as being and feeling criminalized, as law enforcement interaction was part of their daily school experience. Several student groups reported attending schools that were, as one student described, “full of cops,” and the threat of the school calling the police in non-emergency and non-safety-related situations was ever-present. **One student described seeing police as she entered her school every day as making her feel that “I was doing something wrong.” Another student described these conditions as her school trying to “inflict fear on us.”** A third student reported that police in her school were often called upon whenever a group of Black students was gathered together for any reason in school, as school leadership made racially discriminatory assumptions “that we would get physical, even when that isn’t even what it is.” In this way, administrators presumed “danger” simply because involved students were Black.



Unfortunately, the school conditions described by the students we spoke with are familiar to many students in Pennsylvania schools and are more likely to be experienced by students of color and students living in poverty. According to a recent Research for Action report, entitled *School Policing in Pennsylvania: Prevalence and Disparities*, students of color and students who are living in poverty are most likely to attend schools with higher numbers of police.⁵⁵ In fact, “school districts with the highest percentages of students of color had ... roughly twice the number” of law enforcement personnel in schools compared to schools who serve fewer students of color; “school districts with the highest percentage of economically disadvantaged students had over four times the number of school police or resource officers per 10,000 students” compared to the districts with the fewest such students.⁵⁶

There is a damaging and lasting impact when schools choose to invest in police rather than in mental health and other supports that would improve a school’s culture and help foster bonds of connectedness among school community members. As set forth in a recent report of the Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights, “research confirms that the presence of school police does not reduce the number of behavioral incidents nor contribute positively to teachers’ sense of security on campus.”⁵⁷

It is clear that when police are misused as school disciplinarians, minor behavioral infractions, often involving developmentally appropriate and foreseeable student behavior, are recast as “criminal,” deserving of punishment, and requiring response by the juvenile or adult criminal justice system.⁵⁸ This perspective on student behavior is profoundly harmful and causes Black girls to be targeted for more aggressive, severe, and often physically assaultive enforcement of rules at higher rates than their white peers, despite a wealth of evidence showing that Black girls follow school rules at the same rates as other demographic groups of students.⁵⁹ It also is well documented in a body of “strong evidence that Black youth are disproportionately punished, both inside and outside of schools, for what are typical adolescent behaviors.”⁶⁰

When Black students were gathered together for any reason, school leadership made racially discriminatory assumptions “that we would get physical, even when that isn’t even what it is.” In this way, administrators presumed “danger” simply because involved students were Black.

A recent independent examination of the U.S. Department of Education’s Office for Civil Rights Data Collection for the 2017–2018 school year revealed that “Black students were the most overdisciplined group of students across all disciplinary categories.”⁶¹ The analysis also showed that “Black girls have the highest rate of overrepresentation [in discipline] to white youth of any race and gender group.”⁶²

These findings are consistent with a 2018 GAO report, *K-12 Education Discipline Disparities for Black Students, Boys, and Students with Disabilities*, which found that Black students faced “disproportionate discipline ... regardless of the type of disciplinary action, level of school poverty, or type of public school” they attended.⁶³ This analysis also determined that Black students, regardless of gender identity, “were the only racial group” where students were “disproportionately disciplined” across all monitored areas — out-of-school suspension, in-school suspension, referral to law enforcement, expulsion, corporal punishment, and school-related arrest.⁶⁴ Nationally, Black girls are “4 [times] more likely to be arrested in school than White girls.”⁶⁵ Pennsylvania is an acute example of this disturbing national trend.⁶⁶ Black girls are arrested at “five times the rate of White girls” in Pennsylvania public schools.⁶⁷ **Pennsylvania ranks “2nd in the nation for Black student arrests.”⁶⁸**

In Pittsburgh Public Schools, for example, most student arrests are for minor, non-safety-related infractions that often result in a “disorderly conduct” charge.⁶⁹ Notably this charge, which was widely used as a catch-all to target and police Black people during Jim Crow, continues to be disproportionately levied against Black girls (and Black women) due to racist stereotypes and responses to behavior in Pennsylvania and across the nation.⁷⁰ In fact, “in 2019 all arrests of Pittsburgh Black girls that ultimately resulted solely in a charge of disorderly conduct were made by PPS [Pittsburgh Public School] police,” which maps on to the nationally recognized understanding that anti-Black racial bias underlies decisions about who is charged criminally and who is not.⁷¹ Using this charge and others, **Pittsburgh Public Schools refers Black girls to law enforcement more often than “99% of U.S. cities,”** for a broad range of developmentally appropriate and often expected behaviors such as “excessive noise,” “obscene gestures or language,” and other “typical teenage behaviors,” researchers found.⁷²

Police are not necessary to create or enforce school safety. Rather, safe schools are created when schools have adequate resources to support students’ needs. Research shows that “[a]ssessing and targeting violence at the community level is especially useful,” as it impacts a “large[r] number of individuals.”⁷³ This means that our positive and non-punitive responses must encompass efforts to make schools places where students are safe and feel a sense of true safety.

In fact, “school districts with the highest percentages of students of color had ... roughly twice the number” of law enforcement personnel in schools compared to schools who serve fewer students of color; “school districts with the highest percentage of economically disadvantaged students had over four times the number of school police or resource officers per 10,000 students” compared to the districts with the fewest such students.

Schools are integral parts of our communities, and we know that our communities are at higher risk for violence when they have “increased levels of unemployment, poverty and transiency; decreased levels of economic opportunity and community participation; poor housing conditions; gang activities, emotional distress and lack of access to services.”⁷⁴ As a society, we must make the necessary investments to create “a stable economy, positive social norms, abundant resources, high levels of social cohesion, family support and rewards for prosocial community involvement,” which will address root causes for why violence occurs.⁷⁵ These are some of the types of research-based solutions that decrease violence and create the conditions needed for safety in schools, local communities, and beyond.

The consequences of police presence in our schools can last a lifetime. Students will continue to be intergenerationally impacted as a result of fines, stigma, and interaction with the juvenile justice system and/or adult criminal justice system. Our partners at POPPIN produced an [impactful documentary](#), entitled *Call for Change: Breaking the School-to-Prison Pipeline*, that discusses violence that results from having police in schools.⁷⁶ Students and student advocacy groups in Philadelphia, Pittsburgh, and across Pennsylvania have been insisting on the removal of police from our schools.⁷⁷

7

Schools need sufficient resources to fully educate Black girls and support their academic success.

Enduring and historic racism, particularly anti-Black racism, in school funding practices continues to determine who has and who lacks access to quality educational resources and opportunities. These conditions deprive students of the supports that they need to learn. **Disturbingly, the majority of Black girls in Pennsylvania attend schools that have been identified as grossly underfunded.**⁷⁸ This is no accident, as half of the Black students in Pennsylvania are educated in schools that have been ranked as among the *least well-funded* in the state⁷⁹ and therefore have fewer educational opportunities than many of their peers.⁸⁰

While this racialized deprivation occurs in schools across the nation, **Black students are subjected to even more pronounced inequities in Pennsylvania, as they “are provided less access to educational opportunities than Black and Hispanic students in most states.”**⁸¹ This inequity is further compounded when compared to the opportunities provided to white students in Pennsylvania, who are “provided with greater access to educational opportunity compared to White students in most states.”⁸² This enduring reality creates conditions where students of color are deprived of the very basics.⁸³

Students are acutely aware when their schools don’t have the resources they need. Every student group we spoke with identified additional academic supports as needed for them to thrive at their schools. The students identified large classes sizes, limited course offerings, and too few guidance counselors as common barriers impacting their overall experience at school.⁸⁴ The consequences of not having what they needed weighed heavily on students and had a clear impact on the quality of education they were receiving and the types of opportunities they may access in the future. The students called for a broader range of course offerings — courses offered in multiple languages, Advanced Placement classes, college preparatory classes, and flexibility in earning course credit. Students also specified that schools need to adopt the culturally affirming curriculum and academic supports mentioned earlier. Each of these resources is a necessary aspect of a robust educational experience. And the state must finally adequately and equitably fund our public schools to remedy inequities that tie opportunity and investment to a student’s race.

8

Schools must adequately respond to the ongoing COVID-19 pandemic.

All of the student focus groups called out the challenges of learning during physical school closures and said their schools’ pandemic responses persist as a significant issue as students’ learning continues to be disrupted. The groups detailed a litany of barriers, including difficulty accessing academic supports, lack of access to staff when technology issues arose, and a failure to communicate with students about who would be supporting them during hybrid or virtual learning or during the time they were out of school to quarantine or because they got sick.



Several of the Black girls to whom we spoke reflected that technology barriers made it impossible for some students to even communicate with their school when they were not able to learn in person. Others reported barriers to obtaining their work and making up assignments during times they were out of school. One student reported that her teacher “said it wasn’t her problem” when a student was not able to complete an assignment due to illness. **Another student said that personnel in her school are “not helping when it comes to our education, even when it is not our fault.”**

In 2021, the city of Philadelphia estimated that 9% of households with a K-12 student (approximately 23,000 students) lacked broadband access, and 8% of households with a K-12 student (approximately 20,000 students) lacked access to a tablet, laptop, or desktop.⁸⁵ These barriers affected many communities but were felt most acutely by communities of color.⁸⁶

Schools must adopt policies and practices and make specific investments that will allow all students to continue to be fully supported regardless of how they are learning, including taking the necessary steps to ensure that technology barriers are resolved so that students can continue learning. **Schools must invest sufficient resources to remedy COVID-19-related disruptions, which continue to disproportionately impact students of color.** Investments should be focused on ensuring that students of color have the supports necessary to enable them to continue to make academic progress, develop needed skills, and graduate on time.





A Just Educational Future Is Possible

As reflected in these focus groups, Black girls face formidable barriers to receiving an equitable education. They are also best positioned to inform and guide us in creating necessary changes to ensure just, enriching, and supportive educational environments. We believe that the experiences voiced by the Black girls featured in this report are reflective of the harmful conditions Black girls face in public schools in Pennsylvania and nationally.

Lawmakers, school leaders, teachers, counselors, and school staff have the power to create supportive education spaces where Black girls can have all of the opportunities they deserve: opportunities to learn and develop the skills they need to envision and create their bright futures. We must replace resource deprivations and discriminatory conditions, beliefs, and actions — all of which are rooted in anti-Black racism — with culturally competent staff, affirming policies, and necessary supports and resources.

Education Law Center calls on decision-makers to honor and respond to the expertise of the students with whom we spoke by adopting the policies and practices recommended in this report. To create school communities where Black girls have every opportunity to learn and thrive, Black girls must be prioritized as valued experts in the process of improving public schools. As noted by leading scholars in this field, “all efforts should center the voices and perspectives of girls of color.”⁸⁷ We can and must heed their words and honor their expertise. **The moment to do this is now.**

Join Us

This report is an important moment, but it is not the destination in advancing the rights of Black girls.

Change is possible,

but our work is far from complete. We invite you to join ELC and our partners in conversation about undertaking efforts to center and advance the educational rights of Black girls.

- Join the conversation on Twitter using the hashtag **#SupportiveSpaces4BlackGirls**
- Get involved in initiatives that center the lived experiences and expertise of Black girls
- Call on decision-makers to make necessary changes so that schools are fully supportive of Black girls
- Participate in crafting responsive solutions that reflect the needs and priorities of Black girls
- Stay tuned for future opportunities to learn more, engage, and advocate
- Continue to learn with us as we speak to more Black girls, convene subject matter experts, and work collaboratively to propose and advocate for necessary and overdue changes in our schools



¹ See generally, Juvenile Law Ctr., *Advocates for Youth Justice*, JUVENILE LAW CENTER, <https://jlc.org/A4YJ> (last visited Oct. 24, 2022); Juvenile Law Ctr., *Advocates Transforming Youth Systems*, JUVENILE LAW CENTER <https://jlc.org/ATYS> (last visited Oct. 24, 2022); Univ. Cmty. Collab., *Poppyn*, UNIVERSITY COMMUNITY COLLABORATIVE, <https://www.uccollab.org/copy-of-programs> (last visited Oct. 24, 2022); we REIGN Inc., *About Us*, we REIGN Inc., <http://wereign.net/about-us> (last visited Oct. 24, 2022); Youth United For Change, *About Us*, YOUTH UNITED FOR CHANGE, <https://www.youthunitedforchange.org/about> (last visited Aug. 11, 2022).

² Subini A. Annamma et al., *Black Girls and School Discipline: The Complexities of Being Overrepresented and Understudied*, 54 URB. EDUC. 211, 213-15 (2019).

³ *Id.*

⁴ The Opportunity Network offers “non-traditional/alternative educational options” through the School District of Philadelphia for “out-of-school youth, students who are significantly at risk for dropping out, and students who are subject to disciplinary transfer or expulsion.” Students who attend these programs are entitled to the same legal protections as students in other types of public-school settings. See Sch. Dist. of Phila., *Opportunity Network*, SCHOOL DISTRICT OF PHILADELPHIA (Oct. 6, 2020), <https://www.philasd.org/opportunitynetwork/>.

⁵ We note that while students who have been “adjudicated delinquent” by a court retain their rights to a public education, many students in Pennsylvania receive an inferior, inadequate education in their residential placements. No student should ever be deprived of a quality public education simply because they have been “adjudicated delinquent.” See, e.g., ELISSA HYNÉ ET AL., UNSAFE AND UNEDUCATED: INDIFFERENCE TO DANGERS IN PENNSYLVANIA’S RESIDENTIAL CHILD WELFARE FACILITIES 22-27 (2018), https://www.elc-pa.org/wp-content/uploads/2018/12/2018_Pennsylvania-Residential-Facilities_Childrens-Rights_Education-Law-Center.pdf (detailing the educational deprivations students are subject to in on-grounds schools, including lack of certified teachers and live instruction, inappropriate and below-grade coursework (often comprised solely of worksheets), utilization of mixed-grade classrooms, failure of the school to provide academic opportunities that allow students to gain and build upon necessary skills).

⁶ Some students chose to share their experiences navigating their own gender identities during the focus groups and feedback sessions, including how their understanding of their own identities has evolved over the time between the focus groups and feedback sessions. At the time that ELC convened the focus groups, all participants were comfortable speaking from the lived experiences they each had with Black girlhood and answering questions that explicitly focused on the needs of Black girls.

⁷ CTR FOR THE STUDY OF SOC. POL’Y, Using an Anti-Racist Intersectional Frame at CSSP, <https://cssp.org/wp-content/uploads/2019/09/Antiracist-Frame-11.20.19.pdf> (last visited Nov. 3, 2022).

⁸ Altheria L. Caldera, *Eradicating Anti-Black Racism in U.S. Schools: A Call-to-Action for School Leaders*, 4 Diversity Soc. Justice & Educ. Leadership 12, 13 (2020) <https://scholarworks.utt Tyler.edu/cgi/viewcontent.cgi?article=1037&context=dsjel>.

⁹ *Id.* at 15-16.

¹⁰ Ctr. for Disease Control and Prevention, *Racism and Health*, <https://www.cdc.gov/minorityhealth/racism-disparities/index.html> (last visited Nov. 14, 2022).

¹¹ See *Brown v. Board of Education*, 347 U.S. 483, 495 (1954) (holding that racial discrimination in schools violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution); Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6(a) (prohibiting discrimination in schools on the basis of race, color, religion, sex, or national origin); 1 Pa.C.S. Article I, Sections 26 and 28; 1 Pa.C.S. Article III, Section 32; and 1 Pa.C.S. Article VIII, Section 1 (These provisions have been interpreted to provide an equivalent or greater level of equality than the minimum guaranteed by the United States Constitution); 43 P.S. §§ 951–963, 16 Pa. Code §§ 41.201–41.207 (defining the meaning of terms included in protected statuses in the Pennsylvania Human Relations Act (PHRA) and Pennsylvania Fair Educational Opportunities Act (PFEOA) to include “traits historically associated with race, including hair texture and protective hairstyles” within the definition of race and “gender identity and expression” within the definition of sex); The Pennsylvania Human Relations Act (PHRA) (prohibiting discrimination based on a student’s race, including on the basis of hair texture or protective hair style, color, sex, including gender identity and expression, religion, ancestry, national origin); 24 Pa. Stat. Ann. §§ 5001–5010 (West), the Pennsylvania Fair Educational Opportunities Act (prohibiting schools from, among other practices, discriminatory expulsion, suspension, punishment of students); 16 PA. CODE § 47.41 (delineating unlawful discriminatory practices).

¹² For a Pennsylvania-specific analysis on the disproportionate impact of exclusionary discipline on students of color, students with disabilities, LGBTQ students, and students living at the intersections of these identities, See PA. ADVISORY COMM. TO THE U.S. COMM’N ON CIVIL RIGHTS, DISPARATE AND PUNITIVE IMPACT OF EXCLUSIONARY PRACTICES ON STUDENTS OF COLOR, STUDENTS WITH DISABILITIES AND LGBTQ STUDENTS IN PENNSYLVANIA PUBLIC SCHOOLS 9 (2021), <https://www.usccr.gov/files/2021/04-09-Pennsylvania-Public-Schools.pdf> (noting that out of the twenty-five school districts in the country with the highest rates of dispute discipline for students of color, eight of the districts were located in Pennsylvania). For data on school discipline disaggregated by race in Philadelphia, see Off. for Civil Rights, U.S. Dep’t. of Educ., *Discipline, Restraints/Seclusion, Harassment/Bullying data on the Philadelphia City School District*, C.R. DATA COLLECTION, <https://ocrdata.ed.gov/profile/9/district/27031/summary> (last visited Oct. 24, 2022) (setting forth school discipline data disaggregated by race in Philadelphia); for data on

school discipline disaggregated by race in Pittsburgh, see Off. for Civil Rights, U.S. Dep’t of Educ., *Discipline, Restraints/Seclusion, Harassment/Bullying data on the Pittsburgh School District*, C.R. DATA COLLECTION, <https://ocrdata.ed.gov/profile/9/district/27033/summary> (last visited Oct. 24, 2022) (setting forth school discipline data disaggregated by race in Pittsburgh).

¹³ SOUTHERN POVERTY LAW CTR., HATE AT SCHOOL 4-5 (2019),

<https://www.learningforjustice.org/sites/default/files/2019-05/TT-2019-Hate-at-School-Report.pdf>.

¹⁴ *Brown*, 347 U.S. at 494. For more on the “doll test” experiment, see NAACP LEGAL DEFENSE FUND, A REVEALING EXPERIMENT: BROWN V. BOARD AND “THE DOLL TEST,” <https://www.naacpldf.org/brown-vs-board/significance-doll-test/> (last visited on Nov. 18, 2022) (summarizing key findings from the “doll test” and its citation in *Brown v. Board*).

¹⁵ Seth Gershenson & Nicholas Papageorge, *The Power of Teacher Expectations: How Racial Bias Hinders Student Attainment*, 18 EDUC. NEXT 64, 66 (2018), <https://www.educationnext.org/power-of-teacher-expectations-racial-bias-hinders-student-attainment/>.

¹⁶ *Id.* at 66-67.

¹⁷ Altheria L. Caldera *supra* note 8.

¹⁸ To protect the privacy of the Black girls who participated in the co-hosted focus groups, ELC has summarized some students’ statements and did not attribute any direct quotes to any student or group. All quotes from the Black girls to whom we spoke were included with consent.

¹⁹ ANNA SHAW-AMOAH ET AL., RESEARCH FOR ACTION, TEACHER DIVERSITY IN PENNSYLVANIA FROM 2013-14 TO 2019-20 at 4 (2020), <https://www.researchforaction.org/wp-content/uploads/2021/07/RFA-TeacherDiversityinPennsylvania-Dec20.pdf>.

²⁰ Mirrors in Educ., *Our Mission*, MIRRORS IN EDUCATION <https://www.mirrorsineducation.org/our-mission> (last visited Oct. 6, 2022).

²¹ RSCH. FOR ACTION, THE NEED FOR MORE TEACHERS OF COLOR 11 (2022), <https://www.researchforaction.org/wp-content/uploads/2022/04/RFA-TheNeedforMoreTeachersofColor.pdf>.

²² *Id.* at 11,13.

²³ PA. DEP’T OF EDUC., EVERY STUDENT SUCCEEDS ACT, PENNSYLVANIA CONSOLIDATED STATE PLAN 68 (2019),

<https://www.education.pa.gov/Documents/K-12/ESSA/PennsylvaniaConsolidatedStatePlan.pdf>.

²⁴ Elizabeth Heubeck, *Recruiting and Retaining Teachers of Color: Why It Matters, Ways To Do It*, EDUC. WEEK (June 30, 2020), <https://www.edweek.org/leadership/recruiting-and-retaining-teachers-of-color-why-it-matters-ways-to-do-it/2020/06>.

²⁵ Anna J. Egalite & Brian Kisida, *The Effects of Teacher Match on Students’ Academic Perceptions and Attitudes*, 40 EDUC. EVAL. AND POL’Y ANALYSIS 59, 59 (2018).

²⁶ *Id.*

²⁷ Seth Gershenson et al., *Who Believes in Me? The Effect of Student-Teacher Demographic Match on Teacher Expectations*, 52 ECON. OF EDUC. REV. 209, 209-24 (2016),

https://research.upjohn.org/cgi/viewcontent.cgi?article=1248&context=up_workingpapers.

²⁸ MONIQUE W. MORRIS (now Monique Couvson), SING A RHYTHM, DANCE A BLUES: EDUCATION FOR THE LIBERATION OF BLACK AND BROWN GIRLS, 67 (2019) (Dr. Couvson calls this “teaching to the historical oppression” – when the “content and practices used to distribute knowledge systemically exacerbate and transfer the pain of those historical wrongdoings. Failing to engage in complete narratives about historical events is itself oppressive. ... Teaching to historical oppression by ignoring the contributions of women and girls of color to society prolongs the unresolved transgenerational grief of racialized gender bias. It undermines the capacity for girls to realize their full potential as scholars.”)

²⁹ *Id.* at 57.

³⁰ Dr. Monique Couvson describes this as building schools that nourish the soul by creating a space where girls of color feel *safe* to advance their academics, allowing them to perform well *because of* the learning environment, not *in spite of* it. *Id.* at 64. In order to do no further harm, lessons require “preparation, an understanding that historical trauma is about a collective unresolved grief,” and avoiding a savior mentality. *Id.* at 63-64. “People of African descent, as well as North, Central and South American Indigenous people and other people of color, co-constructed every discipline we study in the United States. The knowledge we share with students should reflect that.” *Id.* at 69-70.

³¹ The experiences shared throughout our focus groups are consistent with those of students in Washington, D.C., as reported by twenty-one Black girls and National Women’s Law Center in NAT’L WOMEN’S LAW CTR., DRESS CODED: BLACK GIRLS, BODIES, AND BIAS IN DC SCHOOLS 3 (2018), <https://nwlc.org/resource/dresscoded/> (exposing how dress codes in the D.C. area have “rules based in racial stereotypes,” “rules based in sex stereotypes,” and are reliant on “discriminatory enforcement” that “promotes rape culture.”), and their follow-up report, NAT’L WOMEN’S LAW CTR., DRESS CODED II: PROTEST, PROGRESS AND POWER IN D.C. SCHOOLS (2019), <https://nwlc.org/resource/dresscoded-ii/> (detailing efforts that have been made to “promote equitable school dress codes” in Washington D.C. and outlining “work that still needs to be done.”)

³² REBECCA EPSTEIN ET AL., GIRLHOOD INTERRUPTED: THE ERASURE OF BLACK GIRLS’ CHILDHOODS 1 (2017),

<https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/girlhood-interrupted.pdf>.

³³ *Id.* at 6.

³⁴ *Id.* at 5.

³⁵ GOV'T ACCOUNTABILITY OFF., DEPARTMENT OF EDUCATION SHOULD PROVIDE INFORMATION ON EQUITY AND SAFETY IN SCHOOL DRESS CODES 44 (2022), <https://www.gao.gov/assets/gao-23-105348.pdf>.

³⁶ *Id.* at 27.

³⁷ *Id.* at 27.

³⁸ *Id.* at 24.

³⁹ As highlighted in testimony by the Education Law Center before the School District of Philadelphia regarding charter school applications, students' right to be free from racism at school requires the elimination of racialized school discipline policies such as discriminatory grooming codes and subjective enforcement of uniform policies that often push Black girls out of school. Paige Joki, staff attorney at the Educ. Law Ctr., Testimony of the Education Law Center before Board of Education of the School District of Philadelphia Action Meeting 1 (April 15, 2021), <https://www.elc-pa.org/wp-content/uploads/2021/04/PSD-Testimony-4.15.21.pdf> (describing “unexamined systemic roadblocks to a quality public education,” including “exclusions for wearing hairstyles that are not deemed ‘neat’ by school officials, for wearing ‘innovative’ or ‘flamboyant’ hair styles, ‘combs in their hair,’ or ‘hair scarves’ and asserting that this sends girls the “unmistakable message that their bodies and cultural expression are unwelcome at school, despite their clear right to be free from racism”).

⁴⁰ Creating a Respectful and Open World for Natural Hair Act of 2022, H.R. 2116, 117th Cong. (2022).

⁴¹ Crown Coalition, *The Crown Act*, <https://www.thecrownact.com/about>.

⁴² Phila., Pa., Code § 9.1102-9.1106 (2022) (Philadelphia passed its CROWN Act in 2022, as an amendment to Chapter 9-1100 of the Philadelphia Code, clarifying that unlawful discrimination on the basis of race includes discrimination based on hair texture and hairstyles); Pittsburgh, Pa., Code § 651.04, § 659.02-659.04 (2020); see also City of Pittsburgh, *Legislation*, City of Pittsburgh, <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=4657946&GUID=6A9AB631-2E7D-46EE-89A6-FC104157984D&Options=ID|Text|&Search=2020-0769>. (Pittsburgh City Council unanimously passed the city's CROWN Act in 2020).

⁴³ 16 Pa. Code, §§41.201-41.207.

⁴⁴ Pa. Hum. Rel. Com., Regulatory Analysis Form For 16 Pa. Code §§41.201- 41.207, 3 (Dec. 16, 2022), <http://www.irrc.state.pa.us/docs/3339/AGENCY/3339FF.pdf>.

⁴⁵ *Supra* note 43.

⁴⁶ Ren VanderLind, *Effects of Mental Health on Student Learning*, 22 LEARNING ASSISTANCE REV. 39 (2017), <https://eric.ed.gov/?id=EJ1154566>.

⁴⁷ See Nat'l Ctr. for Educ. Statistics, *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health Services to All Students in Need*, NAT'L CTR. FOR EDUC. STATISTICS (May 31, 2022), https://nces.ed.gov/whatsnew/press_releases/05_31_2022_2.asp (reporting in part that 70% of public schools report an increase in the percentage of their students seeking mental health services and 76% report an increase in school staff voicing concerns about their students exhibiting symptoms of depression, anxiety, and trauma).

⁴⁸ See, e.g., Tia Dolet & Spencer Sales, “*So she might know her beauty*”: *Creating safe spaces for Black girls in the middle grades*, 52 Middle Sch. J. 4-12 (Aug. 2021).

⁴⁹ See generally, MENTAL HEALTH AMERICA, ADDRESSING THE YOUTH MENTAL HEALTH CRISIS: THE URGENT NEED FOR MORE EDUCATION, SERVICES, AND SUPPORTS (July 2021), https://mhanational.org/sites/default/files/FINAL_MHA_Report_-_Addressing_Youth_Mental_Health_Crisis_-_July_2021.pdf (calling for a significant increase in mental health supports for youth and adolescents, highlighting the additional adverse impact that COVID-19 has had on young people's mental health and wellbeing, and detailing disparities in access to care by race for young people of color).

⁵⁰ *Id.* at 12.

⁵¹ PA. SCH. COUNSELORS ASSOC., PENNSYLVANIA SCHOOL COUNSELOR STAFFING REPORT SY 2020-2021, 12 (Feb. 2022), (available at <https://www.paschoolcounselor.org/post/pasca-staffing-report>).

⁵² *Id.*

⁵³ MENTAL HEALTH AMERICA, *supra* note 49 at 12.

⁵⁴ OFF. FOR CIVIL RIGHTS, U.S. DEP'T OF EDUC., EDUCATION IN A PANDEMIC: THE DISPARATE IMPACTS OF COVID-19 ON AMERICA'S STUDENTS (2021), https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=; see also: SOUTHERN POVERTY LAW CTR., *supra* note 13 at 5, (detailing the increase in incidents of hate at school and finding that “Racism appears to be the motivation behind most hate and bias incidents at school”); Nat'l Ctr. for Educ. Statistics, *supra* note 47 (detailing stark increase in need for school-based mental health supports)

⁵⁵ RSCH. FOR ACTION, SCHOOL POLICING IN PENNSYLVANIA, PREVALENCE AND DISPARITIES 2-3 (2020), <https://files.eric.ed.gov/fulltext/ED608042.pdf>.

⁵⁶ *Id.* at 2.

⁵⁷ PA. ADVISORY COMM. TO THE U.S. COMM'N ON CIVIL RIGHTS, *supra* note 12 at 1.

⁵⁸ For an in-depth dive into the research about the impact of school policing, see AARON KUPCHIK, ACLU PA, RESEARCH ON THE IMPACT OF SCHOOL POLICING (2022), <https://www.endzerotolerance.org/impact-of-school-policing>.

⁵⁹ Russell J. Skiba, Suzanne E. Eckes, & Kevin Brown, *African American Disproportionality in School Discipline: The Divide Between Best Evidence and Legal Remedy*, 54 N.Y.L. SCH. L. REV. 1071, 1088 (2010) (“investigations of student behavior, race, and discipline have yielded no evidence that African American overrepresentation in

school suspension is due to higher rates of misbehavior”); see also Catherine P. Bradshaw, Mary M. Mitchell, Lindsey M. O’Brennan & Philip J. Leaf, *Multilevel Exploration of Factors Contributing to the Overrepresentation of Black Students in Office Disciplinary Referrals*, 102 J. EDUC. PSYCH. 508, 514 (2010) (“... Black students had greater odds of being referred to the office, even after controlling for the child’s level of behavior problems and classroom-level covariates.”); DANIEL J. LOSEN, NAT’L. EDUC. POL’Y CTR. DISCIPLINE POLICIES, SUCCESSFUL SCHOOLS, AND RACIAL JUSTICE 6 (2011), <https://nepc.info/publication/discipline-policies> (“Research on student behavior, race, and discipline has found no evidence that African American over-representation in school suspension is due to higher rates of misbehavior.”).

⁶⁰ ACLU PA, STUDENT ARRESTS IN ALLEGHENY COUNTY PUBLIC SCHOOLS 16 (2022)

https://www.aclupa.org/sites/default/files/field_documents/student_arrests_allegHENY_co_jan2022.pdf.

⁶¹ REBECCA EPSTEIN, ERIN GODFREY, THALIA GONZÁLEZ, AND SHABNAM JAVDANI, GEORGETOWN L. CTR. ON POVERTY & INEQUALITY, N.Y.U. RISE RESEARCH TEAM, DATA SNAPSHOT: 2017-2018 NATIONAL DATA ON SCHOOL DISCIPLINE BY RACE AND GENDER (2020), <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/12/National-Data-on-School-Discipline-by-Race-and-Gender.pdf>.

⁶² *Id.*

⁶³ U.S. GOV’T ACCOUNTABILITY OFFC., DISCIPLINE DISPARITIES FOR BLACK STUDENTS, BOYS, AND STUDENTS WITH DISABILITIES 12 (2018), <https://www.gao.gov/assets/gao-18-258.pdf>.

⁶⁴ *Id.* at 14.

⁶⁵ ACLU PA, POLICE AND PENNSYLVANIA’S SCHOOLS 22 (2019),

https://www.aclupa.org/sites/default/files/field_documents/police_and_pennsylvania_schools_report_digital_10.14.2019.pdf.

⁶⁶ *Id.* at 7, 18.

⁶⁷ *Id.*

⁶⁸ *Id.* at 21.

⁶⁹ BLACK GIRLS EQUITY ALLIANCE, UNDERSTANDING AND ADDRESSING INSTITUTIONALIZED INEQUITY: DISRUPTING PATHWAYS TO JUVENILE JUSTICE FOR BLACK YOUTH IN ALLEGHENY COUNTY 1 (2020), https://www.gwensgirls.org/wp-content/uploads/2020/09/20-011-BGEA_JuvenileJustice-BlackYouth_v4.pdf.

⁷⁰ *Id.* at 7 (finding rampant racial bias in disorderly conduct charging decisions); see also AMY WOODARD ET AL., VA. LEGAL AID JUST. CTR., DECRIMINALIZING CHILDHOOD: ENDING SCHOOL-BASED ARREST FOR DISORDERLY CONDUCT (2019), <https://www.justice4all.org/wp-content/uploads/2019/10/LAJC-DC-policy-brief-FINAL.pdf> (describing the history of disorderly conduct charges and the continued disproportionate use of these laws against Black children in public schools).

⁷¹ BLACK GIRLS EQUITY ALLIANCE, *supra* note 69 at 7.

⁷² *Id.* at 1, 7.

⁷³ AM. PSYCH. ASS’N, VIOLENCE AND SOCIOECONOMIC STATUS (2010), <https://www.apa.org/pi/ses/resources/publications/violence>.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ POPPIN, *Calling for Change: Breaking the School to Prison Pipeline*, (May 1, 2019)

<https://www.youtube.com/watch?v=RB7EdGcbWso&t=231s>. (Content warning: discussions of self-harm, dying by suicide, and police violence).

⁷⁷ Fred Pinguel, *Our Statement on the Current Moment and Our Call For #PoliceFreeSchools and to #DefundthePolice*, PHILA. STUDENT UNION (June 5, 2020), <http://phillystudentunion.org/2020/06/05/our-statement-on-the-current-moment-and-our-call-for-policefreeschools-and-to-defundthepolice/>; BLACK GIRLS EQUITY ALLIANCE, *supra* note 69 at 12 (demanding the removal of police in Allegheny County schools).

⁷⁸ See Fund Our Schools PA, *Summary of Expert Report by Dr. Matthew Kelly* (2021), <https://www.pubintl.org/wp-content/uploads/2021/02/20.10.27-Kelly-report-handout-pubintl.org.pdf> (finding that “[s]tudents of color are concentrated in deeply underfunded districts and are disproportionately impacted by Pennsylvania’s irrational and inequitable funding system” and that “[s]tatewide, Black and Latinx students are also concentrated in the lowest wealth (and therefore most underfunded) districts—50% of PA’s Black students ... are in the lowest quintile wealth districts.”); JUSTIS FREEMAN, DAVID BAMAT, RSCH. FOR ACTION, PERSISTENT UNEQUAL ACCESS TO EDUCATIONAL OPPORTUNITY IN PENNSYLVANIA 2 (2022), <https://www.researchforaction.org/wp-content/uploads/2022/10/RFA-PersistentUnequalAccessToEducationalOpportunityinPennsylvaniaFork-12Students.pdf> (“... Black and Hispanic students are disproportionately enrolled in high-poverty schools and those schools provide less access to educational opportunity. Only 4% of enrolled students in low-poverty schools are Black.”).

⁷⁹ *Summary of Expert Report of Dr. Matthew Kelly*, *supra* note 78; see also JUSTIS FREEMAN, DAVID BAMAT, *supra* note 78.

⁸⁰ JUSTIS FREEMAN, DAVID BAMAT, *supra* note 78 at 2 (establishing that “the size and pervasiveness of PA’s [educational opportunity] gaps are among the most severe in the country” and have worsened over time); *Id.* at 5 (finding that “No other state in the nation provides such high access to educational opportunity to its White students and students from higher-income families while providing such low access for its Black and Hispanic students and students from low-income families”); see also ANNA SHAW-AMOAH & DAVID LAPP, RSCH. FOR ACTION, UNEQUAL ACCESS TO

EDUCATIONAL OPPORTUNITY AMONG PENNSYLVANIA'S HIGH SCHOOL STUDENTS, 1 (Jan. 2020), <https://www.researchfraction.org/wp-content/uploads/2021/07/CRDC-Penn-Jan2020.pdf> (Pennsylvania's "achievement gaps between white students and Black and Hispanic students are consistently among the worst in the country, even when controlling for gaps in family income, poverty, unemployment, and parental education attainment.") *see also* *Id.* at 4 (Black and Hispanic students had less access compared to White and Asian students on all three domains of educational opportunity: (1) Quality Educators, (2) Positive School Climate, and (3) College/Career Readiness Curriculum.).

⁸¹ JUSTIS FREEMAN, DAVID BAMAT *supra* note 78.

⁸² *Id.*

⁸³ *Id.* at 7 (detailing alarming disparities for Black children across a variety of measures including access to certified and experienced teachers, low ratios of students to teachers and counselors, access to college readiness curriculum, and measures of positive school climate such as low suspension rates and low rates of teacher absenteeism).

⁸⁴ The causal relationship between educational investments and improving student academic outcomes and well-being is well documented. C. Kirabo Jackson et al., *The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms*, 131 Q. J. ECON. 157, 157-218 (2015), https://gsppi.berkeley.edu/~ruckerj/QJE_resubmit_final_version.pdf; *see also* Helen F. Ladd, *Education and Poverty: Confronting the Evidence*, 31 J. POL'Y ANALYSIS AND MGMT. 203, 222 (2012), https://www.appam.org/assets/1/7/Education_and_Poverty_Confronting_the_Evidence_-_Ladd_-_2012_-_Journal_of_Polic.pdf (concluding that "... a central component of any policy agenda designed to address the needs of children from disadvantaged families is to assure that the schools such children attend are high quality," and highlighting features of such programs including "access to high-quality teachers, principals, supports for students, and other resources.")

⁸⁵ OFFC. OF INNOV. AND TECH., CITY OF PHILA., CONNECTING PHILADELPHIA: 2021 HOUSEHOLD INTERNET ASSESSMENT SURVEY 9 (Oct. 2021), <https://www.phila.gov/media/20211019110414/Connecting-Philadelphia-2021-Household-Internet-Assessment-Survey.pdf>.

⁸⁶ SARAH COHODES ET AL., CTR. FOR REINVENTING PUBLIC ED., STUDENT ACHIEVEMENT GAPS AND THE PANDEMIC: A NEW REVIEW OF EVIDENCE FROM 2021-2022 6 (2022), https://crpe.org/wp-content/uploads/final_Academic-consensus-panel-2022.pdf ("Low-income students and students of color, who on average spent the most time in remote instruction, experienced the greatest learning delays and fell even farther behind their white, advantaged peers."); *see also* Maritza Vasques Reyes, *The Disproportionate Impact of COVID-19 on African Americans*, 22 HEALTH HUM. RTS. J. 299, 299 (2020) (detailing the ways that Black communities have been disproportionately adversely impacted by the COVID-19 pandemic); *see also* Christine Spotlar, *Data Analysts Proved what Black Pittsburgh Knew about COVID's Racial Disparities*, NPR (Dec. 7, 2021), <https://www.npr.org/sections/health-shots/2021/12/07/1061099570/covid-race-disparities-exposed-by-data-analysts-and-community-leaders> (examining the disproportionate impact of COVID-19 on Black communities in the Pittsburgh and Philadelphia areas); BLACK ED. RSCH. COLLECTIVE, TEACHERS COLL., COLUMBIA UNIV., BLACK EDUCATION IN THE WAKE OF COVID-19 & SYSTEMIC RACISM 4 (2021), <https://www.tc.columbia.edu/media/centers-amp-labs/berc/Final-BERC-COVID-Report-20July2021.pdf> (finding that "COVID-19 and systemic racism had a disproportionate and traumatic impact on Black students, families, and communities"); EMILY OSTER ET AL., CENTERS FOR DISEASE CONTROL AND PREVENTION, DISPARITIES IN LEARNING MODE ACCESS AMONG K-12 STUDENTS DURING THE COVID-19 PANDEMIC, BY RACE/ETHNICITY, GEOGRAPHY AND GRADE LEVEL, SEPTEMBER 2020 - APRIL 2021 Vol. 70, No. 26, Morbidity and Mortality Weekly Report, 953, 955 (July 2, 2021), <https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7026e2-H.pdf> (finding that "disparities in access to full-time in-person learning were apparent by race/ethnicity, geography, and school level" and concluding that "non-Hispanic White students" were the racial group that had "the most access to full-time in-person learning" during the period of study and establishing Pennsylvania as having the second highest racial disparity in access to full-time in-person learning in the nation).

⁸⁷ Epstein et al., *supra* note 61.



**EDUCATION
LAW CENTER**

PHILADELPHIA

1800 JFK Blvd., Suite 1900-A
Philadelphia, PA 19103
215-238-6970

PITTSBURGH

429 Fourth Avenue, Suite 702
Pittsburgh, PA 15219
412-258-2120

www.elc-pa.org

| Facebook.com/EducationLawCenter

| [@EdLawCenterPa](https://twitter.com/EdLawCenterPa)

To learn more about this work, go to elc-pa.org/supportivespaces/