



# UNLOCKING OPPORTUNITY FOR AFRICAN AMERICAN GIRLS

A Call to Action for  
Educational Equity





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## TABLE OF CONTENTS

<b>1</b>	<b>1. INTRODUCTION</b>
<b>2</b>	<b>2. PAST IS PROLOGUE: AFRICAN AMERICAN WOMEN IN THE CIVIL RIGHTS MOVEMENT</b>
<b>4</b>	<b>3. PUBLIC PERCEPTION AND SELF-ESTEEM: RACIAL AND GENDER STEREOTYPES IN THE CLASSROOM</b>
4	A. Stereotypes throughout History
5	B. Stereotypes and Self-Esteem
8	C. Stereotypes and Discipline
8	D. African American Girls and Leadership
<b>7</b>	<b>4. PATHWAYS TO POVERTY: SCHOOL DISPARITIES AND OTHER BARRIERS TO EDUCATIONAL SUCCESS FOR AFRICAN AMERICAN GIRLS</b>
7	A. Resources
9	B. Meaningful Access to Science, Technology, Engineering and Math (STEM) Curricula and Learning
11	C. Access to Athletics and Other Extracurricular Opportunities
15	D. School Discipline Disparities
20	E. Violence, Trauma, and Harassment
26	F. Early Pregnancy and Parenting
<b>27</b>	<b>5. DATA ON ACADEMIC INDICATORS: AFRICAN AMERICAN GIRLS LEFT BEHIND</b>
27	A. High School Graduation Rates
29	B. Achievement Test Scores and Grade Point Averages
30	C. Grade Retention
31	D. AP Classes and Exams
32	E. SAT and ACT Scores
34	F. Access to and Completion of Post-Secondary Education
<b>36</b>	<b>6. ECONOMIC OUTCOMES: THE CONSEQUENCES OF EDUCATIONAL DISPARITIES</b>
<b>38</b>	<b>7. A CALL TO ACTION TO ELIMINATE EDUCATIONAL DISPARITIES FOR AFRICAN AMERICAN GIRLS</b>
<b>46</b>	<b>ENDNOTES</b>





# Unlocking Opportunity for African American Girls: A Call to Action for Educational Equity

## 1

## INTRODUCTION

This year offers an opportunity to reflect upon monumental civil rights victories, including the United States Supreme Court's landmark decision in *Brown v. Board of Education*<sup>1</sup> as well as the 50th anniversaries of both the Civil Rights Act of 1964<sup>2</sup> and Freedom Summer.<sup>3</sup> These milestones helped to dismantle the system of *de jure* (legalized) racial segregation in the United States, which had endured for more than three centuries, and were pivotal for the nation as a whole in advancing educational opportunities for all students. Too often, the extraordinary role played by African American girls and young women<sup>4</sup> in the fight for civil rights and for educational equality goes unrecognized. In fact, girls like Linda Brown and Barbara Johns, and women like Daisy Bates were key architects of some of the greatest efforts to obtain access to high quality education for all children. Yet today, many African American girls and women face significant barriers to educational achievement.

This report seeks to expand conversations around educational opportunity by taking a comprehensive look at the barriers African American girls face and the educational and economic outcomes that result. One important barrier is the prevalence of stereotypes that adversely impact the educational experiences of African American girls. Structural and institutional barriers examined in this report — such as under-resourced schools, disparate discipline practices, gender-based violence and harassment, and lack of support for pregnant and parenting students — further compromise educational outcomes for African American girls.

This report fills an important gap in existing data on educational achievement and its attendant economic consequences. Although there is plentiful data on American children and education, the lack of data broken down by race and gender together has fueled the assumption that all girls are doing fine in school. But in fact, although girls overall graduate from high school at higher rates than boys, girls of color are graduating at far lower rates than white girls and boys. In almost all states with available data, the high school graduation rate for African American girls is below the national average for girls overall, resulting in severe economic consequences for African American women and their families.



On May 18, 1954, Nettie Hunt sat on the steps of the U.S. Supreme Court with her arm around her daughter Nikie, holding a newspaper with the headline “High Court Bans Segregation in Public Schools.”<sup>9</sup>

The iconic photo, taken the day after the Supreme Court’s unanimous ruling in *Brown v. Board of Education*,<sup>10</sup> captured the hope of this country’s African American children (and all children), that the promise of equal education — and improved odds of lifetime success — would be fulfilled. The landmark case was argued by the NAACP Legal Defense and Educational Fund, Inc.’s chief legal counsel, Thurgood Marshall, who later became the first African American U.S. Supreme Court Justice.



Finally, this report offers solutions, setting forth recommendations to help advance African American girls’ educational opportunities and outcomes. We urge educators, school leaders, community leaders and members, advocates, policymakers, and philanthropic organizations to take action to advance the success of African American girls, complementing the important ongoing work to improve educational outcomes for boys and men of color. This is a call to unlock opportunity for African American girls. Our entire nation has a stake in ensuring the academic and professional success of all children.

## 2

## PAST IS PROLOGUE

### THE LEGACY OF SEPARATE BUT EQUAL AND THE AFRICAN AMERICAN GIRLS AND WOMEN WHO WAGED LEGAL BATTLES TO DISMANTLE IT

In *Brown*, the United States Supreme Court declared that racially segregated schools were inherently unequal and ordered their desegregation.<sup>5</sup> Central to this victory was Linda Brown, who had to walk more than 80 minutes over dangerous railroad tracks to the closest predominantly black school, despite living closer to a white school that denied her admission.<sup>6</sup> The NAACP’s<sup>7</sup> lawsuit challenging Linda Brown’s denial of admission to a white school led to her historic role in the unanimous *Brown v. Board of Education* case.<sup>8</sup>

The *Brown* Court emphasized the critical importance of education to the life-long success of children. Writing about the state of education in 1954, the Court noted:

Today, education is perhaps the most important function of state and local governments. . . . It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principle instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state is undertaken to provide it, is a right which must be made available to all on equal terms.<sup>11</sup>





## FREEDOM SCHOOLS

Launched by the Student Non-Violent Coordinating Committee (SNCC), Freedom Schools were created to educate young African American students who were expelled from school due to political participation or whose schools were closed in protest against desegregation orders. The schools helped students learn critical advocacy skills. SNCC was the brainchild of Ella Baker, an African American woman who held many leadership roles within the NAACP. As the Executive Director of the Southern Christian Leadership Conference, she recognized the importance of including youth in a collaborative approach and shared decision-making process and in April 1960, she organized a three-day youth leadership summit in North Carolina that brought together approximately 200 students (the students were involved in sit-ins across the south, who were from northern colleges and from national civil rights groups). It was at the convening that SNCC was born during Freedom Summer.

In 1964, during Freedom Summer, a number of Freedom Schools were opened throughout the south and other parts of the nation, as some states around the country closed schools in response to the Court's decision in *Brown*. The schools were aimed at ensuring African Americans attained the skills necessary to have a voice in society; and many leading civil rights organizations, including the National Association for the Advancement of Colored People (NAACP), the Congress on Racial Equality (CORE), and the Student Nonviolent Coordinating Committee (SNCC) were involved in the Freedom Summer campaign.

## SARAH ROBERTS

More than a century before the *Brown* decision, another African American girl and her family challenged school segregation based on the harm she suffered from racially segregated schools. In 1850, an African American five-year old girl named Sarah Roberts asserted that Boston's segregated school policy — that forced her to walk past five all-white Boston public schools to get to the closest “Negro” school — was unconstitutional. Sarah's father, Benjamin F. Roberts, attempted to enroll her in the all-white schools that were closer to their home, but she was denied admission and was even physically removed from one white school. While Sarah's court challenge was not successful,<sup>13</sup> it laid the groundwork for the Supreme Court's *Brown v. Board of Education* decision. In addition, Roberts brought her challenge to the Massachusetts state legislature, which, in 1855 passed a law banning segregation in public schools.<sup>14</sup> With that act, Massachusetts became the first state in the nation to legislatively prohibit racially segregated schools.



In the years after *Brown*, other girls and young women continued to lead the effort to ensure that the promise of desegregation was fulfilled. Thus, in 1957, Daisy Bates — President of the Arkansas State Conference of Branches of the NAACP — led nine black students in the effort to integrate Little Rock, Arkansas's Central High School (the group became known as the “Little Rock Nine”). In response, then-Arkansas Governor Orval Faubus dispatched the National Guard to prevent the students' entry into the high school and President Eisenhower was required to federalize the Arkansas National Guard and enlist the services of the 101st Airborne Division (returning from Korea), to enforce the desegregation orders. Ultimately, the students successfully enrolled and completed the school year.<sup>15</sup>



These words have particular resonance today, because a high school diploma and at least some postsecondary education or training are the minimal prerequisites for steady, well-paying jobs in many of the growing sectors of our economy.<sup>12</sup> However, the deep racial and economic disparities that persist in our society (which are vestiges of “separate, but equal”) undermine the access of children of color to quality educational opportunities that can pave the road to

career success and have a lasting negative impact on their educational achievement.

Despite this history, however, little attention has been focused on the contemporary challenges facing African American girls in our nation’s schools. This report connects the historical struggle by African American girls for educational access and excellence with the contemporary reality of the challenges they face.

### 3

## PUBLIC PERCEPTION AND SELF-ESTEEM

### RACIAL AND GENDER STEREOTYPES IN THE CLASSROOM



#### THE “DOLL TEST”

The test subjects, African American children between the ages of three and seven, were asked to identify both the race of the dolls and which color doll they preferred.<sup>19</sup>

Dr. Clark recalled one particular instance in which he was conducting the “doll test” experiment in rural Arkansas and he asked a young boy to point to the doll that was most like him; the boy pointed to a brown doll and said “[t]hat’s a ni\*\*er. I’m a ni\*\*er.”<sup>20</sup>

The Clarks concluded that prejudice, discrimination, and segregation created a feeling of inferiority among African American children and damaged their self-esteem.<sup>21</sup>

While negative racial and gender stereotyping and perceptions are not the sole reasons for poor educational outcomes, they unquestionably impose significant barriers to educational achievement for African American girls.

#### A. STEREOTYPES THROUGHOUT HISTORY

The negative public perception of African Americans prior to and after the Supreme Court’s ruling in *Brown* was pervasive and often rooted in racial discrimination. One particularly noteworthy aspect of the Court’s decision in *Brown* was its reliance, in part, on the results of a study on the psychological effects of segregation on African American children.<sup>16</sup> In fact, the Court noted that this study — the so-called “Doll Test,” conducted by African American psychologists Kenneth and Mamie Clark 14 years before the *Brown* case made it to the Supreme Court, found that racial segregation negatively impacted African American children’s self-perception and self-esteem.<sup>17</sup> A majority of the children preferred the white doll and assigned positive characteristics to it.<sup>18</sup>



The *Brown* Court concluded that separating children on the basis of race creates dangerous inferiority complexes that may adversely affect African American children's ability to learn, and ultimately denied them equal educational opportunity.<sup>22</sup> Referencing the doll test, the Court noted:

To separate [African American children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone.<sup>23</sup>

Thus, as the *Brown* Court recognized, equal educational opportunities figure significantly in the development and reinforcement of children's self-perception, self-esteem and educational achievement; and the segregation of children merely because of the color of their skin served to stem their development. What the Court did not include in its ruling was Dr. Clark's findings that segregation also inhibited the development of white children as well.<sup>24</sup>

## B. STEREOTYPES AND SELF-ESTEEM

Decades after the doll test was conducted, researchers continue to document a strong link between positive self-esteem and better educational outcomes.<sup>25</sup> For example, in a recent study of African American girls in New York City, the girls who had a strong racial identity — e.g., those who described themselves as “strongly in touch with their racial heritage” or “Afrocentric” — were more likely than others to say that they were happy on a typical day, to indicate a serious commitment to their schoolwork, to get good grades, and to express a desire to go to college.<sup>26</sup> They were also more likely to believe that they would ultimately achieve their goals (64 percent versus 21 percent) and to have healthy relationships.<sup>27</sup> Evidence also suggests that positive messages and support from parents and other important adults, as well as peers, can support the development of positive race and gender identities and mitigate some of the effects of racism.<sup>28</sup> Interestingly, in a study focused on racial differences in self-esteem, African American children scored higher than white children on certain self-esteem measures, and those differences in scores between African American and white children were more pronounced for girls and increased with age even though many youth struggle with self-esteem during adolescence.<sup>29</sup>



Unfortunately, because of systemic race and gender discrimination, African American girls are often stereotyped before they even enter a school building, and this affects their self-perceptions and self-esteem as well as the perceptions of their teachers. Indeed, “as African American boys and girls develop their identity and gender role perspectives, they must determine how to reconcile negative images and stereotypes and experiences of oppression into their identities and self-concepts.”<sup>30</sup> Stereotypes of African American girls and women date back to slavery — such as the view that African American women are “angry” or “aggressive,” and “promiscuous” or “hyper-sexualized.”<sup>31</sup> Such racial and gender stereotypes shape educators’ and administrators’ views of African American female students in critically harmful ways.<sup>32</sup> This implicit bias is rarely discussed or acknowledged, and therefore it goes virtually undetected. But addressing it is essential, as it can lead to the setting of lower academic expectations for African American girls, significant discipline disparities and a higher rate of referrals to the juvenile justice system, all factors that push African American girls out of school.



### C. STEREOTYPES AND DISCIPLINE

The intersection of racial and gender stereotypes has a significant impact on discipline rates for African American girls, likely due in part to bias in the exercise of discretion by teachers and administrators. For instance, the contrast between “traditional” middle class notions of femininity, which require girls to be passive and modest, and stereotypical images of African American females as loud, confrontational, assertive, and provocative, can generate differing punishments for similar conduct.<sup>33</sup> Subjective offenses like “disobedience” or “disruptive behavior” can be code for a student’s failure to conform to dominant gender stereotypes, which shape teachers’ views of what is appropriate “feminine” behavior.<sup>34</sup> Failure to conform to gender stereotypes may also be the basis for disproportionately disciplining African American girls for physical fights, as losing control and visibly or even physically expressing anger defies stereotypes about what is “ladylike.”<sup>35</sup>

Similarly, negative perceptions of African American female behavior, informed by stereotypes, lead teachers to assume African American girls require greater social correction and thus lead to increased disciplinary referrals.<sup>36</sup> For example, African American girls who are outspoken in class, who use profanity or who confront people in positions of authority — as well as African American girls who are perceived as dressing provocatively — are disproportionately disciplined.<sup>37</sup> Indeed, African American girls are at greater risk than other girls of receiving citations for dress code violations and for talking back to teachers,<sup>38</sup> as well as for much less severe behaviors such as gum chewing, defiance, and failure to comply with prior discipline.<sup>39</sup> The quality of assertiveness that some African American girls have — a valuable quality that generally has led to positive public perceptions of African American women in leadership roles<sup>40</sup> — conversely puts them at greater risk for inequitable discipline in K-12 schools.<sup>41</sup> Thus too many African American girls are in a no-win situation: they either conform to white, middle class notions of how girls should act and be quiet and passive, which ultimately does not serve girls well in their pursuit of an education; or they speak up and get disciplined for defying those expectations and conforming to educators’ stereotyped expectations for African American girls.

### D. AFRICAN AMERICAN GIRLS AND LEADERSHIP

As the previous section of this report recounted, African American girls and women have historically assumed leadership roles in challenging discrimination in our nation’s schools. This legacy is just one example of the determination of African American girls and women to access education and to improve not only their own lives but also the lives of



others in their communities. According to a recent survey, African American girls aspire to be leaders more than any other group of girls. In fact, 53 percent of African American girls surveyed expressed a desire to be leaders as compared to 50 percent of Hispanic girls and 34 percent of Caucasian girls.<sup>42</sup> African American girls were also the most likely group of girls to consider themselves to be leaders (75 percent), and the most likely to have leadership experience (78 percent).<sup>43</sup> African American and Latina girls rated themselves more highly on “leadership skills” than white girls did.<sup>44</sup> Yet “[o]pportunities for leadership are scarce” for girls, even today.<sup>45</sup> In 2009, only 12 percent of twelfth-grade girls overall participated in student council or government to a “considerable or great extent,” and African American and white girls both reported participation to a “considerable or great extent” at 11 percent.<sup>46</sup>

Ultimately, educators’ perceptions of African American young women often involve racial and gender stereotypes — and this undermines their potential for success — so it is imperative that African American girls get access to programs that foster their self-esteem and provide them with meaningful leadership opportunities.



## PATHWAYS TO POVERTY

### SCHOOL DISPARITIES AND RACIAL AND GENDER-BASED BARRIERS TO EDUCATIONAL SUCCESS FOR AFRICAN AMERICAN GIRLS

In addition to issues related to stereotyping and perception, a variety of other factors — such as under-resourced schools; unequal access to Science, Technology, Engineering and Math (STEM) learning opportunities; overly punitive school discipline practices; sexual harassment, violence, and trauma; the challenges of early pregnancy and parenting; and discrimination by school personnel — systematically operate to disproportionately push African American girls out of school and into the juvenile justice system and low-wage occupations.

#### A. RESOURCES

Decades after legal battles were fought to dismantle legalized racial segregation in education, African American students are still disproportionately enrolled in schools without access to quality resources, credentialed teachers, rigorous course offerings, and extracurricular activities. And data show that access to these resources is key to enhancing educational experiences and improving outcomes. In fact, the Supreme Court, in the wake of *Brown*, detailed the aspects of a school district's operations that courts should examine when deciding whether the school system has eliminated the vestiges of legally segregated education.<sup>47</sup> Those factors, such as faculty assignment (including qualified teachers) and extracurricular activities, as well as quality and rigorous curricula, remain crucial to the success of children today.

Of course, school resource disparities affect girls and boys in the same communities, and data on the impact of school resource disparities are not tracked by gender. But even absent gender-specific data, this report would be remiss not to include any discussion of the lack of access to adequate school resources, given its impact on all students attending high-poverty, high-minority schools, including girls.

There is emerging research showing a strong correlation between attending a high poverty, racially isolated (high minority) school and lack of access to equitable and quality school resources; in fact, research shows that concentrated poverty magnifies issues associated with poverty in general, including dysfunctional and poorly resourced schools.<sup>48</sup> National data show that nearly 39 percent of African American children under age 18 live in poverty,<sup>49</sup> and 45 percent live in concentrated poverty.<sup>50</sup> In fact, African American boys and girls disproportionately attend high-minority, racially isolated, and high-poverty schools as compared to many of their peers of other races and ethnicities.<sup>51</sup> One researcher attributes this economic and racial isolation and inequality to the vestige of school segregation and notes that students in economically and racially diverse learning environments have better outcomes, illustrating the relationship between racially and economically-isolated education to current achievement gaps among African American students, including African American girls.<sup>52</sup> High-poverty schools have fewer resources than other schools and have more difficulty recruiting and retaining qualified and experienced teachers.<sup>53</sup> And resource inequities begin as early as pre-kindergarten.







own, with limited economic resources. And African American families who pay for child care shoulder a huge burden, especially as compared to families of other races: African American families who pay for child care spend, on average, 10 percent of the family's monthly income on child care, compared to white, non-Hispanic families who spend an average of 7 percent.<sup>62</sup> In 2012, the average annual cost of full-time care ranged from \$3,704 to \$16,430, depending on the state in which a family lives, the type of care, and the age of the child.<sup>63</sup> These high costs of care can make access nearly impossible for low-income families.

The lack of sufficient access to high-quality early care and education leaves many African American children without the preparation needed to enter school ready to succeed.

In fact, African American children entering kindergarten have lower scores than white children on school readiness assessments in both math and reading.<sup>64</sup> There is a clear need to expand affordable and accessible high-quality early care and early education opportunities for African American children and all children.

## 1. EARLY CHILDHOOD

Numerous studies show that children who attend high-quality early care and education programs are more likely to succeed in school and become productive, successful adults.<sup>54</sup> Those children go on to perform better on cognitive tests in elementary and secondary school; are more likely to graduate from high school, go to college, be employed, and be in good health; and are less likely to become involved with the criminal justice system or to have to rely on public assistance.<sup>55</sup> Yet many children — particularly children from low-income families and neighborhoods who stand to benefit the most from quality early learning — lack access to quality early education.<sup>56</sup>

Even though African American children represent a disproportionate share of the children served by Head Start and the Child Care and Development Block Grant,<sup>57</sup> these programs are serving just a fraction of the eligible population, leaving many low-income children and their families without assistance for or access to early learning opportunities.<sup>58</sup> Only one in six children eligible for federal child care assistance received it in 2009 (the most recent year for which data are available).<sup>59</sup> In 2013, nineteen states had waiting lists for child care assistance or turned families away without taking their names, and in many states, these waiting lists are quite long.<sup>60</sup> Head Start reaches less than half of eligible preschool-age children and Early Head Start reaches just over 4 percent of eligible infants and toddlers.<sup>61</sup>

Without sufficient help, low-income families are left to try to afford early care and education programs on their

## 2. ELEMENTARY AND SECONDARY

Once in elementary school, African American children are more likely than other children to attend schools with fewer resources<sup>65</sup> and are less likely to have access to quality and rigorous curricula and instruction that will place them on track to pursue postsecondary education and high-wage careers.<sup>66</sup> African American children are also more likely than white children to have teachers who do not meet state licensure and certification requirements. Recent national data show that nearly 7 percent of the country's African American students — over half a million students — attend schools where 20 percent or more of their teachers have not yet met state certification or licensure requirements.<sup>67</sup> Additionally, teachers in high-minority and high-poverty schools are less likely to have the necessary materials available for their classes than those in low-minority and low-poverty schools.<sup>68</sup>

This dearth of resources, coupled with the lack of qualifications and experience of classroom educators, can prove detrimental for African American girls and boys. African American children who attend under-resourced schools do not have access to quality curricula or instruction to ensure proper preparation to succeed in important subjects. Lack of resources and lack of qualified teachers can have a profound impact on student achievement, especially for African American girls and all African American children. One growing body of research

During segregation, African American girls served as active advocates for equitable school resources and improved conditions in black schools. Notably, in *Davis v. County Board of Prince Edward County*,<sup>70</sup> Barbara Rose Johns,<sup>71</sup> a 16-year old student at the all-black Robert Moton High School in Farmville, Virginia, protested the school's deplorable conditions. The school had no cafeteria or gymnasium and the students did not have desks. Furthermore, the school was so overcrowded that some students had to take classes inside of a school bus. Barbara Johns organized a walkout of 450 students to raise awareness about the poor conditions. The students walked to the homes of the school board members and, when ignored, began a two-week protest. Two NAACP lawyers, Spottswood Robinson and Oliver Hill, filed suit on behalf of the students, leading to the *Davis* case, which was later appealed to the U.S. Supreme Court and consolidated with four other cases into the *Brown* case.<sup>72</sup>



shows that “student achievement is more heavily influenced by teacher quality than by students’ race, class, prior academic record, or a school a student attends. This is especially true for students from low-income families and African American students. The benefits associated with being taught by good teachers are cumulative.”<sup>69</sup>

Decades after the *Brown* ruling declared the inherent inequality of racially segregated schools, disparities still persist along racial lines in America’s schools. In addition to the inadequate access to qualified teachers and school resources, predominantly African American schools also often lack rigorous course offerings.<sup>73</sup> As the next section highlights, the lack of rigorous course offerings at the schools they attend, especially in science, technology, engineering, and mathematics (STEM), impedes the future ability of African American girls and women to compete in an increasingly competitive global economy.

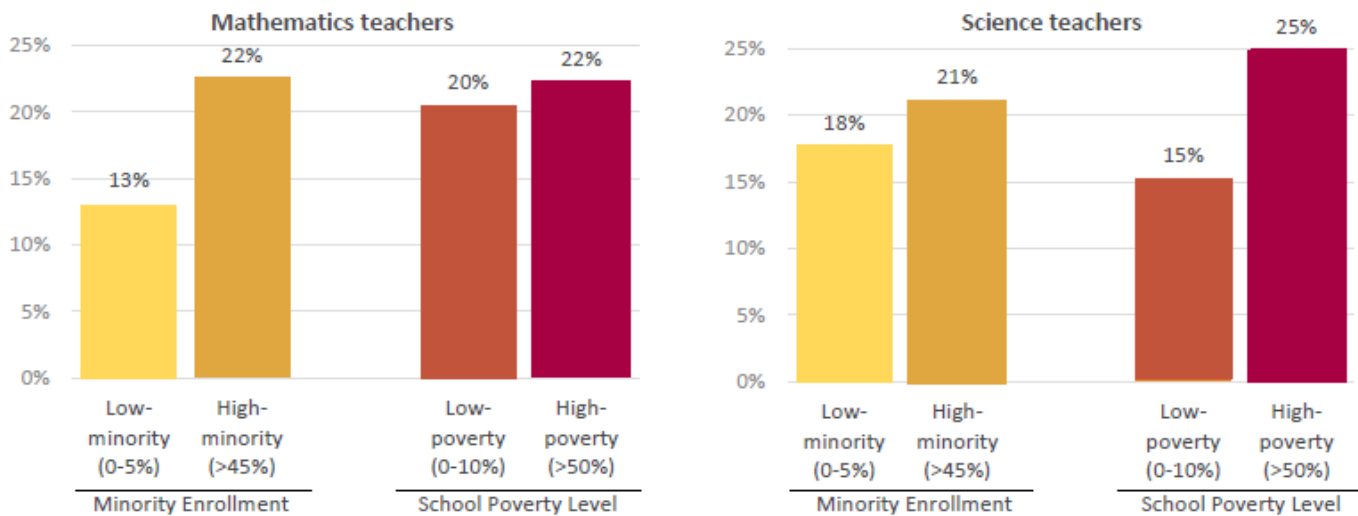
## **B. MEANINGFUL ACCESS TO SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) CURRICULA AND LEARNING OPPORTUNITIES**

Researchers have identified two root causes of low numbers of African American girls in STEM classes and careers: (1) a lack of STEM course offerings in low-income schools disproportionately attended by students of color; and (2) stereotypes attached to both race and gender that discourage African American girls from pursuing STEM education and opportunities.<sup>74</sup>

The problem often begins with limited STEM curricula being offered in the schools that African American girls and boys attend. For example, there are significantly fewer mathematics and science course offerings in predominantly African American schools.<sup>75</sup> Specifically, nationwide, only 50 percent of high schools offer calculus and only 63 percent offer physics.<sup>76</sup> Further, between 10 to 25 percent of high schools do not offer more than one of the core high school math or science courses — Algebra I and II, Geometry, Biology, and Chemistry.<sup>77</sup> For students of color, these course offering disparities are especially stark: of the high schools in the U.S. with the highest percentage of black and Latino students, one-quarter do not offer Algebra II and one-third do not offer Chemistry.<sup>78</sup> In addition, only 57 percent of African American high school students have access to the full range



### Percentage of Middle and High School Teachers Who Have Been Teaching for 3 Years or Less



Source: National Science Foundation, National Center for Science and Engineering Statistics, Science and Engineering Indicators 2012, Appendix Table 1-18, <http://www.nsf.gov/statistics/seind12/append/c1/at01-18.pdf>

of math and science offerings (Algebra I, Geometry, Algebra II, Calculus, Biology, Chemistry, Physics) in their schools;<sup>79</sup> while significantly more — 71 percent — of white high school students attend schools where the full range of math and science courses are offered.<sup>80</sup>

Even when African American children attend schools where STEM courses are offered, an overall lack of access to experienced teachers may impede their academic success.<sup>81</sup> Students in high-minority schools are more likely than students in low-minority schools to have novice math and science teachers with three or fewer years of teaching experience. As the graph illustrates, in the academic year 2007-08, 22 percent of mathematics teachers and 21 percent of science teachers were novices in high-minority schools, compared with 13 percent and 18 percent in low-minority schools.<sup>82</sup> And only 49 percent of science teachers in high-poverty schools had advanced degrees (master's degree or higher), while 69 percent of science teachers in low-poverty schools held advanced degrees.<sup>83</sup> This demonstrates that at the outset, more African American children are being taught math and science by educators with fewer years of teaching experience and less expertise, which can reduce student gains in these areas.<sup>84</sup>

Additionally, some science teachers in high-minority and high-poverty schools do not have the resources necessary for instruction. In the 2007-08 academic year, 24 percent

of science teachers in high-minority schools and 22 percent in high-poverty schools lacked the necessary materials, compared to only 13 percent of science teachers in both low-minority and low-poverty schools.<sup>85</sup>

African American girls also face stereotypes informed by both their race and gender that undermine their success in STEM courses. In fact, studies show that education professionals steer African American girls to classes that promote dialogue, instead of encouraging them to achieve in the sciences.<sup>86</sup> It follows that African American girls who are steered away from rigorous math and science courses in high school later face limited collegiate and professional prospects within these fields of study. Research has shown that students who take Advanced Placement (AP) or other advanced STEM courses in high school are more likely to major in STEM fields in college and graduate with STEM degrees than those who did not take AP STEM courses.<sup>87</sup>

**The confluence of racial and gender stereotypes related to African American girls in STEM and their subjection to overly harsh discipline practices is exemplified in the story of African American honor student Kiera Wilmot.**

Kiera's experience highlights how, instead of fostering her intellectual curiosity and enthusiasm for science, school administrators criminalized her.

Kiera's mother works in the STEM field at the Florida Industrial and Phosphate Research Institute, and was supportive of her daughter's interest in STEM.<sup>88</sup> As a sixteen-year old at Bartow High School in central Florida, Kiera was preparing an advanced volcano experiment for her biology class.<sup>89</sup> Friends encouraged her to try the experiment fifteen minutes before the first-period bell, and she mixed toilet bowl cleaner and aluminum foil for the experiment in a plastic water bottle outside on campus.<sup>90</sup> The mixture caused the lid of the bottle to pop off and generate smoke. Although no one was injured in the minor explosion, nor was there any property damage, she was arrested on two alleged felony charges (possessing a weapon on campus and discharging a destructive device), suspended from school for 10 days, and forced to finish her junior year of high school at an alternative school.<sup>91</sup> Public outcry over Kiera's punishment led to the dropping of the charges (after accumulation of thousands of dollars in court costs) and she graduated from Bartow High School in June 2014.<sup>92</sup> Although the felony charges were dropped, the felony arrests on her record may take up to 5 years to clear.<sup>93</sup> Kiera's attorney continues to work to expunge her record.<sup>94</sup>



Media coverage of Kiera's story also garnered the attention of 18-year NASA veteran and author Homer Hickam who recalled, as a high school student, being led away in handcuffs with a friend for allegedly starting a forest fire, only to eventually be cleared of any wrongdoing by his physics teacher and high school principal.<sup>95</sup> Hickam sponsored a scholarship for Kiera and her twin sister Kayla to attend a summer program at the United States Advanced Space Academy.<sup>96</sup> This intervention supported Kiera's curiosity and interest in STEM, which she credits her eighth-grade robotics teacher with igniting, and she plans to pursue a STEM degree in college.<sup>97</sup> Kiera's story highlights the danger of pervasive stereotypes and overly punitive discipline practices and their potential to push African American girls not only out of participation in STEM, but also out of school completely.

## **C. ACCESS TO ATHLETICS AND OTHER EXTRACURRICULAR OPPORTUNITIES**

African American girls lack full access to extracurricular activities that have been shown to improve the educational success of all students. Studies have shown that after-school programs and activities improve students' engagement in school, their graduation rates and overall academic achievement. Participation in sports in particular has documented health, academic, and economic benefits for students. Thus, ensuring equal opportunities in athletics and other extracurricular activities for African American girls is critical to facilitating their success in the classroom and the workplace. Unfortunately, African American girls' access to these programs and activities is limited.

### **1. Sports**

The life-long impact of sports participation on girls is dramatic, positively affecting girls' health, academic success, and economic well-being.<sup>98</sup> Research shows that young women who had opportunities to play sports as children have a lower risk of obesity,<sup>99</sup> higher levels of self-esteem,<sup>100</sup> lower rates of depression,<sup>101</sup> and lower rates of sexual activity and pregnancy<sup>102</sup> compared to non-athletes. Young women who play sports are more likely to graduate from high school, have higher grades, and score higher on standardized tests than non-athletes.<sup>103</sup> They are also more likely to do well in science classes than their classmates who do not play sports.<sup>104</sup> Minority female athletes get better grades than their non-athlete peers<sup>105</sup> — and African American female athletes in particular are 27 percent more likely than students overall to graduate from college.<sup>106</sup> There are also life-long employment and economic benefits of prior athletics participation in the school setting for women and their families. Studies





show that increased female sports participation is correlated with increased women's labor force participation and greater representation in previously male-dominated high-skill and high-wage occupations.<sup>107</sup> Moreover, more than four out of five executive businesswomen played sports growing up, and the vast majority say that the lessons they learned on the playing field contributed to their success in business.<sup>108</sup> Thus, athletic opportunities are more than just extracurricular activities — they can play a vital role in academic and professional success. These outcomes are especially true for young women of color.

Girls' participation in sports in elementary and secondary schools has skyrocketed since Title IX<sup>109</sup> was passed, but girls of color play sports at lower rates than white girls and at much lower rates than boys of all races.<sup>110</sup> In fact, data from a 2012 report show that, among high school freshmen, 58 percent of white girls participate in sports, compared to only 42 percent of African American girls.<sup>111</sup> The problem is not attributable to a lack of interest; rather it is primarily a problem of access, due to the schools that girls of color attend. A study of racial and ethnic disparities in adolescent physical activity participation found that African American, Hispanic, and white adolescent girls who attended the same schools had similar levels of activity; however, African American and Hispanic females were more likely to attend racially segregated and poorer schools where overall rates of physical activity were lower than at schools with more ethnically diverse student bodies and higher median household incomes.<sup>112</sup> Interestingly, the picture is very different for boys of color: overall there was no difference in the activity levels of Hispanic, black, and white adolescent males, and when differences in schools attended were taken into account, black and Hispanic adolescent males had higher levels of physical activity than their white peers at the same schools, making it "clear that the influence of schools (particularly in prioritizing which sports and activities to fund) affects the genders differentially."<sup>113</sup>

Many factors contribute to the disparate physical activity rates between African American girls and white girls. African American girls are more likely to attend high-minority schools, which also tend to be high-poverty schools that "have fewer material resources (such as gymnasiums or athletic fields), human resources (coaches or physical education teachers), or programmatic support (such as fewer intramural and extramural sports programs), thus providing fewer opportunities for physical activity."<sup>114</sup> In addition, African American girls, when compared to white girls, receive less support from teachers to engage in physical activity.<sup>115</sup>

Furthermore, financial barriers faced by African American students can contribute to disparities in physical activity rates.<sup>116</sup> More research is needed, but in a nationwide survey,





## MORE DATA NEEDED

**A major obstacle to enforcing Title IX’s guarantee of equal athletic opportunities for African American girls is the lack of available data. The High School Data Transparency Bill, which amends the Elementary and Secondary Education Act, would require high schools to publicly report more detailed information, broken down by race and gender, about participation rates in and expenditures on their athletic programs<sup>121</sup> — something colleges and universities are already required to do.**

33 percent of parents of African American girls, compared with 18 percent of parents of white girls, said their daughters never participated in or stopped playing sports because their families could not afford to pay for associated costs of participation in sports (such as equipment, lessons, etc.).<sup>117</sup> Forty-one percent of parents of African American girls, compared with 26 percent of parents of white girls, said their daughters did not play sports because their families could not afford or arrange transportation to and from the activity.<sup>118</sup> Not surprisingly, then, white girls were three times as likely as African American girls to be involved in sports through a private organization (21 percent compared to 7 percent), while African American girls were more likely to participate through their schools (65 percent compared to 50 percent).<sup>119</sup>

Additionally, a study on youth sports in America found that, while it was not the leading reason, 16 percent of young female African American athletes who had stopped playing a sport did so because they had to care for younger brothers or sisters, compared to 9 percent of white girls (and 25 percent of Hispanic girls, 9 percent of African American boys, and 4 percent of white boys).<sup>120</sup>

## 2. Other Afterschool and Extracurricular Activities

In addition to barriers to participation in sports, African American girls also struggle to participate in other after-school and extracurricular activities. While there is a need for more research, specifically on African American girls’ participation in extracurricular activities, scholars have identified several barriers to extracurricular participation that are applicable.<sup>122</sup> These barriers include cost, lack of financial assistance to address participation costs, and the stigma accompanying

tuition waivers. For after-school programs that are not located on school campuses, lack of transportation is an “often an insurmountable problem,” because “only students who are within walking distance can attend.”<sup>123</sup> And even programs that are based in schools are not accessible for many students if transportation home is not provided.<sup>124</sup>

Despite the paucity of research on barriers to extracurricular participation specific to African American girls, data on barriers disproportionately impacting girls — particularly those in low-income families — may be instructive. For instance, family responsibilities have uniquely hindered girls’ participation in extracurricular activities: “[i]n many low-income families, youth may be called upon or feel compelled to fill what is generally considered adult roles in providing large amounts of family care or working long hours in a job to help meet family expenses,” and this often serves as a dramatic deterrent to a young person’s ability to participate in extracurricular activities.<sup>125</sup> In addition, household responsibilities, such as caring for younger siblings, are responsibilities that disproportionately fall to girls.<sup>126</sup> Indeed, research shows that girls’ take on caring for family members, managing the household, and providing emotional support for family members when a parent is absent.<sup>127</sup>

Furthermore, the need to take a paying job to supplement household income can significantly reduce some students’ capacity to participate in after school programs.<sup>128</sup> Twenty-seven percent of African American 12th-grade girls usually worked more than 10 hours each week.<sup>129</sup> This significantly limits their ability to participate in extracurricular activities.

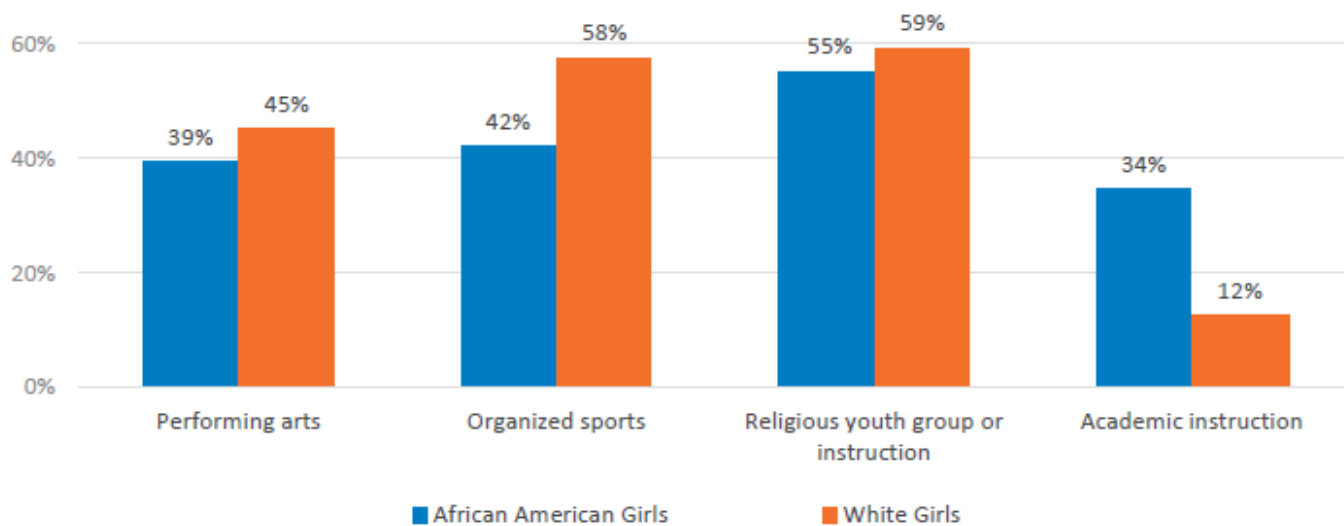


As the chart below demonstrates, although African American 9th-grade girls were nearly three times as likely as their white female counterparts to participate in academic instruction after school, they participate in after-school organized sports, performing arts, and religious youth group or instruction activities to a lesser degree than their white counterparts.<sup>130</sup> Among non-school sponsored activities, the greatest percentage of African American 9th-grade girls participated in religious youth groups or religious instruction (55 percent vs. 59 percent of white girls), followed by organized sports (42 percent vs. 58 percent of white girls), performing arts (39 percent vs 45 percent of white girls), and academic instruction (34 percent vs. 12 percent of white girls).<sup>131</sup>

African American girls also participate in community service activities at a rate higher than white girls. Nearly 42 percent of African American 12th-grade girls reported participating in community affairs or volunteer work at least once or twice a month, compared to 40 percent of white girls.<sup>132</sup> These participation rates may prove beneficial as engagement in community service activities has been linked to improvements in health<sup>133</sup> and employment<sup>134</sup> outcomes.



**9th Grade Students Participating in Various Activities**



Source: TERRIS ROSS ET AL., NAT'L CTR. FOR EDUC. STATISTICS, HIGHER EDUCATION: GAPS IN ACCESS AND PERSISTENCE STUDY (2012), available at <http://nces.ed.gov/pubs2012/2012046.pdf>.

## To address resource disparities, policymakers should:

- **Ensure that school funding is distributed equitably; specifically, ensure that predominantly African American schools have equitable access to rigorous curricula including high-level STEM and Advanced Placement courses.**
- **Ensure that students in high-need schools are taught by qualified and experienced instructors.**
- **Support equitable implementation of academic standards, such as the Common Core so that all students are exposed to important foundational learning courses and challenged to develop critical thinking, reading, and math skills.**
- **Invest in support for students to engage in athletics and other extracurricular activities, such as transportation, supplies, and other related fees.**

While African American girls experience barriers to participation in after-school activities, they are concurrently being disproportionately pushed out of schools due to overly punitive discipline policies that result in lost learning time and early involvement with the juvenile justice system.

### D. SCHOOL DISCIPLINE DISPARITIES

While racial disparities in school discipline have been documented as early as the 1970s,<sup>136</sup> only recently has the impact of disparate discipline policies on African American girls been documented. The origins of overly punitive policies go back decades, but there was a significant uptick in the creation and implementation of overly punitive penalties in the late 1990s, when school districts began to criminalize student misbehavior and adopted zero-tolerance<sup>137</sup> approaches to school code violations; some of these policies also spread more widely after tragic incidents of school violence such as the shooting at Columbine High School in Colorado.<sup>138</sup> Zero-tolerance policies, and accompanying features such as increased presence of law enforcement in schools, have drastically increased the number of students suspended, expelled, and arrested or referred to the juvenile justice system.<sup>139</sup>

Many research studies have explored the strong relationship between rates of discipline and the race of the disciplined students.<sup>140</sup> Research has shown that schools with the highest rates of suspension are the schools with the highest African American student populations.<sup>141</sup> And racially discriminatory policies and practices result in racial disparities in discipline: African American students are punished more frequently than their white peers, although they do not exhibit more frequent and serious misbehavior,<sup>142</sup> and African American students receive harsher disciplinary sanctions than their white peers for the same offenses.<sup>143</sup> In addition, white students are more

likely to be disciplined for objective violations like smoking and vandalism, while African American students are more likely to be referred for subjective infractions like showing disrespect, loitering, or making excessive noise.<sup>144</sup>

While African American males are the most likely to be disciplined in school, African American females are also disproportionately suspended and expelled. In fact, an analysis of 2006-07 data on the suspension of middle school students showed that African American girls in urban middle schools had the fastest growing rates of suspension of any group of girls or boys.<sup>145</sup> Furthermore, according to the latest Civil Rights Data Collection (CRDC), during the 2011-12 school year, 12 percent of all African American female preK-12 students received an out-of-school suspension, which is six times the rate of white girls and more than any other group of girls and several groups of boys.<sup>146</sup> Additionally, 19 percent of African American girls with disabilities received out-of-school suspensions, compared to just 6 percent of white girls with disabilities.<sup>147</sup> The state with the highest out-of-school suspension rate for African American female students during the 2011-12 school year was Wisconsin, with 21 percent of African American girls receiving out-of-school suspensions in a single year.<sup>148</sup>

An analysis of data on the discipline experiences of African American female students in Ohio — one of the few states where school discipline data are disaggregated and cross-tabulated by race, gender, type of disciplinary sanction, and type of offense — may help shed light on a growing national problem.<sup>149</sup> State data for the 2012-13 school year show that African American girls in Ohio K-12 schools were disproportionately disciplined for disobedience/disruptive behavior, fighting/violence, harassment, and even truancy. “Disobedience and disruptive behavior,” the most subjective and vague category, was the category for which females overall were most often disciplined. African American females





**“They have different rules for us [African American girls] than they do for White and Asian girls. White girls and Asian girls can wear anything and get away with it, but they will send us to the dean for wearing the same thing.”<sup>135</sup>**

— who in Ohio make up only a small fraction of the total female student population — were more likely than other females to be disciplined for these violations.<sup>150</sup>

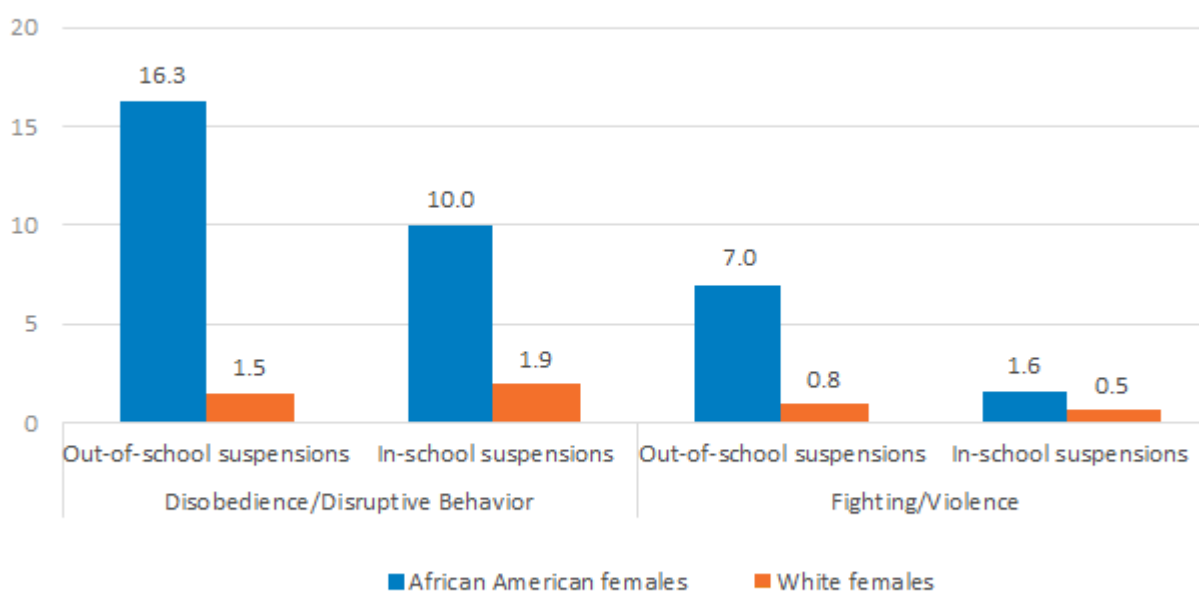
Additionally, these patterns of disciplinary action lead to the disproportionate involvement of African American girls in the juvenile justice system. According to the 2009-10 CRDC, although African American girls represented less than 17 percent of all female students, they comprised 31 percent of girls referred to law enforcement and approximately 43 percent of girls who had experienced a school-related arrest.<sup>151</sup> In fact, girls are the fastest growing segment of the juvenile justice system population.<sup>152</sup> Between 1996 and 2011, the number of juvenile delinquency cases dropped, particularly for boys. The number of girls’ cases also declined, but their share of all delinquency cases increased from 23 percent to 28 percent. In the same time period, among female juvenile delinquency cases, African American girls’ share of cases increased from 28 percent to 33 percent — an increase of 18 percent — while white girls’ share of cases declined from 68 percent to 64 percent — a decrease of 7 percent.<sup>153</sup> A recent study found that “[b]lack women and girls are being incarcerated and detained at high rates as well [as black males] not because of an increase in violence among girls, but, rather, due to the criminalizing of minor violence that was ignored in the past.”<sup>154</sup> Girls are disproportionately detained for offenses that are not serious, such as technical probation violations — like violating curfew, truancy, or missing a meeting with a probation officer — and status offenses, which are only crimes when committed by a youth, such as running away or truancy.<sup>155</sup> This is particularly troubling, because status offenses, while perceived as defiant behavior, are often reflections of a girl’s unaddressed health, emotional, economic and educational needs.<sup>156</sup>

As the graph on the opposite page shows, in the disobedience (or “disruptive behavior”) category, African American females received 16.3 out-of-school suspensions and 10.0 in-school suspensions per 100 African American females enrolled, while white females received merely 1.5 out-of-school suspensions and 1.9 in-school suspensions per 100 white females enrolled. And in the same disobedience category, African American females more often received out-of-school suspensions, while white females more often received in-school suspensions. In the category of fighting/violence, there was also a large disparity between African American and white females disciplined with out-of-school suspension.





**Discipline Sanction Rates per 100 Female Students in Ohio, 2012-2013**



Source: Jamilia J. Blake, Bettie Ray Butler & Charlotte Danielle Smith, *Challenging Middle Class Notions of Femininity: The Cause for Black Females' Disproportionate Suspension Rates*, in *CLOSING THE SCHOOL DISCIPLINE GAP: RESEARCH TO PRACTICE* (Daniel Losen ed., forthcoming).



## **Titles IV<sup>164</sup> and VI<sup>165</sup> of the Civil Rights Act of 1964 prohibit public schools from implementing student disciplinary policies that discriminate on the basis of race, national origin or color.**

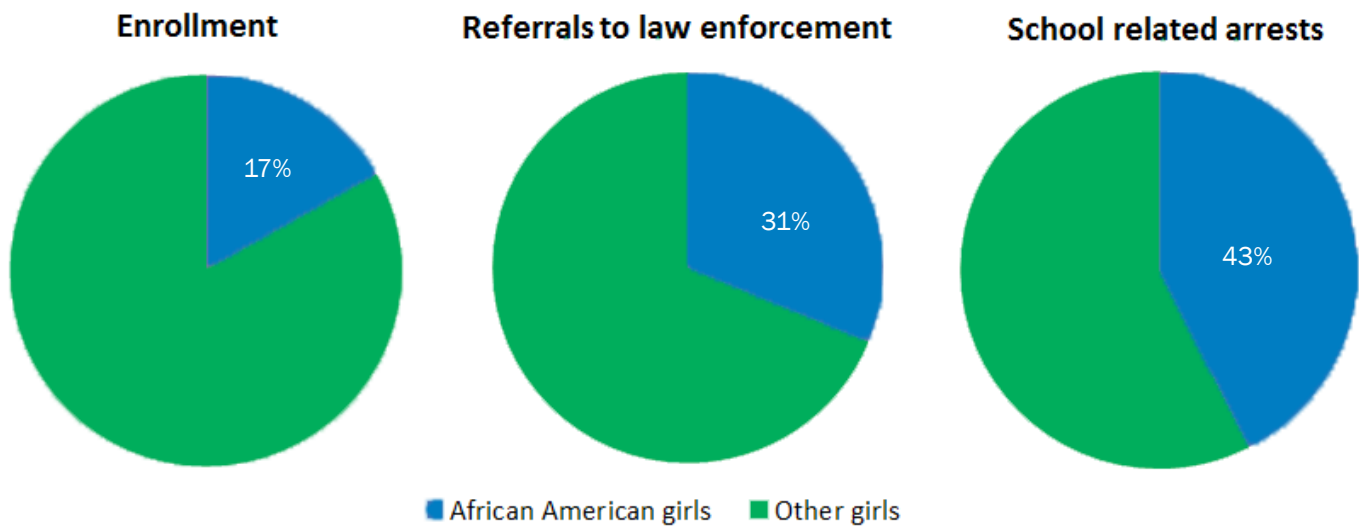
In January 2014, largely in response to community outcry and data trends showing racial and other disparities in exclusionary discipline practices, as well as research demonstrating that students of color are not misbehaving more, the U.S. Departments of Education and Justice jointly issued disciplinary guidance (“Guidance”) to assist K-12 schools in administering non-discriminatory student discipline policies and practices in compliance with federal law. The Guidance states that effective school disciplinary policies must reduce disruption and misconduct, support and reinforce positive behavior and character development, and help students succeed. While the Guidance acknowledges in a footnote that sex discrimination can also play a role in discipline disparities, it did not engage in any analysis of Title IX and discipline or the intersection of sex and race discrimination.<sup>166</sup>

As discussed in greater length in the earlier section of this report on *Public Perception and Self-Esteem*, race and gender stereotypes play a significant role in the disparate discipline rates for African American girls. Stereotypes of African American women as hyper-sexualized and aggressive may “underlie the implicit bias that shape many educators’ views of Black female students,”<sup>157</sup> and “in response to Black girls’ nonconformity to gender stereotypes, educators have [perhaps] been more inclined to respond harshly to the behaviors of African American girls.”<sup>158</sup> As a result, African American girls are more likely than white girls to be penalized for behaviors that challenge our society’s dominant stereotypes of what is appropriate “feminine” behavior — such as being candid or assertive and speaking up and expressing the belief that something is unfair or unjust. The same implicit bias leads to more severe punishments for African American girls than for other girls, and higher proportions of African American girls being referred to the juvenile justice system for minor disciplinary infractions. Once in the juvenile justice system, too, police, prosecutors, judges, and probation officers harbor stereotypes that can play a role in their decision-making.<sup>159</sup> The intersection of race, gender, and class create a “distorted image” of girls of color, making adults in the juvenile justice system more likely to see girls of color, particularly African American girls, “as delinquents — as social problems themselves rather than as young girls affected by social problems.”<sup>160</sup>

Tragically, school system and juvenile justice system responses to African American girls’ allegedly “defiant” or “bad” attitudes typically do not consider the lived experiences of African American girls and the underlying causes of the conduct at issue, including for some girls exposure to trauma, violence, abuse, or other toxic stress.<sup>161</sup> Rather than providing services and support, African American girls and other students get excluded from school and sometimes re-victimized during the disciplinary process or pushed into the juvenile justice system. But, as previously referenced, some African American girls who are sanctioned for discipline infractions are in fact responding to harassment or trauma. And histories of trauma; abuse and neglect; parental incarceration, substance abuse, or death; and residential instability are very common among girls in juvenile justice detention.<sup>162</sup> Studies show that girls most involved in the delinquency system tend to be girls who have experienced physical, sexual, or psychological abuse.<sup>163</sup> Understanding the impact of exposure to and experiences of harassment, violence, and trauma is central to understanding African American girls’ educational experiences and outcomes.



## African American Girls' Share of Female Students, Overall and by School Discipline



Source: U.S. Department of Education, Civil Rights Data Collection, 2009-10 National and State Estimations, National total, <http://ocrdata.ed.gov/downloads/projections/2009-10/2009-10-Estimations-Nation.xls>. Data are for students without disabilities.

## Race/Gender-Specific Disciplinary “Infractions”



**HAIR** In 2013, two young African American girls were warned by their schools that their natural hair styles were unacceptable. Seven-year old Tiana Parker in Tulsa, Oklahoma was sent home from school and told by officials at her predominantly African American charter school that her hairstyle was not “presentable” and violated the dress code, which termed “dreadlocks” and “afros” to be “faddish” and “unacceptable.” Tiana’s father pulled her out of the school when administrators refused to adjust or amend the policy. Tiana would have had to cut off her locks in order to comply with the policy, which she did not want to do. Her parents transferred her to another elementary school where her hairstyle was accepted. The original school later amended its policy, removing prohibitions on any specific hairstyles, but retaining the school’s right to consult with parents about student hygiene or dress. Months later, Vanessa VanDyke, age 12, a student in Orlando, Florida was threatened with suspension in response to her complaints that other students were bullying her about her “puffy” hairstyle. School officials said her hair was a “distraction” and recommended that she “shape” or cut her hair to comply with their dress code.<sup>167</sup>

**PROM DRESS** In 2010, Erica DeRamus went to her prom in a knee-length strapless dress which her Oxford, Alabama school said violated its dress code because it was too short and too revealing “up top.” The school then offered her and 17 other students who similarly violated the dress code an option of paddling or suspension; Erica chose suspension because she felt she was too old to be paddled.<sup>168</sup> That school year, African American students were 22 percent of the student population at Erica’s school, but 37.6 percent of students receiving out-of-school suspensions; African American girls were nearly one-quarter of female students, but half of female students who received one or more out-of-school suspensions.<sup>169</sup>



## To address discipline disparities, policymakers and schools should:

- Require accurate annual public reporting of school discipline data broken down by race, sex, and disability to allow for cross-sectional analysis. Data should also include type of offense and length of sanction.
- Implement positive behavior interventions and culturally-responsive supports, social and emotional learning, peer mediation, conflict resolution, and restorative practices as alternatives to punitive discipline practices and police in schools, which are shown to negatively impact African American girls through increased arrests, involvement with the juvenile justice system, and lost learning time.
- Train school personnel to recognize the signs of trauma that may underlie perceived “defiant” or “disrespectful” behavior, and to appropriately respond to and support students impacted by violence or trauma without re-victimizing them.

Discipline disparities also highlight the issues affecting African American girls of color who have been victims of violence, trauma, and harassment, as their behavior can be a predictable response to victimization, but incorrectly labeled as aggression.<sup>170</sup> This inadequate and inappropriate response to and treatment of African American girls who have experienced trauma contributes to poor educational outcomes.

### E. VIOLENCE, TRAUMA, AND HARASSMENT

#### 1. Violence and Trauma

Practitioners and researchers almost universally note that more research on the relationship between trauma and its impact on education is necessary. Furthermore, the research which has been done largely fails to look specifically at the intersection of gender and race and, especially, African American girls. That said, available research strongly suggests that experiences of trauma correspond with decreased school engagement and reduced educational achievement.

While not specific to African American girls, there is research linking children’s reports of exposure to violence to poor academic performance.<sup>171</sup> One study of elementary school students in Los Angeles found a “moderately strong” relationship between community violence and depressive tendencies, which “in turn . . . were associated with deficient academic performance.”<sup>172</sup> Biological research also demonstrates a link between trauma and school failure.<sup>173</sup> Trauma — from sexual harassment and assault, community violence, and the daily stressors of racism and sexism — can have a negative effect on academic performance for any child; for African American girls, the build-up of overlapping forms of trauma may have an even more negative effect. This is a very real concern given that among female students, African



## **The modern-day experiences of trauma and violence impacting African American girls and their educational experiences**

cannot be adequately addressed without acknowledging African American women's historical experiences with sexual assault and its role as a catalyst for the Civil Rights Movement. In that era (and even today), issues of race and gender intersected to perpetuate stereotypes of black female sexuality, to justify sexual assault and to preserve racially-biased social and power structures that discounted sexual violence against black women and allowed such assaults to persist unpunished. In fact, the problem was so pervasive that African American organizations and communities mobilized around the repeated sexual assaults of black women. The infrastructure of those responses was used as the basis of the Civil Rights Movement's struggle for educational and social equality.<sup>175</sup>

American girls report the highest rates of "being threatened or injured with a weapon on school property."<sup>174</sup>

Harmful racial stereotypes that perpetuate images of African American women as deviant or promiscuous, and somehow culpable in their own victimization, are at the root of the indifference by which reported assaults of African American women are often met. For instance, in the Jim Crow south, African American women were routinely sexually assaulted, but because of social hierarchies and power structures built upon notions of racial superiority, their attacks were often unacknowledged and their attackers were not held culpable.<sup>176</sup> It is critical to understand how the vestiges of segregation and racial violence still influence institutionalized racism and both the educational and legal system responses to the sexual assault of African American women.



A compelling example of this was the response to the 1944 assault of 24-year-old sharecropper and mother, Recy Taylor, who was brutally raped, assaulted, and left for dead by seven white men as she walked home from church one night in Abbeville, Alabama. Local law enforcement did a cursory investigation, but took no proactive efforts to bring her attackers to justice. However, African American communities began to mobilize to coordinate responses to assaults on



Recognizing that school is a key intervention opportunity, some districts around the country are taking action to help children by implementing curricula to train educators, children, and caregivers to recognize the signs of sex trafficking.

African American women. In response, the NAACP sent its best investigator, a woman named Rosa Parks, to follow up on Mrs. Taylor's attack. Parks and others organized the "Committee for Equal Justice for Mrs. Recy Taylor." The Civil Rights Movement can be attributed in part to responses of African American communities to the repeated attacks on African American women and the impunity of their attackers; the movement was in part a reaction to dismantle the social structures and institutionalized racism that allowed such violence to persist unpunished. The infrastructure established to organize community members in protest against such attacks became the community organizing framework for the Civil Rights Movement.<sup>177</sup>

Although it has been seventy years since the violent attack on Mrs. Taylor, many African American girls' experiences of assault and violence are still met with indifference rooted in racism and lack of proper supports and services. This response has a detrimental effect on the academic outcomes of African American girls, especially when the violence is taking place in schools.

Additionally, African American women and girls experience higher rates of sexual violence and intimate partner violence than their white counterparts. This disparity is also true in school settings; 12 percent of African American female high school students reported having experienced dating violence, compared to 8 percent of white female high school students.<sup>178</sup> Related barriers — such as environmental vulnerabilities like dangerous neighborhoods, indifferent school responses to trauma, and lack of mental health services and other supports within schools — all may contribute to the perpetuation of violence and harassment of African American girls in schools.

## 2. Trafficking

These same vulnerabilities — environmental dangers, concentrated poverty, lack of access to social services, indifference of school administrators — also contribute to African American girls' disproportionate vulnerability to involvement in the child sex trafficking industry. While trafficking can impact victims of all races, socio-economic classes, and ages, available data suggest that the victims of child and teenage sex trafficking in the United States are overwhelmingly: (1) female; and (2) members of racial and ethnic minorities.<sup>182</sup> In fact, according to the Human Trafficking Reporting System, 94 percent of confirmed victims of sex-trafficking were female and 40 percent were African American between January 2008 and June 2010.<sup>183</sup> The confluence of race and sex make African American girls particularly vulnerable to involvement in and prosecution for involvement in this underground economy. Unfortunately, when trafficking is discussed in this country, the rhetoric is often misinformed:

Americans often visualize a foreign female who was deceived upon arriving in the U.S. and finds herself being sexually exploited. They do not imagine a [United States Citizen (USC)] child or adult who was kidnapped or lured from home and is prostituted

Sex trafficking is defined as "the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age."<sup>179</sup> The sex trafficking trade in the United States involves as many as 300,000 children, with an average age of 13 or 14,<sup>180</sup> and human trafficking generates an estimated \$9.5 billion in the United States each year.<sup>181</sup>

at a local truck stop. Sadly, Americans tend to refer to USC trafficking victims as anything but victims. They are referred to as criminals, prostitutes, child prostitutes, runaways, throwaways, addicts, or juvenile delinquents.<sup>184</sup>

Domestic sex trafficking significantly impacts school-age girls, therefore schools can be particularly critical points of intervention for those both at-risk and involved in child sex trafficking, and can offer individualized support to help those who are susceptible to involvement in child sex trafficking.



Oakland is a particularly strong example, as it has become a hub for child sex trafficking, with an estimated 100 children being sold for sex per night, including girls as young as 12 years old.<sup>185</sup> The Oakland Unified School District (OUSD) has adopted and implemented an innovative curriculum to help prevent involvement in child sex trafficking. The curriculum is offered to children as young as seventh-graders,<sup>186</sup> and focuses on teaching students about self-esteem, the dangers of running away from home, sexual abuse, and healthy relationships.<sup>187</sup> Students who are identified as being more at-risk for trafficking, including those with prior reported abuse or involvement with the child welfare system, are eligible for individual mentoring services as well.<sup>188</sup> Education by the OUSD extends beyond students, and outreach efforts are made to educate parents (including foster parents) about child sex trafficking.<sup>189</sup>

In Northern Virginia, educators at Herndon High School and community advocates hosted a public forum on child sex trafficking to raise awareness about trafficking in the Northern Virginia suburb, where gang members recruit and lure high-school aged girls into the sex trade. The purpose of the event was to help parents understand the potential risks of sex trafficking and the dangers their children could face.<sup>190</sup> The event also highlighted how social media tools, such as Facebook, fake accounts, and mass messaging, are abused by traffickers to lure young girls into child sex trafficking.<sup>191</sup> Herndon High School also recognized the importance of reaching across community sectors, including schools, churches, and businesses, to address child sex trafficking.<sup>192</sup>



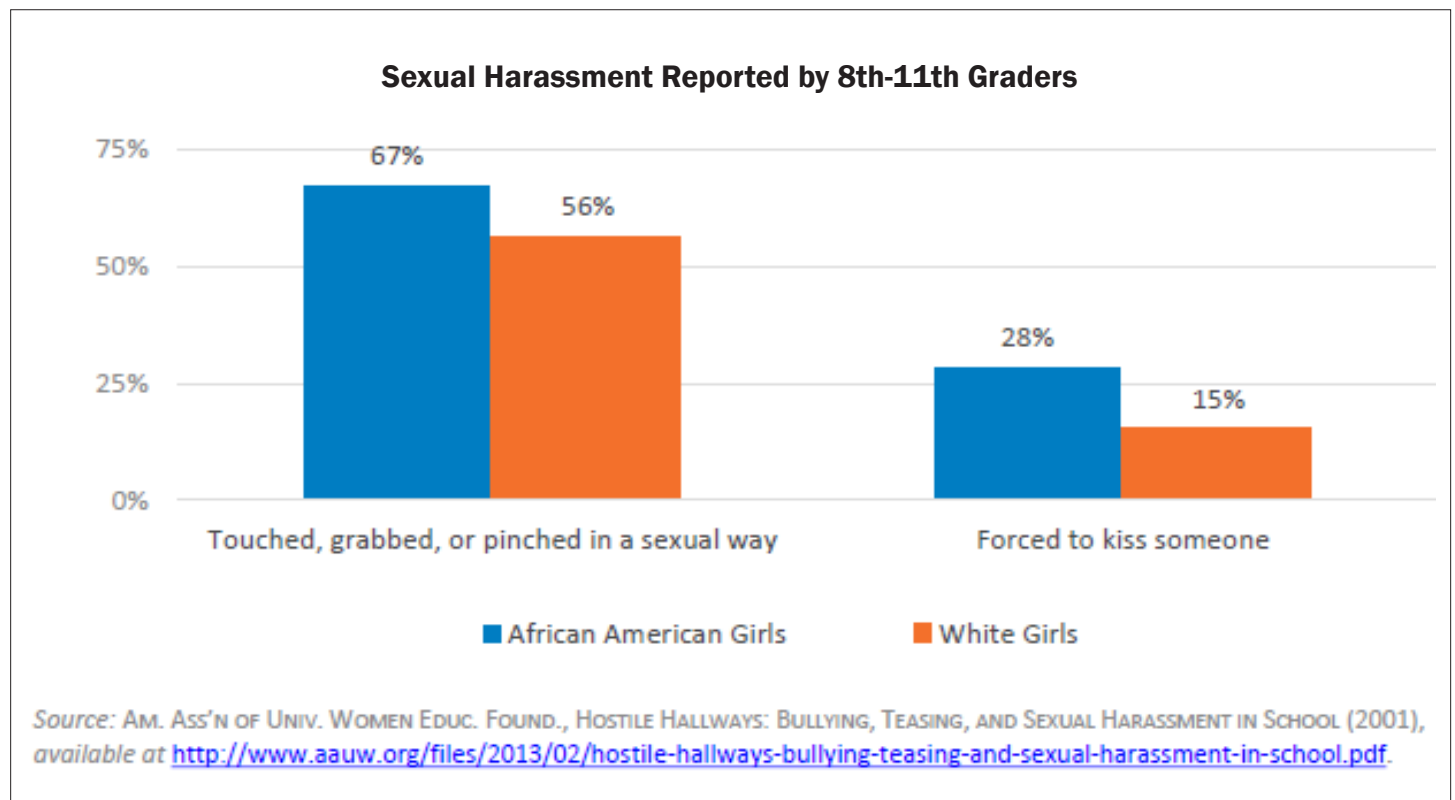
Identifying key intervention points and factors for vulnerability to involvement in sex trafficking and providing age-appropriate education for students holds significant promise for helping to curb youth involvement in the sex trade.

Data on the exposure of African American girls to sexual violence are especially troubling when we take into account that African American women access counseling at lower rates than white women and that “exposure to trauma appears to influence how much Black girls internalized the cultural expectation of being emotionally tough (‘strong black woman’).”<sup>193</sup> For example, some young African American women report feeling pressure not to share their experiences of sexual assault with anyone.<sup>194</sup> Reporting violence against African American women and girls also raises concerns of “implicat[ing] Black men and boys as perpetrators” which could result in their becoming a part of the criminal justice system.<sup>195</sup> Not processing this trauma and feeling pressure to face it without help, especially when the assailants may be peers and classmates at school, may lead students to experience toxic stress that impedes learning and trigger behaviors that can lead to disciplinary action and even to involvement in the juvenile justice system.<sup>196</sup> Therefore,

proper screening for victims of violence and trauma and trauma-sensitive responses by school personnel are essential to accurately identifying and providing proper support for victims of violence and trauma, so that they can succeed in school and beyond.

### 3. Sexual Harassment

As previously documented, access to a safe and healthy school environment conducive to learning is essential for academic success. In addition to violence and trauma, sexual harassment is a barrier to learning that disproportionately impacts girls and their academic achievement. African American girls report widespread sexual harassment in school. According to one survey, 56 percent of school-aged girls report experiencing sexual harassment.<sup>197</sup> The same study found that African American students were more likely than white students to “change the way they go to or from schools,” or even change to a new school, in response to sexual harassment.<sup>198</sup> Additionally, some qualitative studies have observed differences in the ways African American and white girls experience harassment. For example, in a 2001 national survey of 8th- through 11th-graders, 67 percent of



African American girls reported being “touched, grabbed, or pinched in a sexual way,” compared to 56 percent of white girls, and 28 percent of African American girls reported being “forced to kiss someone,” compared to 15 percent of white girls.<sup>199</sup>

Furthermore, research suggests that responses from teachers and administrators to the reported harassment of African American girls are inadequate and steeped in harmful race and sex stereotypes. In fact, “[s]chool administrators, teachers, and people working for the criminal justice system often misidentify Black girls who physically defend themselves against their harassers as the aggressors.”<sup>200</sup> Such responses ultimately blame African American girls for the harassment they experience, fail to address the school climate that allows the harassment to occur, and can lead to unjust disciplinary action. It is therefore not surprising that a study of African American female students in St. Louis found that experiencing sexual harassment at school had “tangible



**African American women, both as student plaintiffs and lawyers, led critical challenges to school sexual harassment in the U.S. Supreme Court.**

LaShonda Davis was only in fifth grade when her school refused to address the prolonged sexual harassment to which she was subjected by a boy in her Monroe County, Georgia class.<sup>207</sup> In LaShonda’s case, which was successfully argued by Verna Williams who was then a Vice President at the National Women’s Law Center,<sup>208</sup> the Court established that a school can be found liable for student-on-student sexual harassment under Title IX. The decision has since been extended to peer harassment based on other protected bases.

**In 2009, a 16-year-old female student at Richmond High School in Richmond, CA was brutally raped and assaulted**

in the campus courtyard during her school’s homecoming dance. The assault lasted for over two hours and was witnessed by several bystanders, none of whom intervened. After an investigation that revealed that sexual harassment and assault “permeated the educational environment” at several schools in the district, the West Contra Costa Unified School District was found to have violated Title IX. The Department entered into a resolution with the District in 2013 requiring it to ensure that its schools come into compliance.<sup>209</sup>

**In April 2011, the Department of Education’s Office for Civil Rights (OCR)**

issued extensive guidance on the rights of students and the obligations of schools — at both the K-12 and post-secondary levels — to respond promptly and effectively to student-on-student sexual harassment and sexual violence in accordance with the requirements of Title IX.<sup>210</sup> In March 2014, OCR issued a “Questions and Answers” document further clarifying the application of Title IX to sexual violence cases and launched Notalone.gov, a website with resources to respond to and prevent sexual assault in schools.<sup>211</sup>



negative outcomes . . . including harmful effects on school performance, the curtailment of social networks, peer rejection, and negative emotional outcomes.”<sup>202</sup>

In addition, although researchers are only beginning to document the experiences of Lesbian, Gay, Bisexual and Transgender (LGBT) students of color in schools, there is a strong need for more data on the experiences of African American LGBT girls and gender nonconforming girls. The data that are available on African American LGBT youth (male and female) illustrate the challenges these students face when simply showing up at school, and the serious repercussions for their educational success. According to a 2011 survey, 56 percent of LGBT African American students experienced verbal harassment based on sexual orientation at school, and 43 percent experienced the same based on gender expression.<sup>203</sup> Over half (54 percent) of African American LGBT students felt unsafe at school because of their sexual orientation and 36 percent felt unsafe because of their gender expression.<sup>204</sup>

Overall, the prevalent sexual harassment of African American girls in schools and the failure of many schools to seriously address it harms African American girls and interferes with their education, in violation of Title IX of the Education Amendments of 1972<sup>205</sup> and possibly also Title VI of the Civil Rights Act.<sup>206</sup>

## F. EARLY PREGNANCY AND PARENTING

In addition to the previously described educational barriers, early parenting has a significant impact on academic progress for many African American girls. While birth rates for African American teens between 15 and 19 years old decreased by 7 percent from 2011 to 2012, African American young women experience unintended pregnancies at three times the rate of young white women.<sup>212</sup> For African American young women trying to secure an education, teen pregnancy can be a particularly challenging obstacle to the completion of a program or the finishing of a degree.

While many pregnant teens speak of having children as motivating them to stay in school, graduate, and attain their educational and professional goals, the negative messages and discouragement they receive from others can undermine their efforts to do so.<sup>213</sup> Work demands, child care responsibilities

### Schools across the country continue to unlawfully bar pregnant and parenting students

from school activities, expel them from school, pressure them to attend often sub-par alternative programs, and penalize them for pregnancy-related absences, in violation of Title IX and the U.S. Constitution. For example, when schools rigidly apply attendance policies without regard for the underlying reasons for students' absences, pregnant students end up experiencing discriminatory discipline;<sup>215</sup> many students are sent to truancy court based on pregnancy-related absences, which, under Title IX, schools must excuse for as long as it is deemed by a student's doctor to be medically necessary.<sup>216</sup> In 2013, the Department of Education's Office for Civil Rights issued guidance reminding schools of their obligations and clarifying, in the form of answers to Frequently Asked Questions, how the Title IX regulations pertaining to schools' treatment of pregnant and parenting students must be interpreted.<sup>217</sup>

### Illustrating bias against African American teen moms:

Kymberly Wimberly, a black female student in McGehee, Arkansas, gave birth to a child during her junior year of high school, took a full load of Advanced Placement courses her senior year, and finished at the top of her class. The response to her accomplishment? Staff members at the school characterized her achievement as a “big mess,” and the next day the school's principal named a white student as Kymberly's “co-valedictorian.”<sup>225</sup>

### Schools that provide support for pregnant and parenting students

— such as assistance finding child care and transportation, flexible schedules, access or referrals to wraparound services, and ongoing academic support to help promote completion — make a big difference in the success rates of student parents and their children.

and educational barriers — including stigmatization and harassment by administrators, teachers, and fellow students — can prevent African American young women from realizing their potential, forcing them to reluctantly leave school.<sup>214</sup>

Nearly half (45 percent) of non-Hispanic African American girls and young women will become pregnant at least once by age 20, which is more than one and a half times the national average.<sup>218</sup> Although data do not show what percentage of these girls and young women will become parenting students, without the proper support to stay in school or access to vital family support programs, African American teen mothers and their children are likely to continue to experience poverty and poor educational outcomes.<sup>219</sup> Overall, only about half (51 percent) of teen mothers get a high school diploma by age 22, compared to 89 percent of women who do not have a

child during their teen years.<sup>220</sup> One-third (34 percent) of teenage mothers never obtain a GED nor a diploma by age 22,<sup>221</sup> and less than 2 percent of young teenage mothers attain a college degree by the age of 30.<sup>222</sup> However, with the right support and encouragement, teen parents can — and do — succeed.<sup>223</sup> Interestingly, white girls have lower teen birth rates than African American girls, but more than 67 percent of African American girls who give birth before the age of 18 get a high school diploma or GED by age 22 — while the same is true for only 55 percent of white girls.<sup>224</sup> Additional research regarding this perseverance by African American girls may serve to help increase the rates of white and other girls who give birth before 18 who ultimately get their high school diploma or GED by age 22.

***While the preceding section of this report explains the root causes of poor educational outcomes, the report now reviews the available research detailing the current state of education for African American girls. These data illustrate the critical importance of eliminating the root causes of educational disparities in order to ensure the success of African American girls.***

## 5

## DATA ON ACADEMIC INDICATORS AFRICAN AMERICAN GIRLS LEFT BEHIND

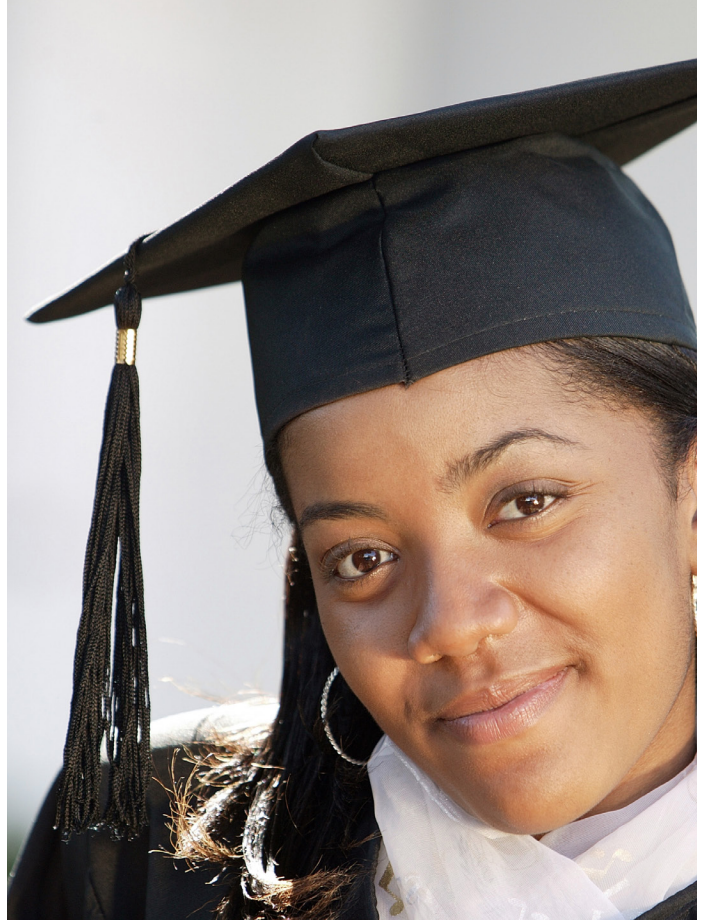
As a result of the many impediments to African American girls' educational opportunities and success, African American girls lag behind all other girls on almost all indicators of academic success, including high school graduation rates. This section presents the data documenting the academic challenges facing African American girls, including test scores, grades, grade promotion and retention, enrollment in AP courses and AP exam scores, and college enrollment and completion. This section also highlights the pressing need for additional research and data collection on the educational attainment of African American girls. Together, the data demonstrate that the effort to ensure that African American girls have equal access to educational opportunities is nothing short of imperative.

### A. HIGH SCHOOL GRADUATION RATES

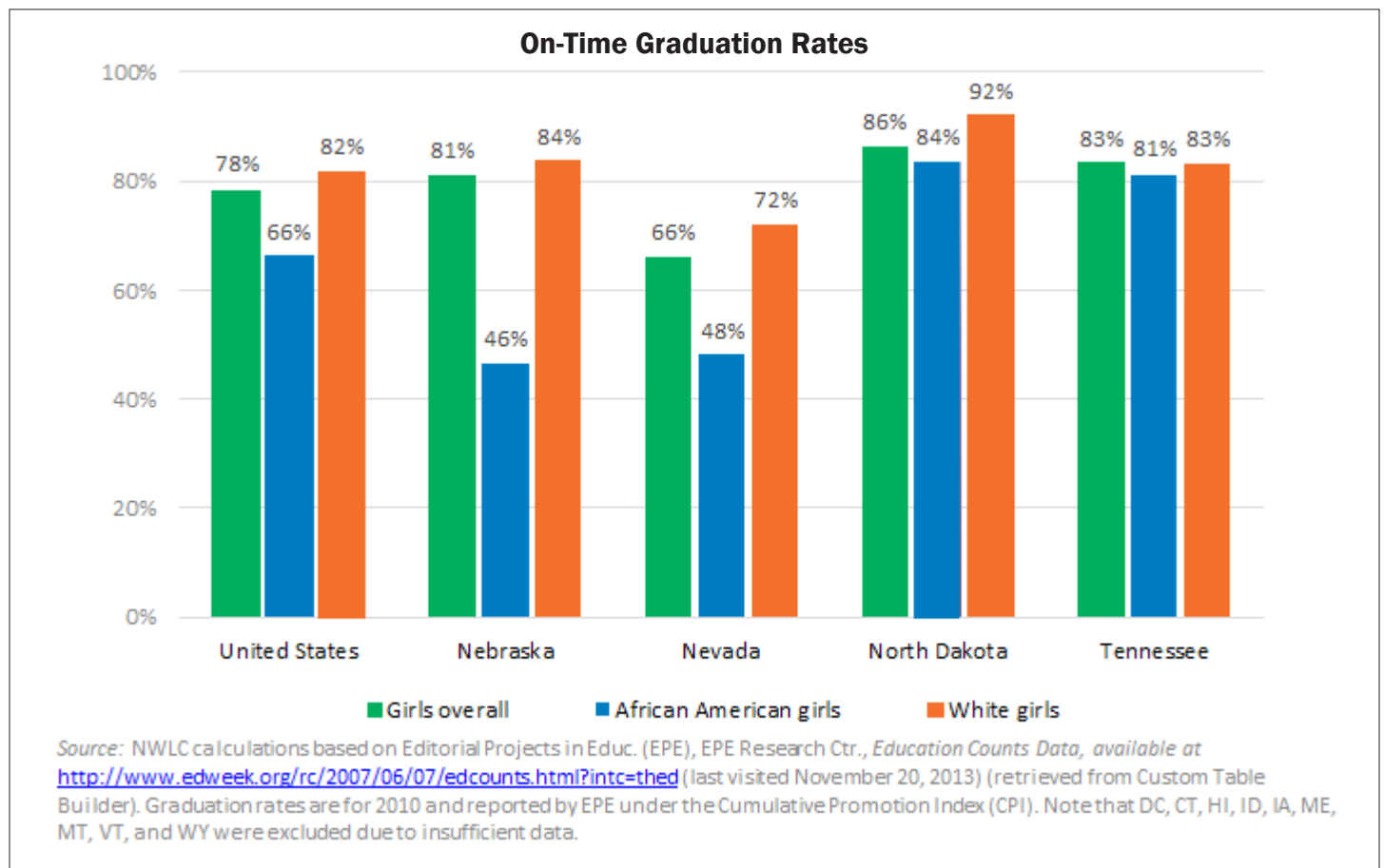
High school completion is a basic indicator of academic success and a lens through which to view African American girls' educational disparities. And, on this measure, African American girls are falling behind. They are less likely than other girls to complete high school on time (within 4 years). In fact, in 2010, over one-third (34 percent) of African American female students did not graduate on time, compared to only 19 percent of white female students and 22 percent of all female students.<sup>226</sup> The graduation rate for African American girls is lower than all other groups of girls, except American Indian girls.<sup>227</sup> In almost all states with available data, the high school on time graduation rate for African American girls was below the national average for girls overall. In some states the on time graduation rates for African American girls were abysmal.



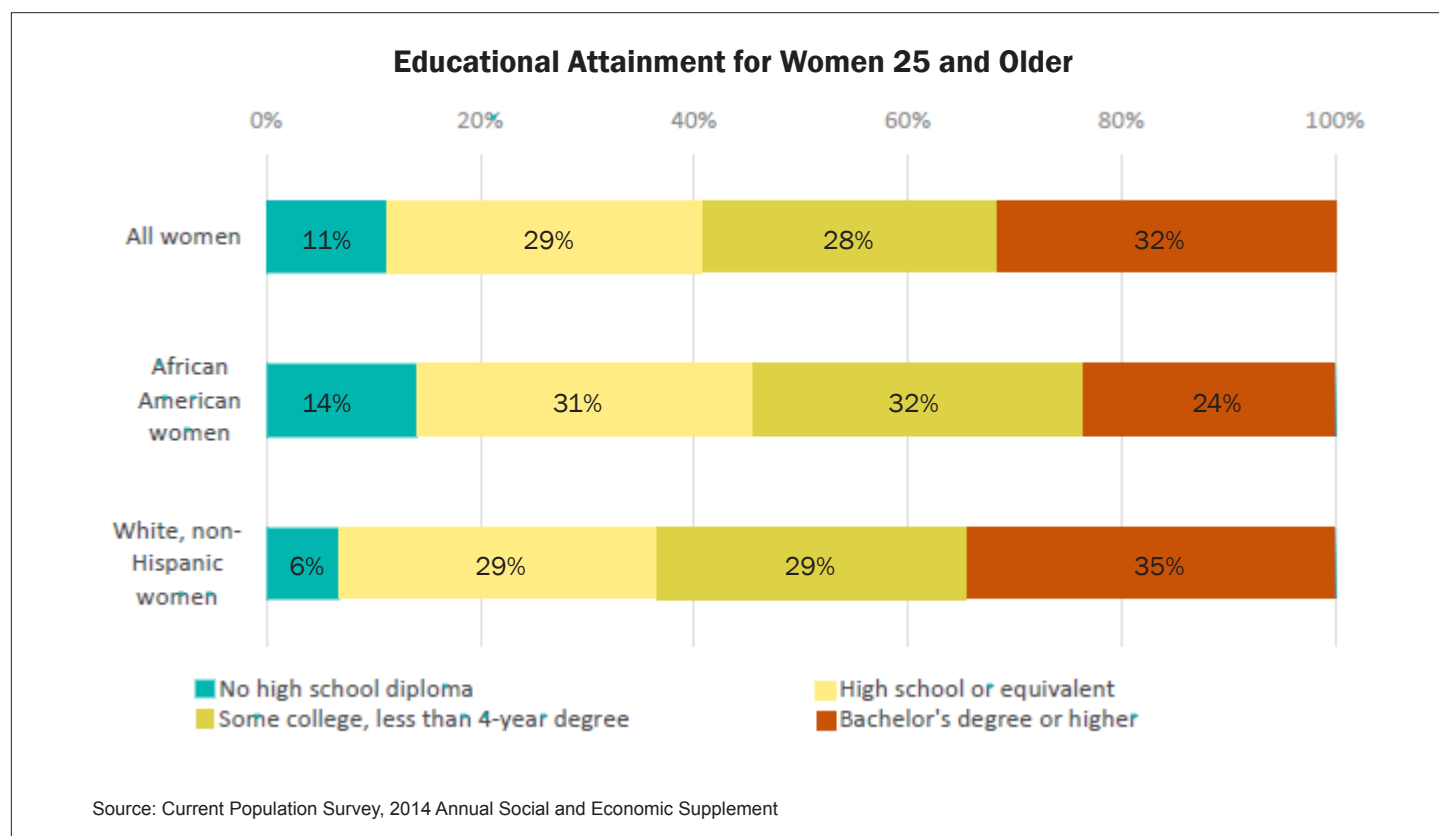




For example, as the graph below illustrates, only 46 percent of African American girls graduated from high school on time in Nebraska (compared to 81 percent for girls overall in Nebraska) and only 48 percent graduated on time in Nevada (compared to 66 percent for girls overall in the state). The picture is very different in the top two states for African American girls' graduation rates, North Dakota and Tennessee: 84 percent of African American girls in North Dakota graduated from high school on time (still lower than the rate of 86 percent for girls overall in North Dakota) and 81 percent did so in Tennessee (compared to 83 percent for girls overall in the state).<sup>228</sup>



As the graph below shows, the disparity in educational outcomes extends beyond high school completion. In 2013, almost half (45 percent) of African American women age 25 and older had only a high school diploma or less, compared to 36 percent of white women and 40 percent of women overall,<sup>229</sup> and less than one-quarter (24 percent) of African American women age 25 and older had a bachelor's degree, compared to about one-third each of women overall (32 percent) and of white, non-Hispanic women (35 percent).<sup>230</sup>



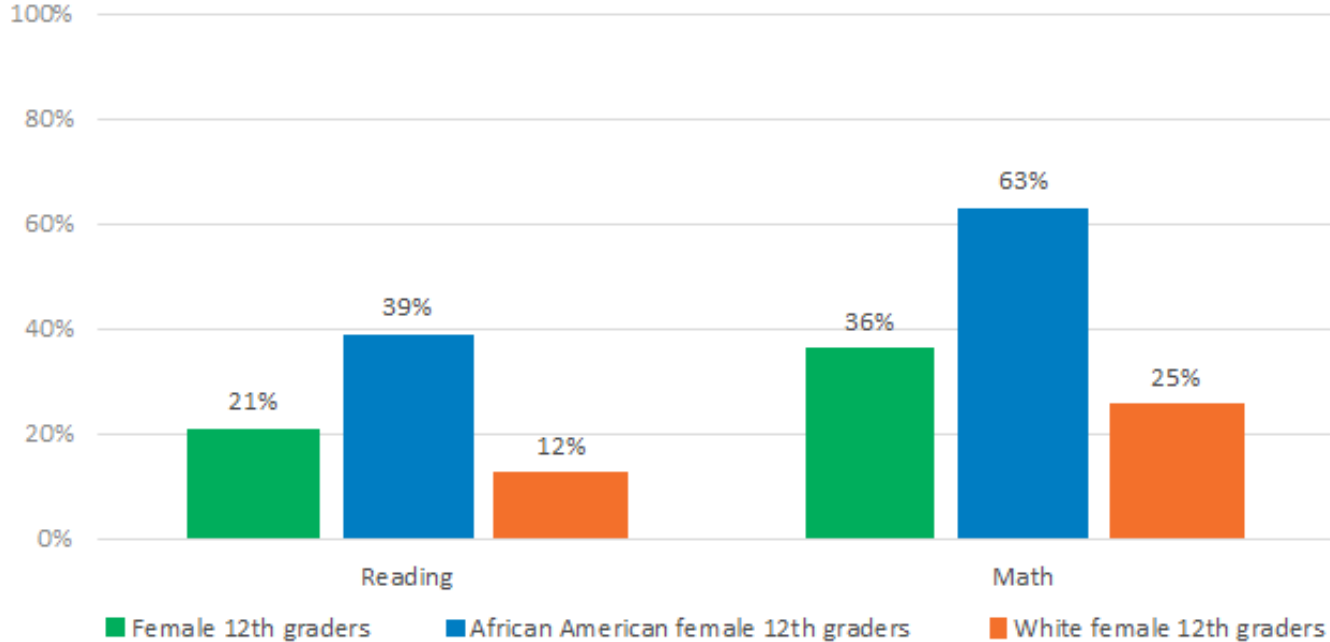
## B. ACHIEVEMENT TEST SCORES AND GRADE POINT AVERAGES

In addition to high school completion, academic performance in high school and on standardized achievement tests are also indicators of the educational status of African American girls. The National Assessment of Educational Progress (NAEP) measures student proficiency in mathematics, reading, science, and other subjects for students in grades 4, 8 and 12.<sup>231</sup> Across all grades in 2013, African American girls consistently had the largest percentage of students scoring below the Basic achievement level (or “below Basic”) in mathematics and reading when compared to all other groups of girls, with the exception of American Indian/Alaska Native girls.<sup>232</sup> In 2013, almost two-thirds (63 percent) of female African American 12th-graders scored “below Basic” in mathematics and nearly four in ten (39 percent) scored “below Basic” in reading.<sup>233</sup> In 2009, when 12<sup>th</sup>-graders were last tested in science, almost three-quarters (73 percent) of female African American 12th-graders scored “below Basic.”<sup>234</sup>

In 2013, African American girls in their senior year of high school scored lower than every other group of girls on both math and reading NAEP assessments. This pattern held across grade levels: African American girls in grades 4 and 8 were more likely to score “below Basic” in mathematics and reading than all other groups of girls.<sup>235</sup> Grades earned on regularly assigned class work followed a similar pattern: in 2009, non-Hispanic African American female 12<sup>th</sup>-graders had the lowest overall grade point averages when compared to girls of any other racial or ethnic group.<sup>236</sup>



### Percentage Of Female High School Seniors Scoring below the Basic Achievement Level on the National Assessment of Educational Progress (NAEP)

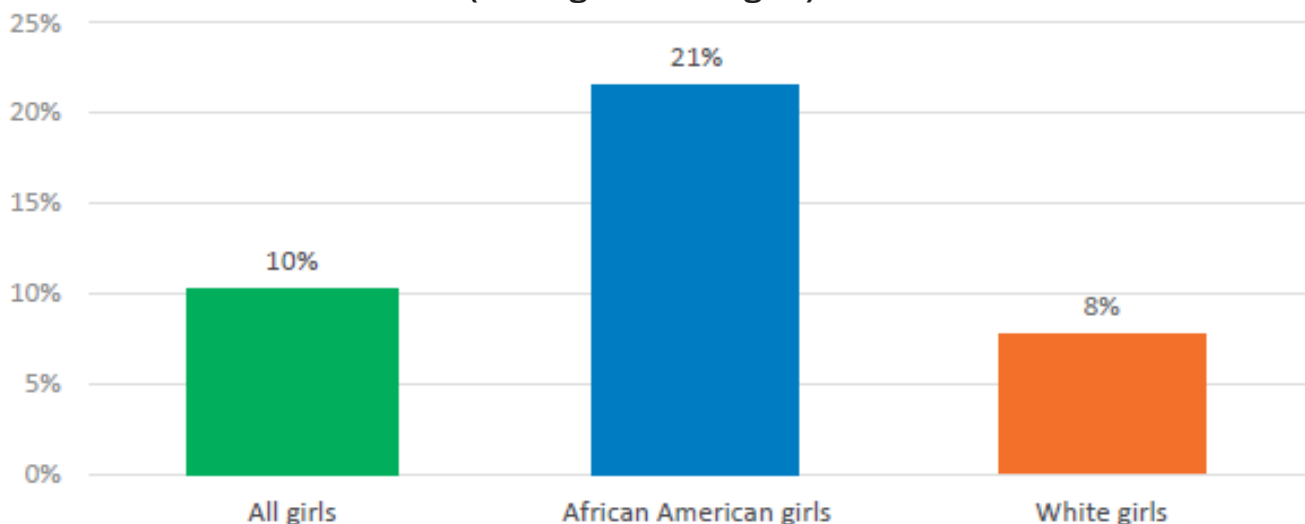


Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2013 Reading and Mathematics Assessments.

### C. GRADE RETENTION

There are also disparities relating to grade retention for African American girls. From kindergarten through 9th-grade, African American girls are “held back” a grade or “retained” at a rate of 21 percent, which is far higher than the rate for any other group of girls — particularly white girls who are retained at a rate of only eight percent — and more than twice as high as the 10 percent rate for girls overall.<sup>237</sup>

### Percentage of 9th Grade Female Students Who Had Ever Been Retained in a Grade (Kindergarten through 9)



Source: TERRIS ROSS ET AL., NAT'L CTR. FOR EDUC. STATISTICS, HIGHER EDUCATION: GAPS IN ACCESS AND PERSISTENCE STUDY (2012), available at <http://nces.ed.gov/pubs2012/2012046.pdf>.

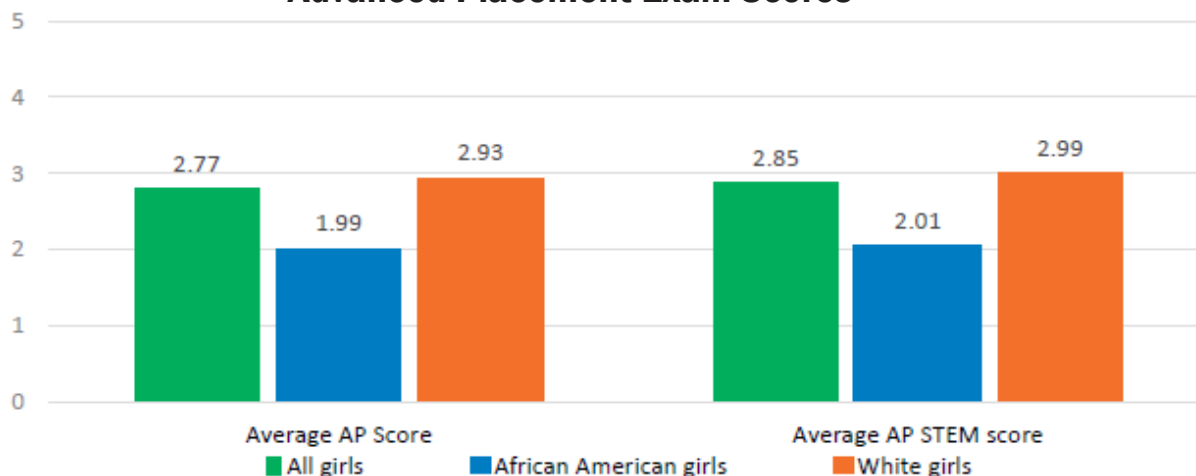
Although evidence of the impact of grade retention is mixed,<sup>238</sup> the alarmingly high rates of grade retention among African American students, including girls, is troubling and illustrates the extent to which schools are failing to meet their needs.



#### D. AP CLASSES AND EXAMS

Another indicator of academic achievement is enrollment in Advanced Placement (AP) classes and successful scores on AP exams. African American girls are the least likely group of girls to graduate from high school with college credit and the least likely to earn high scores on college entrance exams. Part of the issue is access to and performance in AP-level or college-credit courses. Recent data show that African American students comprise 16 percent of high school enrollment, but 9 percent of students enrolled in at least one AP course, and 4 percent of students with a qualifying score on at least one AP exam.<sup>239</sup> National data shows that African American girls are underrepresented in AP classes for STEM subjects, making up only 5 percent of AP math and science students, despite comprising over 8 percent of students enrolled in basic math and science classes.<sup>240</sup> Meanwhile, white girls comprised one-third of AP math and science students, which is slightly higher than their share of students in basic math and science classes.<sup>241</sup>

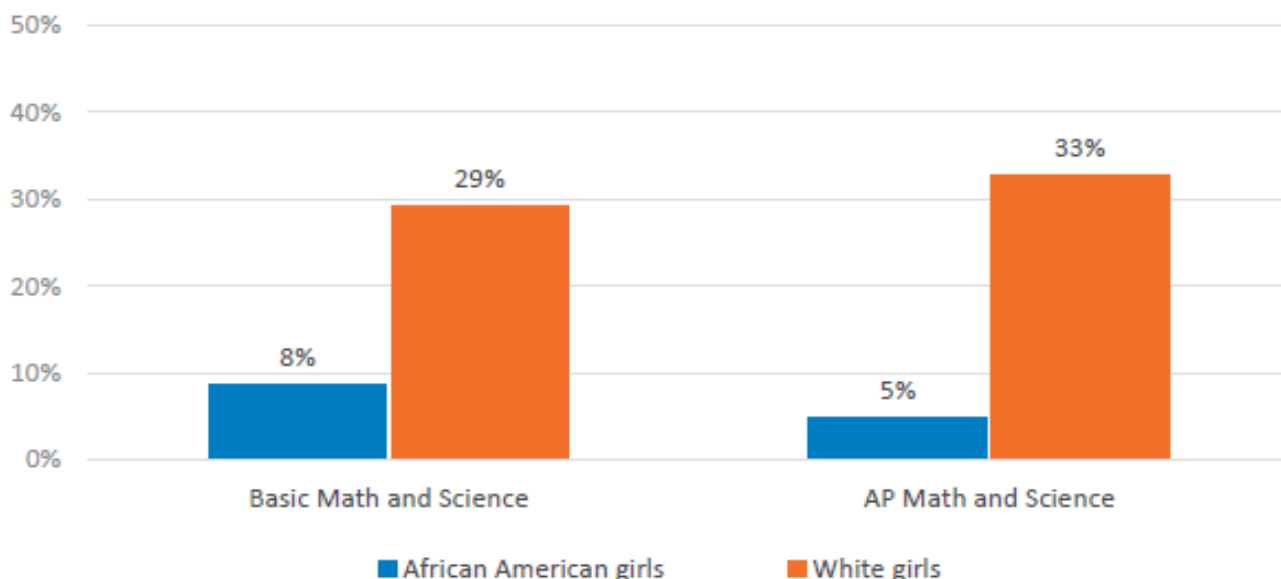
#### Advanced Placement Exam Scores



Source: The College Board, AP Program Participation and Performance Data 2013, National Report, [http://media.collegeboard.com/digitalServices/pdf/research/2013/National\\_Summary\\_13.xls](http://media.collegeboard.com/digitalServices/pdf/research/2013/National_Summary_13.xls).



## Share of All Students in High School Math and Science Classes



Source: U.S. Department of Education, Civil Rights Data Collection, 2009-10 National and State Estimations, National total, <http://ocrdata.ed.gov/downloads/projections/2009-10/2009-10-Estimations-Nation.xls>.

AP exams are designed as college-level exams that give students the opportunity to earn college credit while still in high school. The exam is scored on a scale of 1 to 5, and a score of 3 is the typical minimum accepted by colleges for credit.<sup>242</sup> According to data from the College Board, which administers the exam, although the average exam score for girls fell below 3, of the female students who took an AP exam, African American girls had the lowest average exam score (1.99), far lower than girls overall (2.77) and white girls (2.93).<sup>243</sup> Only 28 percent of African American girls who took an AP exam scored a 3 or higher compared to 56 percent of all girls and 62 percent of white girls.<sup>244</sup> And African American girls who take AP tests in STEM subjects get lower scores than other girls too: in 2012, for example, black girls had a national average AP STEM score of 2.01, compared to 2.99 for white girls and 2.85 for all girls.<sup>245</sup> A recent analysis found that in some states between 2006 and 2013, no African American students and no female students took a computer science AP exam.<sup>246</sup> In Mississippi, Montana, and Wyoming, no girls took the computer science AP exam, and in 11 states no African American students took the computer science AP exam at all.<sup>247</sup>



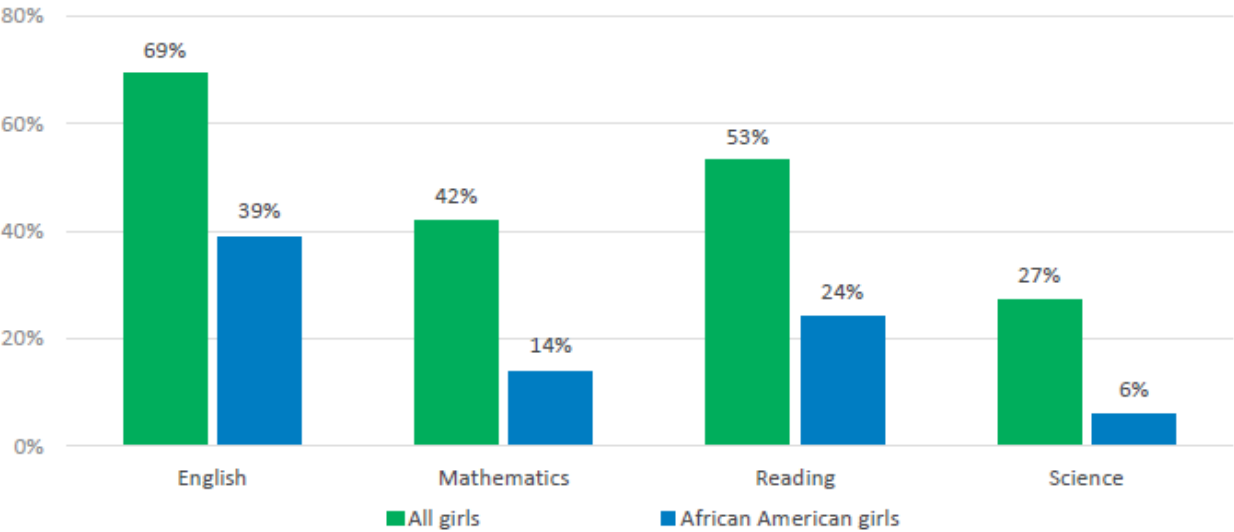
## E. SAT AND ACT SCORES

Although there are many legitimate questions about over-reliance on high-stakes tests, almost all colleges and universities in the U.S. require students to take and submit scores from a standardized test as part of the college admissions process, with higher test scores necessary for admission to the best universities. There are two dominant exams used by post-secondary schools for college admission in the U.S. — the SAT and the ACT. Among college-bound seniors in 2013, African American girls had the lowest average SAT scores of any group of girls for critical reading, mathematics and writing.<sup>248</sup> And African American girls in the graduating class of 2012 scored lower on the ACT than girls overall: their average composite score of 17 out of 36 was lower than the average score for girls overall (21 out of 36).<sup>249</sup> This pattern held true for their scores in English, reading, mathematics, and science.<sup>250</sup>



African American girls had lower scores on the STEM portions of the ACT college entrance exam. In 2012, only 6 percent of African American girls met the ACT science college readiness benchmark compared to 27 percent of girls overall; and 14 percent of African American girls met the math benchmark, compared to 42 percent of girls overall.<sup>251</sup> African American girls also lag on the math section of the SAT exam, scoring an average of 423, while white girls scored an average of 519 out of 800.<sup>252</sup>

**Percentage of Students Meeting College Readiness Benchmark Scores on the ACT**



Source: THE ACT, ACT PROFILE REPORT – NATIONAL: GRADUATING CLASS 2012 NATIONAL (2012), available at <http://www.act.org/newsroom/data/2012/pdf/profile/National2012.pdf> ; THE ACT, ACT PROFILE REPORT – NATIONAL: GRADUATING CLASS 2012 – BLACK/AFRICAN AMERICAN STUDENTS NATIONAL (2012), available at <http://www.act.org/newsroom/data/2012/pdf/profile/AfricanAmerican.pdf>.



## F. ACCESS TO AND COMPLETION OF POST-SECONDARY EDUCATION

Another indicator of academic preparation and achievement is enrollment in post-secondary education. Here, the news is improving for African American young women. Recent data show that from 1994 to 2012, the share of African American female high school completers enrolling in college increased from 48 to 69 percent.<sup>253</sup> However, African American female students are less likely than other female students to enroll in a four-year program.<sup>254</sup> African American women, who make up just 15 percent of female high school graduates between the ages of 15 and 24, are slightly overrepresented in two-year colleges (where they are 16 percent of female students) and are underrepresented at four-year institutions (where they are only 13 percent of female students).<sup>255</sup>

Additionally, data show that even when African American women do enroll in college, their completion rates are lower than those of other female students and they are less prepared upon entering these programs: 45 percent of African American female first-year college students reported having to take remedial classes, compared to 34 percent of white female students and 39 percent of female students overall.<sup>259</sup> Among first-time postsecondary students who started a full-time program at a four-year institution in 2006, only 44 percent of African American female students had received their bachelor's degree six years later in May 2013, compared to 65 percent of white female students, and 61 percent of all female students.<sup>260</sup> Completion rates were lower across all groups for associate's degrees or certificate programs, and in these shorter programs too, African American female students

### AFRICAN AMERICAN WOMEN PLAYED A SIGNIFICANT ROLE IN DESEGREGATING INSTITUTIONS OF HIGHER EDUCATION.

NAACP LDF lawyers argued critical higher education desegregation cases.



**Constance Baker Motley**, an African American female civil rights attorney and judge, wrote the original complaint in *Brown* while working with the NAACP Legal Defense and Educational Fund, Inc. following her graduation from Columbia Law School. In 1962, Motley was the first African American woman to argue before the U.S. Supreme Court when she successfully argued for James Meredith's admission as the first black student at the University of Mississippi. She later became the first African American woman elected to the New York State Senate in 1964 and the first African American female federal court judge, a position she held until her death in 2005.<sup>256</sup>



African American women also served as plaintiffs in higher education cases challenging the "separate but equal" doctrine. In 1948, before *Brown* was decided, **Ada Lois Sipuel** challenged her denial of admission to the all-white law school at the University of Oklahoma. When the Supreme Court held that Ms. Sipuel was entitled to receive a legal education provided by the state and that Oklahoma was required to provide African Americans instruction equal to that of whites, Ms. Sipuel became the first African American woman to attend the law school. She graduated in 1951 and later returned to the University to serve as a member of the Board of Regents.<sup>257</sup>



In 1955, the Supreme Court ruled in *Lucy v. Adams*, a case brought on behalf of **Autherine Lucy** and Polly Anne Myers, that the University of Alabama could not deny admission to students solely on account of race. Lucy became the first African American student to attend the University of Alabama in 1956 (Myers was denied admission). Riots followed Lucy's admission, and she was expelled on grounds of slandering the university (an expulsion that was not overturned until 1988). The following year, Lucy and her daughter enrolled at the University, earning their degrees in 1992.<sup>258</sup>

fared worse than females of most other racial groups. An analysis of two-year institution completion rates reveals that only 29 percent of African American female students who started a full-time degree-seeking program in 2009 completed a certificate or associate's degree within 150 percent of the normal time, compared with 32 percent of white female students and 34 percent of all female students.<sup>261</sup> There is a need for more research on what accounts for these lower completion rates, which may be attributable to lack of support systems within universities, lack of preparation for college-level work and/or lack of needed educational supports.

Enrollment in and completion of post-secondary education is particularly important, as it is an indicator of future earnings. While college completion is a predictor of future earnings, women overall make less than men and African American women make less than white, non-Hispanic women among full time, year-round workers, at almost every education level, a fact that demonstrates the continuing role of race and gender bias.<sup>262</sup> There also is an overall earnings gap between workers with two-year and four-year degrees. Looking at highest level degrees attained, full-time workers with a bachelor's degree typically make \$331 more per week than those with an associate's degree;<sup>263</sup> not surprisingly, however, those with associate's degrees in technical fields can out-earn those with bachelor's degrees.<sup>264</sup> Therefore, while African American women are uniquely impacted by both race and gender

in terms of earnings potential, additional post-secondary education can still positively impact future earnings.

In undergraduate STEM programs, African American women are relatively less underrepresented than white women, but they are still underrepresented. Thirty-five percent of African American female undergraduate freshmen intend to major in STEM fields, compared with 31 percent of white female freshmen and 34 percent of female freshmen overall.<sup>265</sup> In 2012, only 6 percent of associate's degrees awarded to African American women were in STEM fields, compared to 5 percent for white women and 6 percent for women overall.<sup>266</sup> Additionally, 28 percent of bachelor's degrees awarded to African American women were in STEM fields, compared to 27 percent for white women and 29 percent for women overall.<sup>267</sup>

|||||

*All of the data above defy the widely held assumption that all girls are succeeding in school. On a wide range of measures of academic achievement – graduation rates, grade retention, proficiency in core courses, and access to and completion of post-secondary education – too many African American female students are not leaving school ready for college and careers, and as a result, they and their families face tremendous economic consequences.*





# 6

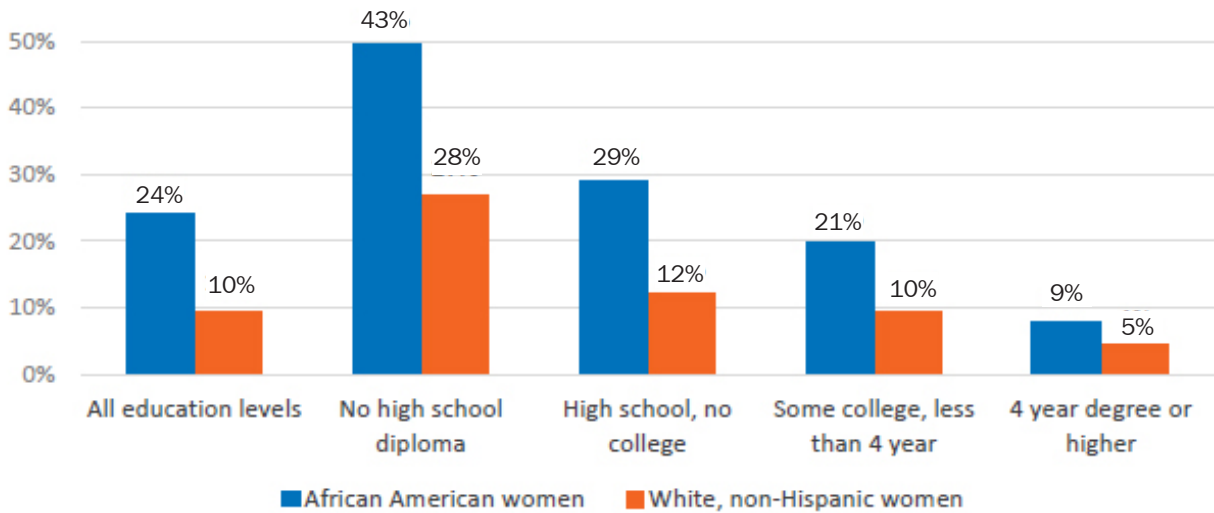
## ECONOMIC OUTCOMES THE CONSEQUENCES OF EDUCATIONAL DISPARITIES

The educational outcomes of African American girls get little attention despite the stark connection between education and future income level and economic well-being. The ability of women of all races and ethnicities to provide for their families at levels above the poverty line is directly tied to their educational attainment. For example, a female African American college graduate with a bachelor's degree can typically expect an increase of about \$657,000 in lifetime earnings over a female African American high school graduate.<sup>268</sup>

Education levels have an extraordinary impact on poverty; in 2013, while African American women overall had higher rates of poverty than their male and female white, non-Hispanic counterparts at every level of educational attainment, 43 percent of African American women ages 25 and older without a high school diploma were living in poverty, compared to 29 percent with a high school diploma and 9 percent with a bachelor's degree or higher.<sup>269</sup> The much higher rates of poverty for African American women without a high school degree underscores the importance of addressing and eliminating the barriers they face to educational achievement.

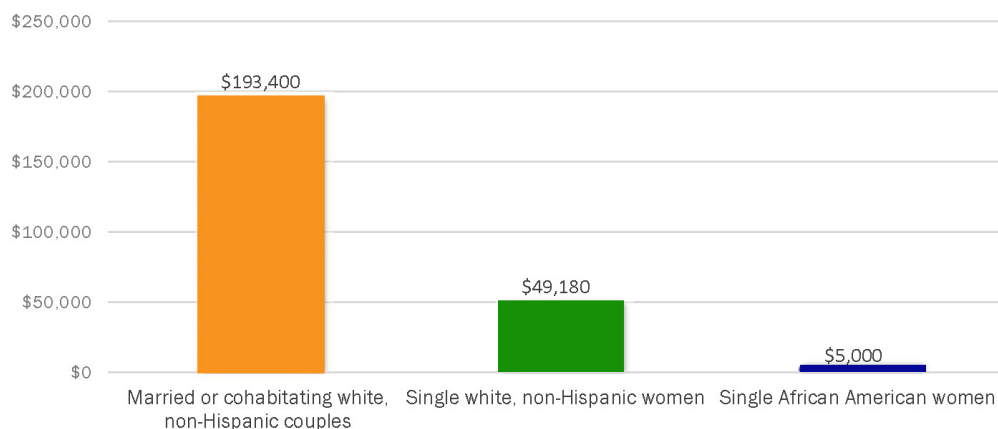


Poverty by Educational Attainment



Source: U.S. Census Bureau, Current Population Survey, 2014 Annual Social and Economic Supplement, 2013 Poverty Table of Contents, POV29, [http://www.census.gov/hhes/www/mstob/cs/032014/pov/pov29\\_100.htm](http://www.census.gov/hhes/www/mstob/cs/032014/pov/pov29_100.htm). Figures are for adults 25 and older who are of a single race.

## Median Household Wealth



Source: Mariko Chang, Insight Ctr. for Cmty. Econ. Dev., *Lifting as We Climb: Women of Color, Wealth, and America's Future*, Insight, Center for Community Economic Development 7 fig.1 (2010), available at <http://www.insightcced.org/uploads/CRWG/LiftingAsWeClimb-WomenWealth-Report-InsightCenter-Spring2010.pdf>.

All of these factors contribute to the stagnant wage gap for African American women. African American women who work full time, year round typically are paid only 64 cents for every dollar paid to white, non-Hispanic men and 82 cents for every dollar paid white, non-Hispanic women. The gap in wages between African American women and white men translates into a loss of \$19,399 per year and over the course of a 40-year career, this gap costs African American women an average of \$776,000 – more than three-quarters of a million dollars.<sup>274</sup>

The low federal minimum wage also contributes to economic insecurity. A woman working full-time, year-round at the current federal minimum wage will earn only \$14,500 annually, which is more than \$4,000 below the federal poverty line for a single woman with two children.<sup>270</sup>

African American women in particular are overrepresented in some of the most poorly paid jobs in the nation. African American women make up 12 percent of the low-wage workforce, which is double their share of the overall workforce (6 percent). White, non-Hispanic women are also overrepresented in the low-wage workforce, but to a much smaller extent—they make up 34 percent of the low-wage workforce compared to 31 percent of the overall workforce. White, non-Hispanic men, in contrast are significantly underrepresented in the low-wage workforce—they make up 35 percent of the overall workforce compared to only 16 percent of the low-wage workforce.<sup>272</sup>

Furthermore, the less education a woman receives, the more likely she is to earn the minimum wage or less. African American women without a high school diploma make up a share of the low wage workforce that is 4.5 times their share of the overall workforce; those with a high school diploma or its equivalent make up a share of the low-wage workforce that is 2.9 times their share of the overall workforce; even those with some college education or an associate's degree are disproportionately represented in the low-wage workforce. It isn't until an African American woman has a bachelor's degree or more that she is no longer disproportionately represented in the low-wage workforce.<sup>273</sup>

Moreover, lower wages over the course of a lifetime compound in a “wealth gap” for African American women. Close to half (46 percent) of single African American women had zero or negative wealth in 2007, compared with 23 percent of single white, non-Hispanic women, and 15 percent of married or cohabitating white, non-Hispanic couples.<sup>275</sup> Single African American women had a median household wealth (including vehicles) of just \$5,000, compared with \$49,180 for white, non-Hispanic single women and \$193,400 for married or cohabitating white, non-Hispanic couples.<sup>276</sup> According to the Institute on Assets and Social Policy (IASP), college education alone accounts for five percent of the racial wealth gap. IASP found that highly educated households tend to have more wealth and that comparable college degrees led to more wealth for whites than for African Americans.<sup>277</sup>

The economic success and wages of African American women are increasingly important to them and their families. More women now than ever are the primary breadwinners for their families. For example, in 2012, more than four in ten households with children under 18 had mothers who were the sole or primary provider for the family and an additional 22 percent of households with children had mothers who were co-breadwinners, earning between 25 and 50 percent of the family's earnings.<sup>278</sup> And in 2010 over half (53 percent) of African American working wives earned as much or more than their husbands.<sup>279</sup> Addressing the educational outcomes – and the many barriers that undermine them – is crucial to the economic security for African American women, their families and communities.



## A CALL TO ACTION TO ELIMINATE EDUCATIONAL DISPARITIES FOR AFRICAN AMERICAN GIRLS



As this report demonstrates, there is a great need to develop and implement culturally responsive interventions to support the educational and career success of African American girls and women.

*A number of recent proposals would help improve educational outcomes for African American children — boys and girls. Examples of such proposals include:*

- **Expanding access to affordable, high-quality child care and early education** through increased investments in child care, Head Start, universal, full-day prekindergarten, and other early learning initiatives; and through improved policies that reflect the diverse needs of families, including families with parents working full time, parents in school, and parents working variable or non-traditional schedules;
- **Increasing access to educational opportunities** that promote diversity and reduce racial isolation, such as magnet schools;
- **Ensuring access to curricula that will help students build strong academic foundations** and be college and career ready, such as Science, Technology, Engineering, and Mathematics (STEM) courses and courses that will help students develop critical-thinking, reading, and math skills, such as equitably implemented Common Core academic standards;
- **Investing in initiatives that improve school engagement and academic achievement** such as extended learning time, mentoring programs, and support services responsive to the needs of students and their families;
- **Ensuring that students in high-need schools are taught by credentialed teachers** who have degrees in their assigned teaching areas;
- **Ensuring that federal funding is fairly distributed** and schools with limited resources receive targeted federal support; and
- **Ensuring that state, local, and federal funds** are used to help schools reduce racial and gender disparities in education.

The recommendations below describe in more detail ways to further identify and address the particular challenges faced by African American girls and improve their rates of high school graduation and completion of post-secondary education.

More research is needed to identify practices and programs that will best improve outcomes for African American girls and women, but the existing research should encourage educators, policymakers, and funders to invest significant resources to improve educational outcomes for African American girls. The following recommendations provide a roadmap for such action.



## 1

### **ADDRESS OVERLY PUNITIVE DISCIPLINARY PRACTICES THAT DISPROPORTIONATELY IMPACT AFRICAN AMERICAN GIRLS AND PUSH THEM OUT OF SCHOOL.**

As a general matter, policymakers, schools, parents and community advocates should have access to educational data — including data on school discipline — disaggregated and cross-tabulated by sex, race, ethnicity, status as an English Learner, and disability status, so that they may make informed decisions, address disparities and work to secure access to equal educational opportunities for all children.

*To tackle the specific challenges facing African American girls, we recommend the following:*

#### **Policymakers**

- Encourage the U.S. Department of Education’s Office for Civil Rights to investigate the extent to which school discipline policies disproportionately impact girls of color and conduct compliance reviews of school disciplinary practices that specifically involve the intersection of race and gender discrimination or stereotypes, implicating both Title VI of the Civil Rights Act and Title IX of the Education Amendments of 1972.
- Allocate funding for the annual collection and reporting of educational data, such as the Civil Rights Data Collection.
- Allocate funding for the U.S. Department of Education to routinely conduct compliance reviews, resolve complaints, and enter into resolution agreements to eliminate racial and gender discrimination and disparities in schools and districts.

#### **Schools and Districts**

- Provide educators and school personnel with gender and racial bias training to root out discriminatory discipline practices and ensure that schools are encouraging and supporting, not undermining, the academic success of African American female students.
- Conduct universal screening for students’ academic, social and emotional, mental health and other needs, and ensure that proper culturally-responsive supports are in place, such as counseling, to assist students who may have been exposed to trauma or violence.
- Provide teachers, staff and administrators with training to recognize signs of the trauma that may be underlying perceived “defiant” or “disrespectful” behavior, understand the effects of trauma on children, and to learn ways to appropriately address trauma and not re-victimize students.
- Provide girls — particularly those with a history of trauma — with culturally appropriate social and emotional learning programs that teach them skills for responding to conflict.
- Track and share effective school discipline practices and adopt and implement practices that not only reduce suspension and expulsion but also reduce the disproportionate impact of practices on children of color.



- Annually report discipline data to the public, including specific reasons for disciplinary action, length of time and nature of disciplinary intervention used, and number of instruction days lost.
- Conduct regular audits of discipline policies and data to identify and address disparities, limit the use of exclusionary discipline practices, support inclusive, culturally-responsive alternatives to exclusionary discipline practices to help reduce racial and gender disparities, such as restorative justice.
- Reduce the presence of law enforcement in schools, such as School Resource Officers (SROs), who have been shown to foster a climate of distrust and increase youth involvement with the juvenile justice system, particularly for students of color, often for minor offenses.

### **Parents, Caregivers and Community Advocates**

- Request participation in the development and implementation of school discipline rules and policies. Encourage schools and districts to use tools like the federal joint discipline guidance, issued by the Departments of Education and Justice, to develop alternatives to overly punitive discipline practices.
- Highlight community-based and culturally-responsive services and resources available, and ensure that schools are connecting students and families with these resources to support and address their social, emotional, mental health and other needs.
- Report to the U.S. Office for Civil Rights, school board, and other appropriate local and state officials, any failure on the part of schools to give parents proper notification of disciplinary actions and the opportunity to participate in the disciplinary process.
- Hold community forums and public meetings to discuss civil rights protections related to school discipline and develop community responses to schools or districts that continue discriminatory practices and policies.

## **2 | SUPPORT PROGRAMS AND ALTERNATIVES THAT PREVENT AND REDUCE AFRICAN AMERICAN GIRLS' INVOLVEMENT WITH THE JUVENILE JUSTICE SYSTEM.**

### **Policymakers**

- Eliminate legal loopholes that permit youth, and girls in particular, to be detained for status offenses and technical probation violations, such as truancy and running away.
- Require juvenile justice systems to conduct universal, gender-responsive, trauma-informed screening to determine the physical and mental health, economic and educational needs of girls who commit offenses, to better understand their conduct as well as the services they need to heal, reform their behavior, and continue their education.

### **Juvenile Justice Systems**

- Increase referrals of eligible juveniles for diversionary treatment, as an alternative to incarceration, to ensure that they are able to complete their education and access available community-based supports and services to improve their educational outcomes.
- Conduct universal, gender-responsive, trauma-informed screening for all detainees, and provide access to gender-responsive, trauma-informed, culturally relevant services to address the often very serious unmet mental health and other needs of girls who are detained.
- Provide training to decision-makers — including police, prosecutors, judges, and probation officers — especially regarding implicit bias, the role stereotypes may play in their decision-making, the prevalence of trauma histories among girls in the system, and how to best use their discretion to support and improve outcomes for girls who are in or at risk for involvement in the juvenile justice system.
- Ensure that girls in juvenile justice facilities have equal access to quality educational opportunities, including career and technical training for jobs in high-skill, high-wage fields.

## Schools and Districts

- Reduce school-based discipline referrals of African American girls and other children of color to the juvenile justice system by reducing the involvement of police in the handling of minor school disciplinary matters.
- If police or School Resource Officers (SROs) are in schools, ensure that Memoranda of Understanding (MOUs) are executed that clearly define their role, ensuring that they are not handling routine or minor disciplinary matters and working collaboratively with school education officials.
- Ensure that any law enforcement officers in schools are culturally competent and receive frequent training on youth development, implicit bias, and race and gender bias.
- Conduct community-based trainings for law enforcement on best practices and culturally and age-appropriate discipline practices.

## 3 | COMBAT GENDER-BASED HARASSMENT AND VIOLENCE AND ENSURE THAT AFRICAN AMERICAN GIRLS GET THE SUPPORT THEY NEED TO HEAL FROM TRAUMA THEY EXPERIENCE.

As a general matter, in order for African American girls and all students to succeed, policymakers, schools, parents and community advocates must work to create and maintain safe and respectful environments where students can learn and have the support they need to overcome obstacles. School communities must not tolerate harassment or violence of any kind.

**To address the specific challenges facing African American girls, we recommend the following:**

### Policyholders

- Encourage the U.S. Department of Education's Office for Civil Rights to provide recipients of federal education funding with specific guidance on cyber-harassment, to clarify the responsibilities of school districts and colleges, in light of technological developments that affect the severity and pervasiveness of bullying and sexual harassment, and inform them about how to address the problem without resorting to zero-tolerance discipline policies.
- Align legal standards for sexual harassment in schools with those for harassment in the workplace, to help prevent and address school-based harassment and violence.
- Enact laws and policies that protect students from unfair treatment based on their actual or perceived sexual orientation and gender identity by providing more explicit legal protections from discrimination and harassment for students at both the K-12 and higher education levels.

### Schools and Districts

- Regularly collect and make public, in a way that protects student privacy and confidentiality, disaggregated and cross-tabulated data on incidents of harassment based on sex, race, sexual orientation, and actual or perceived gender identity.
- Annually provide students and school personnel with mandatory, age-appropriate, gender identity-sensitive training on bullying, harassment and violence, including





the definition of consent, healthy relationship skills, and bystander intervention.

- Annually provide mandatory training for educators and administrators on appropriately identifying, interacting with, and supporting sexual assault and sex trafficking survivors.
- Annually provide mandatory culturally and community-responsive training for school personnel and administrators on supporting students impacted by harassment or bullying based upon actual or perceived LGBTQ status or gender identity.
- Ensure that schools have adequate staff, including counselors, to provide students with (or refer them to community-based) culturally-responsive, gender-responsive, trauma-informed support, such as mental health services.
- Regularly review school responses to student needs and student outcomes and evaluate whether schools have the resources or relationships with community-based organizations necessary to provide needed support services.

### **Parents, Caregivers and Community Advocates**

- Develop partnerships with schools and districts to ensure that they are aware of appropriate and responsive community-based social service organizations and can refer students when appropriate.
- Hold community forums on the identification of and appropriate responses to and treatments for victims of trauma or violence, including victims of sex trafficking.

## **4 | FUND AND INCENTIVIZE STATES TO IMPLEMENT PROGRAMS TO SUPPORT AND IMPROVE HIGH SCHOOL COMPLETION RATES AND EDUCATIONAL OUTCOMES FOR PREGNANT AND PARENTING STUDENTS.**

### **Policymakers**

- Enact laws and policies to require school districts and post-secondary institutions to provide academic and related support to pregnant and parenting students, such as affordable, school-based, high-quality child care. Require states and districts to collect data and report on supports provided to and outcomes of pregnant and parenting students.
- Support legislation like the Pregnant and Parenting Students Access to Education Act, which would create a federal grant program to provide states and school districts with resources to appropriately support pregnant and parenting students.
- Encourage the U.S. Department of Education's Office for Civil Rights to conduct proactive compliance reviews to identify educational barriers for pregnant and parenting students at both the secondary and post-secondary levels and improve schools' compliance with Title IX.
- Direct and fund the U.S. Department of Education to conduct research to evaluate the most promising school-based service delivery models for pregnant and parenting students and identify programs that are most effective at improving their educational outcomes and long-term success.
- Support culturally-relevant and medically-accurate primary and secondary teen pregnancy prevention and sex education efforts that are comprehensive, age-appropriate, and LGBTQ-inclusive — and that do not use shaming tactics that stigmatize young mothers and fathers.

### **Schools and Districts**

- Collect non-personally identifiable data on pregnant and parenting students, including educational outcomes, and use that data to identify the scope of services needed and to hold accountable schools with a pattern of pushing out students in violation of Title IX.

- Eliminate discriminatory barriers that push out pregnant and parenting students, including harassment and discriminatory attendance policies.
- Provide academic and related support and flexibility to pregnant and parenting students, so they can stay engaged in school and on track for graduation.

## 5 | **IMPROVE EXTRACURRICULAR OPPORTUNITIES AND PARTICIPATION AMONG AFRICAN AMERICAN GIRLS.**

### **Policymakers**

- Hold districts and schools accountable for reporting and justifying distribution of sports and extracurricular funding and spending and enforce equitable funding for girls in compliance with Title IX. Ensure that the U.S. Department of Education's Office for Civil Rights uses its enforcement power to hold non-compliant states and districts accountable.
- Promote increased transparency regarding high school athletics participation opportunities. Support bills like the High School Data Transparency Act, introduced in both the U.S. House and the Senate, which would require high schools to publicly report detailed information about, participation rates in, and expenditures on their athletics programs, broken down by race and gender.

### **Schools and Districts**

- Engage in outreach and recruitment to encourage African American girls to participate in sports and other extracurricular opportunities in which they historically have been underrepresented.
- Provide financial and other supports, such as transportation, to address and eliminate the barriers that limit African American girls' access to athletics and other extracurricular activities.

## 6 | **SUPPORT LEADERSHIP DEVELOPMENT AMONG AFRICAN AMERICAN GIRLS.**

To address the leadership opportunity gap for girls and to support the continued leadership of African American girls and women:

### **Policymakers**

- Create opportunities to help amplify the voices of African American girls who are marginalized — such as those who are unfairly disciplined in school; those who get pushed into the juvenile justice system; those who are victims of sexual violence; those who become mothers at a young age; and those who are discouraged from succeeding in school — and ensure that their perspectives and their needs are visible, supported, and prioritized at every level in the public, private and nonprofit sectors.

### **Schools and Districts**

- Expose African American girls to African American women in leadership positions — through ongoing mentoring programs, field trips, and guest speakers — so that they know they can achieve their goals and grow to be successful women.
- Help girls develop resilience and leadership skills like conflict resolution, healthy communication, and problem-solving.

## 7 | **IMPROVE STEM OPPORTUNITIES AND ACHIEVEMENT FOR AFRICAN AMERICAN GIRLS.**

As a general matter, policymakers, schools, parents and community advocates should be encouraged to secure and provide increased access to rigorous course offerings, including early Science, Technology, Engineering, and Mathematics (STEM) learning opportunities and informal education programs, that provide students with hands-on learning opportunities during school, after school, and over the summer.



**To enhance learning opportunities for African American girls, we recommend the following:**

### **Policymakers**

- Support and enact policies and initiatives to increase numbers of underrepresented students in Science, Technology, Engineering, and Mathematics (STEM) fields.
- Encourage federal agencies that grant funds to educational institutions to increase oversight and auditing of grantees to ensure compliance with Title IX in the STEM area, to ensure that girls and young women have equal access to STEM programs and curricula.
- Require schools and districts to annually report enrollment in STEM courses, disaggregated by race/ethnicity, grade level, special education status, and English Learner status.

### **Schools and Districts**

- Engage in targeted outreach and recruitment of African American girls and other underrepresented students for high-level STEM programs.
- Offer mentoring programs, field trips, and other opportunities to increase students' regular exposure to female STEM professionals, as well as other career professionals.
- Offer informal education programs that offer hands-on learning opportunities and academic support, including tutoring, during school, after school, and over the summer.
- Educate students and school personnel about stereotypes and the ability of individuals to learn and change based on their experiences, so they understand that everyone has the potential to understand increasingly complex concepts over time.
- Provide educators and other school personnel with training on recognizing and overcoming implicit bias, so they can work to ensure they are not subconsciously discouraging female students from excelling in STEM subjects and pursuing STEM fields.
- Promptly address sexual harassment in schools, particularly in classrooms where female students are underrepresented and are likely to feel unwelcome even absent negative messages from their teachers or peers.

## **8 | REQUIRE THE REPORTING OF DATA THAT REFLECT THE NEEDS OF AFRICAN AMERICAN GIRLS.**

### **Policymakers**

- Require states and districts to report and make publicly-accessible student academic and school climate data, including school discipline data, cross-tabulated by race, gender, and disability.
- Provide funding and infrastructure support to the U.S. Department of Education, so that it can annually release the universal Civil Rights Data Collection and ensure that all school districts report accurate data disaggregated by race, gender, age, special education status, and English learner status.
- Hold districts and schools accountable for timely reporting of data. Ensure that the U.S. Department of Education's Office for Civil Rights holds non-compliant districts accountable (including those that refuse to timely make data available upon request).
- Use reported data to develop improvements and highlight disparities (i.e. resources, discipline disparities), ensure that schools/districts are taking action to remedy disparities and, where they are not, ensure enforcement by the Office for Civil Rights.
- Encourage federal agencies to assess and report on existing federal programs and their impact on women and girls of color, and make recommendations for improvement.

### **Schools and Districts**

- Require that all collected student academic data be cross-tabulated, so the data address race, ethnicity, and gender to ensure that the academic needs of all boys and girls are not masked and interventions can be better targeted.

## 9 INVEST IN THE FUTURE OF AFRICAN AMERICAN GIRLS.

The recent, unprecedented level of commitment from organized philanthropy to improve outcomes for boys and men of color is laudable. It signals an understanding that the challenges facing boys and men of color are serious and will only be conquered with a strong and focused effort. This report complements those efforts and calls for a significant commitment to improve outcomes for girls and women of color. The data in this report lays the groundwork for philanthropic organizations to develop an agenda and target funding to address the needs of women and girls of color in the United States. Funding must be directed towards the social services, support systems, and programs that will help address the needs of all African American girls, including the most vulnerable — those who are low-income, in the child welfare system, victims of child sex trafficking, struggling to complete school, or in the juvenile justice system.

Among other things, philanthropic support for African American girls and women could be directed to:

- Host a series of convenings and focus groups, involving youth and community members, to identify community and culturally-responsive strategies to address issues facing women and girls of color.
- Support organizations providing services and mentorship programs for African American girls, including culturally-appropriate, gender-responsive, trauma-informed mental health services and sexual violence support groups, services for pregnant and parenting students, educational opportunities that enhance African American girls' exposure to Science, Technology, Engineering, and Mathematics (STEM), programs that give African American girls access to athletics and other extracurricular opportunities, and programs that nurture leadership development for African American and other girls of color.
- Support federal, state and local advocacy efforts to implement gender-responsive, trauma-informed, culturally-responsive discipline practices and counseling services for youth in schools, as well as policies and programs that improve outcomes for pregnant and parenting students and their children.
- Fund research projects to examine and identify interventions that hold promise for best improving educational outcomes for African American girls.
- Fund projects to document and address the dearth of research regarding the educational experiences of lesbian, bisexual, transgender, and questioning African American girls, and help to target resources and supports to improve school environments and their educational outcomes.





## {ENDNOTES}

<sup>1</sup> *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) [hereinafter *Brown I*], supplemented by 349 U.S. 294 (1955) [hereinafter *Brown II*].

<sup>2</sup> Pub. L. No. 88-352, 78 Stat. 241. Enacted July 2, 1964, the Civil Rights Act made discrimination based upon race, color, religion, sex, or national origin unlawful.

<sup>3</sup> BARBARA RANSBY, ELLA BAKER AND THE BLACK FREEDOM MOVEMENT: A RADICAL DEMOCRATIC VISION 326 (2003). See also Marcia Watson, *Freedom Schools Then and Now: A Transformative Approach to Learning*, 12 J. CRITICAL EDUC. POL'Y STUD. 170, 174-175 (2014), available at <http://www.jceps.com/wp-content/uploads/PDFs/12-1-07.pdf>.

<sup>4</sup> Throughout this report, the term “girls” is used to refer to African American females under age eighteen. When referring to African American females of majority age, the term “young women” or “women” is used. The term “African American” is used to refer to those of African origin living in the United States (no distinction is made between descendants of those who were brought against their will and more recent immigrants. The authors acknowledge that there are within-group variations that exist in African American communities (e.g., socioeconomic status, country of origin, multiracial members) and note that variations between U.S.-born African American and immigrant or foreign-born African Americans is beyond the scope of this report.

<sup>5</sup> *Brown I*, 347 U.S. at 495. Approximately a decade later, the United States Congress enacted the Civil Rights Act of 1964 — key legislation which prohibited discrimination on the basis of race in schools and race and sex in the workplace. Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c to 2000c-9 [hereinafter Title IV] (subsequently amended in 1972 by the Education Amendments of 1972, Pub. L. No. 92-318, § 906(a), 86 Stat. 235, 375, to include a prohibition on sex discrimination); Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 [hereinafter Title VI]; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17 [hereinafter Title VII]. Several years after that, Congress passed Title IX of the Education Amendments of 1972, which prohibits sex discrimination in federally funded education programs or activities. Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 [hereinafter Title IX].

<sup>6</sup> CHARLES J. OGLETREE, *ALL DELIBERATE SPEED: REFLECTIONS ON THE FIRST HALF CENTURY OF BROWN V. BOARD OF EDUCATION* 5 (2004).

<sup>7</sup> Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the country's first and foremost civil and human rights law organization. LDF was initially the legal arm of the NAACP, and its first Director-Counsel was Thurgood Marshall, the first African American Justice of the United States Supreme Court. However, LDF has been a wholly independent organization, with its own Board of Directors, since 1957. Today, LDF continues to litigate approximately 100 school desegregation cases.

<sup>8</sup> The *Brown* decision overturned *Plessy v. Ferguson*, which allowed state-sponsored segregation in public facilities — including education. 163 U.S. 537, 547 (1896). *Brown* was a class action lawsuit filed by thirteen Topeka, Kansas parents on behalf of their twenty children. *Brown* combined five cases: *Brown v. Bd. of Educ.*, 98 F. Supp. 797 (D. Kan. 1951); *Briggs v. Elliott*, 342 U.S. 350 (1952); *Davis v. County Sch. Bd.*, 103 F. Supp. 337 (E.D. Va. 1952); *Gebhart v. Belton*, 91 A.2d 137 (Del. 1952); and *Bolling v. Sharpe*, 347 U.S. 497 (1954). *Bolling* was supplemented by the *Brown II* decision, which urged desegregation with “all deliberate speed.” *Brown II*, 349 U.S. at 301. The cases, brought on behalf of African American plaintiffs, originated in Virginia, South Carolina, Delaware, Kansas, and Washington, DC. All were litigated by the NAACP LDF with Thurgood Marshall serving as Chief Counsel. The *Davis* case was inspired by sixteen year-old Barbara Rose Johns who organized and led a 450-student walkout of Moton High School. See generally TERI KANEFIELD, *THE GIRL FROM THE TAR PAPER SCHOOL: BARBARA ROSE JOHNS AND THE ADVENT OF THE CIVIL RIGHTS MOVEMENT* (2014).

<sup>9</sup> Mrs. Nettie Hunt, sitting on steps of Supreme Court, holding newspaper, explaining to her daughter Nikie the meaning of the Supreme Court's decision banning school segregation (photograph, 1954), in Library of Congress, N.Y. World-Telegram & Sun Newspaper Photograph Collection, available at <http://www.loc.gov/pictures/item/00652489/>.

<sup>10</sup> *Brown I*, 347 U.S. 483.

<sup>11</sup> *Id.* at 493. Although the Supreme Court in *Brown* ordered the desegregation of schools, there was staunch resistance to school desegregation throughout the country, and schools remained segregated for nearly a decade following the decision. ERICA FRANKENBERG, CHUNGMEI LEE & GARY ORFIELD, *THE CIVIL RIGHTS PROJECT, A MULTIRACIAL SOCIETY WITH SEGREGATED SCHOOLS: ARE WE LOSING THE DREAM?* 17-18 (2003), available at <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/a-multiracial-society-with-segregated-schools-are-we-losing-the-dream/frankenberg-multiracial-society-losing-the-dream.pdf>. The Civil Rights Act of 1964 marked another critical step towards desegregation in schools, as the enactment and enforcement of the Act had a positive impact — significantly raising the percentage of African American students attending integrated schools in the South in only the first four years following its enactment from 2 percent in 1964 to 20 percent in 1968. This includes schools in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. National Women's Law Center calculations based on U.S. BUREAU OF THE CENSUS, *STATISTICAL ABSTRACT OF THE UNITED STATES: 1965* 122 tbl.163 (86th ed. 1965), available at <http://www2.census.gov/prod2/statcomp/documents/1965.zip>; U.S. BUREAU OF THE CENSUS, *STATISTICAL ABSTRACT OF THE UNITED STATES: 1969* 117 tbl.169 (90th ed. 1969), available at <http://www2.census.gov/prod2/statcomp/documents/1969.zip>. SANDRA ADICKES, *THE LEGACY OF A FREEDOM SCHOOL* 29-30 (2005). See also Marian Wright Edelman, *From Freedom Summer to Freedom Schools*, HUFFINGTON POST, May

16, 2014, [http://www.huffingtonpost.com/marian-wright-edelman/from-freedom-summer-to-fr\\_b\\_5340364.html](http://www.huffingtonpost.com/marian-wright-edelman/from-freedom-summer-to-fr_b_5340364.html).

<sup>12</sup> See generally WILLIAM C. SYMONDS ET AL., HARVARD GRADUATE SCH. OF EDUC., PATHWAYS TO PROSPERITY: MEETING THE CHALLENGE OF PREPARING YOUNG AMERICANS FOR THE 21ST CENTURY, HARVARD GRADUATE SCHOOL OF EDUCATION 2 (2011), available at [http://www.gse.harvard.edu/news\\_events/features/2011/Pathways\\_to\\_Prospersity\\_Feb2011.pdf](http://www.gse.harvard.edu/news_events/features/2011/Pathways_to_Prospersity_Feb2011.pdf).

<sup>13</sup> *Roberts v. City of Boston*, 59 Mass. 198 (1850). See also THOMAS H. O'CONNOR, CIVIL WAR BOSTON: HOME FRONT & BATTLEFIELD 21, 271 (1997).

<sup>14</sup> See Massachusetts Foundation for the Humanities, Document HS I-14: *The Legislature Takes Action: Massachusetts Chapter 256, Desegregating Public Schools*, 1855, <http://www.massmoments.org/teachers/primedoc.cfm?pid=47> ("Section 1: In determining the qualifications of scholars to be admitted into any public school, or any district school in this Commonwealth, no distinction shall be mad on account of race, color, or religious opinions of the applicant or scholar.").

<sup>15</sup> PAUL ROBERT WALKER, REMEMBER LITTLE ROCK: THE TIME, THE PEOPLE, THE STORIES 58-59 (2009).

<sup>16</sup> RAWN JAMES, JR., ROOT AND BRANCH: CHARLES HAMILTON HOUSTON, THURGOOD MARSHALL, AND THE STRUGGLE TO END SEGREGATION 221 (2010). Mr. Clark wrote a paper for the White House Mid-Century Conference on Children and Youth summarizing this research and the related work attracted the attention of Robert Carter of the NAACP LDF. Clark also co-authored a summation of the social science testimony delivered during the trials that was endorsed by thirty-five leading social scientists. Library of Congress, *Brown v. Board at Fifty: With an Even Hand*, <http://www.loc.gov/exhibits/brown/brown-brown.html>.

<sup>17</sup> NAACP Legal Defense and Educational Fund, Inc. *Brown at 60: The Doll Test*, <http://www.naacpldf.org/brown-at-60-the-doll-test> [hereinafter *The Doll Test*].

<sup>18</sup> *Id.*

<sup>19</sup> JAMES, *supra* note 16, at 221. See also *The Doll Test*, *supra* note 17.

<sup>20</sup> JAMES, *supra* note 16, at 221.

<sup>21</sup> *Id.*

<sup>22</sup> *Brown v. Bd. of Educ.*, 347 U.S. 483, 494-95 (1954).

<sup>23</sup> *Id.* at 494.

<sup>24</sup> *The Doll Test*, *supra* note 17.

<sup>25</sup> ELLIE L. YOUNG & LAURA L. HOFFMAN, NAT'L ASS'N OF SCH. PSYCHOLOGISTS, HELPING CHILDREN AT HOME AND SCHOOL II: HANDOUTS FOR FAMILIES AND EDUCATORS, SELF-ESTEEM IN CHILDREN: STRATEGIES FOR PARENTS AND EDUCATIONS S5-87 (2004), available at [http://www.nasponline.org/communications/spawareness/selfesteem\\_ho.pdf](http://www.nasponline.org/communications/spawareness/selfesteem_ho.pdf).

<sup>26</sup> AVIS A. JONES-DEWEEVER, INST. FOR WOMEN'S POLICY RESEARCH, BLACK GIRLS IN NEW YORK CITY: UNTOLD STRENGTH AND RESILIENCE 43 (2009), available at [http://www.iwpr.org/publications/pubs/black-girls-in-new-york-city-untold-strength-and-resilience/at\\_download/file](http://www.iwpr.org/publications/pubs/black-girls-in-new-york-city-untold-strength-and-resilience/at_download/file).

<sup>27</sup> *Id.* at 43-44.

<sup>28</sup> AM. PSYCHOLOGICAL ASS'N TASK FORCE ON RESILIENCE AND STRENGTH IN BLACK CHILDREN AND ADOLESCENTS, RESILIENCE IN AFRICAN AMERICAN CHILDREN AND ADOLESCENTS: A VISION FOR OPTIMAL DEVELOPMENT 3 (2008).

<sup>29</sup> *Id.* at 31 (citing Bernadette Gray-Little & Adam R. Hafdahl, Factors Influencing Racial Comparisons of Self-Esteem: A Quantitative Review, 126 PSYCHOL. BULL. 26 (2000)).

<sup>30</sup> *Id.* at 35.

<sup>31</sup> MELISSA HARRIS-PERRY, SISTER CITIZEN: SHAME STEREOTYPES, AND BLACK WOMEN IN AMERICA 53-97 (2011).

<sup>32</sup> See MONIQUE W. MORRIS, AFRICAN AM. POLICY FORUM, RACE, GENDER, AND THE SCHOOL-TO-PRISON PIPELINE: EXPANDING OUR DISCUSSION TO INCLUDE BLACK GIRLS 5 (2012), available at <http://www.otlcampaign.org/sites/default/files/resources/Morris-Race-Gender-and-the-School-to-Prison-Pipeline.pdf>; Jamilia J. Blake, Bettie Ray Butler & Charlotte Danielle Smith, *Challenging Middle Class Notions of Femininity: The Cause for Black Females' Disproportionate Suspension Rates*, in CLOSING THE SCHOOL DISCIPLINE GAP: RESEARCH TO PRACTICE (Daniel Losen ed., forthcoming) (manuscript at 4, on file with authors) (citing Regina Rahimi & Delores D. Liston, *What Does she Expect when She Dresses Like That? Teacher Interpretation of Emerging Adolescent Female Sexuality*, 45 EDUC. STUD. 512 (2009)).

<sup>33</sup> Blake, Butler & Smith, *supra* note 32 (manuscript at 4-5). See also Jamilia J. Blake et al., *Unmasking the Inequitable Discipline Experiences of Urban Black Girls: Implications for Urban Educational Stakeholders*, 43 URB. REV. 90, 92-93 (2011).

<sup>34</sup> MORRIS, *supra* note 32, at 5-6.

<sup>35</sup> Blake, Butler & Smith, *supra* note 32 (manuscript at 9-10). See also Blake et al., *supra* note, at 93-94.

<sup>36</sup> See generally Russell J. Skiba et al., *Office Referrals and Suspension: Disciplinary Intervention in Middle Schools*, 20 EDUC. & TREATMENT OF CHILD. 295 (1997) [hereinafter *Office Referrals*]; Russell J. Skiba et al., *The Color of Discipline*, 34 URB. REV. 317 (2002) [hereinafter *Color of Discipline*]; Blake, Butler & Smith, *supra* note 32.



<sup>37</sup> MORRIS, *supra* note 32, at 6.

<sup>38</sup> Diane A. M. Archer-Banks & Linda S. Behar-Horenstein, *Ogbu Revisited: Unpacking High-Achieving African American Girls' High School Experiences*, 47 URB. EDUC. 198, 208-09 (2012) (citing Susan Frazier-Kouassi, *Race and Gender at the Crossroads: African American Females in Schools*, 8 PERSP. 151 (2002)).

<sup>39</sup> Blake et al., *supra* note 33, at 92 (citing Virginia Costenbader & Samia Markson, *School Suspension: A Study with Secondary School Students*, 36 J. SCH. PSYCHOL. 59 (1998)).

<sup>40</sup> See generally Robert W. Livingston, Ashleigh Shelby Rosette & Ella F. Washington, *Can an Agentic Black Woman Get Ahead? The Impact of Race and Interpersonal Dominance on Perceptions of Female Leaders*, 23 PSYCHOL. SCI. 354 (2012).

<sup>41</sup> Blake, Butler & Smith, *supra* note 32 (manuscript at 9) (citing JOYCE A. LADNER, *TOMORROW'S TOMORROW: THE BLACK WOMAN* (1972)).

<sup>42</sup> GIRL SCOUT RESEARCH INST., *THE STATE OF GIRLS: UNFINISHED BUSINESS — GIRLS' LEADERSHIP* 15 (2013), available at [https://www.girlscouts.org/research/pdf/sog\\_ch7\\_leadership.pdf](https://www.girlscouts.org/research/pdf/sog_ch7_leadership.pdf).

<sup>43</sup> *Id.* at 16, 18.

<sup>44</sup> *Id.* at 19.

<sup>45</sup> *Id.* at 23.

<sup>46</sup> *Id.* at 20.

<sup>47</sup> See *Green v. County Sch. Bd.*, 391 U.S. 430, 436-37 (1968) (directing federal courts to address segregation in the following areas: physical condition of the school plant; school transportation system; student, faculty and staff assignment and extracurricular activities — these became known as the *Green* factors).

<sup>48</sup> William Julius Wilson, *Being Poor, Black, and American: The Impact of Political, Economic, and Cultural Forces*, 35 AM. EDUCATOR 10, 25 (2011), available at <https://www.aft.org/pdfs/americaneducator/spring2011/Wilson.pdf> (citing SCHOTT FOUND. FOR PUB. EDUC., *LOST OPPORTUNITY: A 50 STATE REPORT ON THE OPPORTUNITY TO LEARN IN AMERICA — NATIONAL SUMMARY REPORT* (2009), available at [http://www.otlstatereport.org/50\\_state\\_report\\_national\\_summary.pdf](http://www.otlstatereport.org/50_state_report_national_summary.pdf)).

<sup>49</sup> CHILDREN'S DEF. FUND, *CHILD POVERTY IN AMERICA: 2011* 3 (2012), available at <http://www.childrensdefense.org/child-research-data-publications/data/2011-child-poverty-in-america.pdf>.

<sup>50</sup> Algernon Austin, Economic Policy Institute, *African Americans are still concentrated in neighborhoods with high poverty and still lack full access to decent housing* (July 22, 2013), <http://www.epi.org/publication/african-americans-concentrated-neighborhoods/>.

<sup>51</sup> See generally GARY ORFIELD ET AL., *THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES, E PLURIBUS... SEPARATION: DEEPENING DOUBLE SEGREGATION FOR MORE STUDENTS* (2012), available at [http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/orfield\\_epluribus\\_revised\\_complete\\_2012.pdf](http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/orfield_epluribus_revised_complete_2012.pdf). Seventy-four percent of African American students are in schools where the majority of students are not white. Thirty-eight percent of African American students attend “intensely segregated schools” where white students comprise 10 percent or less of the student body. *Id.* at 9. Latinos also disproportionately attend high-minority, racially isolated, and high-poverty schools. *Id.*

<sup>52</sup> Wilson, *supra* note 48, at 21-22 (noting that “a century ago, when African American children in most northern cities attended school alongside white children, the problems commonly associated with inner-city schools—low achievement and dropping out—were not nearly as pervasive as they are today”).

<sup>53</sup> Charles T. Clotfelter, Helen F. Ladd & Jacob Vigdor, *Who Teaches Whom? Race and the Distribution of Novice Teachers*, 24 ECON. EDUC. REV. 377, 378 (2004).

<sup>54</sup> See generally LAWRENCE J. SCHWEINHART ET AL., *THE HIGH/SCOPE PERRY PRESCHOOL STUDY THROUGH AGE 40: SUMMARY, CONCLUSIONS, AND FREQUENTLY ASKED QUESTIONS* (2005), available at [http://www.highscope.org/file/Research/PerryProject/specialsummary\\_rev2011\\_02\\_2.pdf](http://www.highscope.org/file/Research/PerryProject/specialsummary_rev2011_02_2.pdf); Frances A. Campbell et al., *Adult Outcomes as a Function of an Early Childhood Educational Program: An Abecedarian Project Follow-Up*, 48 DEVELOPMENTAL PSYCHOL. 1033 (2012); Arthur J. Reynolds et al., *Age 21 Cost-Benefit Analysis of the Title I Chicago Child-Parent Center Program: Executive Summary* (2001), <http://www.waisman.wisc.edu/cls/cbaexecsum4.html>; ELLEN FREDE ET AL., NAT'L INST. FOR EARLY EDUC. RESEARCH, *THE APPLES BLOSSOM: ABBOTT PRESCHOOL PROGRAM LONGITUDINAL EFFECTS STUDY (APPLES) PRELIMINARY RESULTS THROUGH 2ND GRADE — INTERIM REPORT* (2009), available at [http://nieer.org/pdf/apples\\_second\\_grade\\_results.pdf](http://nieer.org/pdf/apples_second_grade_results.pdf).

<sup>55</sup> SCHWEINHART ET AL., *supra* note 54, at 2; NAT'L WOMEN'S LAW CTR., *HIGH-QUALITY PREKINDERGARTEN IS A WISE INVESTMENT 1-2* (2013), available at <http://www.nwlc.org/sites/default/files/pdfs/prekfactsheet.pdf>.

<sup>56</sup> NAT'L WOMEN'S LAW CTR., *supra* note 55, at 1.

<sup>57</sup> See EARLY CHILDHOOD LEARNING & KNOWLEDGE CTR., U.S. DEP'T OF HEALTH AND HUMAN SERVICES, *HEAD START PROGRAM FACTS: FISCAL YEAR 2013* 6, available at <https://eclkc.ohs.acf.hhs.gov/hslc/data/factsheets/docs/hs-program-factsheet-2013.pdf>; U.S. Department of Health and Human Services, Office of the Administration for Children & Families, Office of Child Care, *FY2012 Preliminary Data Table 11 – Average Monthly Percentages of Children by Racial Group*, <http://www.acf.hhs.gov/programs/occ/resource/fy-2012-ccdf-data-tables-preliminary-table-11>; U.S. Census Bureau, *Current Population Survey (CPS), 2014 Annual Social and Economic (ASEC) Supplement, 2012 Poverty Table of Contents, POV34. Single Year of Age-Poverty Status*, [http://www.census.gov/hhes/www/cpstable/032014/pov/pov34\\_100.htm](http://www.census.gov/hhes/www/cpstable/032014/pov/pov34_100.htm) [hereinafter CPS POV34].

<sup>58</sup> National Women's Law Center, *Gaps in Support for Early Care and Education*, [http://www.nwlc.org/sites/default/files/pdfs/gaps\\_in\\_support\\_for\\_early\\_care\\_and\\_education\\_april\\_2014.pdf](http://www.nwlc.org/sites/default/files/pdfs/gaps_in_support_for_early_care_and_education_april_2014.pdf).

<sup>59</sup> *Id.* See also OFFICE OF THE ASSISTANT SEC'Y FOR PLANNING AND EVALUATION, U.S. DEP'T OF HEALTH AND HUMAN SERVICES, ESTIMATES OF CHILD CARE ELIGIBILITY AND RECEIPT FOR FISCAL YEAR 2009 (2012), available at <http://aspe.hhs.gov/hsp/12/childcareeligibility/ib.pdf>.

<sup>60</sup> KAREN SCHULMAN & HELEN BLANK, NAT'L WOMEN'S LAW CTR., PIVOT POINT: STATE CHILD CARE ASSISTANCE POLICIES 2013 8 (2013), available at [http://www.nwlc.org/sites/default/files/pdfs/final\\_nwlc\\_2013statechildcareassistancereport.pdf](http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_2013statechildcareassistancereport.pdf).

<sup>61</sup> Data on Head Start enrollment in Fiscal Year 2012 from ADMIN. FOR CHILDREN AND FAMILIES, U.S. DEP'T OF HEALTH AND HUMAN SERVICES, JUSTIFICATION OF ESTIMATES FOR APPROPRIATIONS COMMITTEES: FISCAL YEAR 2014 102, available at [https://www.acf.hhs.gov/sites/default/files/olab/sec2d\\_cfsp\\_2014cj.pdf](https://www.acf.hhs.gov/sites/default/files/olab/sec2d_cfsp_2014cj.pdf), and data on the number of three- and four-year-old children in poverty from CPS POV34, *supra* note 57. Figures are National Women's Law Center calculations.

<sup>62</sup> U.S. Census Bureau, *Who's Minding the Kids? Child Care Arrangements: 2011 – Detailed Tables, Table 6. Average Weekly Child Care Expenditures of Families with Employed Mothers that Make Payments, by Age Groups and Selected Characteristics: Spring 2011*, <http://www.census.gov/hhes/childcare/data/sipp/2011/tables.html>. Statistics are for families with African American or white, non-Hispanic mothers who are employed and who have children under age 15.

<sup>63</sup> CHILD CARE AWARE OF AMERICA, PARENTS AND THE HIGH COST OF CHILD CARE: 2013 REPORT 14 (2013) available at <http://usa.childcareaware.org/sites/default/files/Cost%20of%20Care%202013%20110613.pdf>

<sup>64</sup> SARA BERNSTEIN ET AL., MATHEMATIC POLICY RESEARCH, KINDERGARTENERS' SKILLS AT SCHOOL ENTRY: AN ANALYSIS OF THE ECLS-K 3 (2014), available at [http://www.mathematica-mpr.com/~media/publications/pdfs/earlychildhood/kindergarten\\_skills\\_school\\_entry.pdf](http://www.mathematica-mpr.com/~media/publications/pdfs/earlychildhood/kindergarten_skills_school_entry.pdf).

<sup>65</sup> Generally ORFIELD *supra* note 51. See also CLOTFELTER, LADD & VIGDOR *supra* note 53, at 378.

<sup>66</sup> CIVIL RIGHTS DATA COLLECTION, U.S. DEPT. OF EDUC. OFFICE FOR CIVIL RIGHTS, ISSUE BRIEF No. 3, DATA SNAPSHOT: COLLEGE AND CAREER READINESS 1,8 (2014), available at <http://ocrdata.ed.gov/Downloads/CRDC-College-and-Career-Readiness-Snapshot.pdf> (hereinafter COLLEGE AND CAREER READINESS).

<sup>67</sup> CIVIL RIGHTS DATA COLLECTION, U.S. DEP'T OF EDUC. OFFICE FOR CIVIL RIGHTS, ISSUE BRIEF No. 4, DATA SNAPSHOT: TEACHER EQUITY 1, 5 (2014), available at <http://ocrdata.ed.gov/Downloads/CRDC-Teacher-Equity-Snapshot.pdf>.

<sup>68</sup> National Science Foundation, National Center for Science and Engineering Statistics, Science and Engineering Indicators 2012, Appendix Table 1-25. *Perceptions of working conditions of public middle and high school*

*mathematics and science teachers, by minority enrollment and school poverty levels: Academic years 2003-04 and 2007-08*, <http://www.nsf.gov/statistics/seind12/append/c1/at01-25.pdf> [hereinafter Appendix Table 1-25].

<sup>69</sup> Center for Public Education, *Teacher Quality and Student Achievement: Q&A*, <http://www.centerforpubliceducation.org/Main-Menu/Staffingstudents/Teacher-quality-and-student-achievement-At-a-glance/Teacher-quality-and-student-achievement-QA.html>.

<sup>70</sup> 103 F. Supp. 337 (E.D. Va. 1952).

<sup>71</sup> Barbara Johns is the niece of renowned Civil Rights leader, Vernon Johns, who was Dr. King's predecessor as pastor of the Dexter Avenue Baptist Church in Montgomery, Alabama. Although he was not directly involved, he is believed to have given advice to his niece in her protest efforts. See JILL OGLINE TITUS, *BROWN'S BATTLEGROUND: STUDENTS, SEGREGATIONISTS, & THE STRUGGLE FOR JUSTICE IN PRINCE EDWARD COUNTY, VIRGINIA* 5 (2011).

<sup>72</sup> See generally KANEFIELD, *supra* note 8.

<sup>73</sup> "A quarter of high schools with the highest percentage of black and Latino students do not offer Algebra II; a third of these schools do not offer chemistry." *supra* note 66 at COLLEGE AND CAREER READINESS 1 (2014), available at <http://ocrdata.ed.gov/Downloads/CRDC-College-and-Career-Readiness-Snapshot.pdf> [hereinafter COLLEGE AND CAREER READINESS]. In addition, for Advanced Placement courses, "[b]lack and Latino students make up 37% of students in high schools, 27% of students enrolled in at least one Advanced Placement (AP) course, and 18% of students receiving a qualifying score of 3 or above on an AP exam" which is the score needed to earn college credit. *Id.*; *The College Board, About AP Scores*, <https://apscore.collegeboard.org/scores/about-ap-scores>.

<sup>74</sup> Brea Perry et al., *Blinded to Science: Gender Differences in the Effects of Race, Ethnicity, and Socioeconomic Status on Academic and Science Attitudes Among Sixth Graders*, 24 GENDER & EDUC. 1, 4, 10 (2012); Rose M. Pringle et al., *Factors Influencing Elementary Teachers' Positioning of African American Girls as Science and Mathematics Learners*, 112 SCH. SCI. & MATHEMATICS 217, 221 (2012).

<sup>75</sup> COLLEGE AND CAREER READINESS, *supra* note 66, at 1.

<sup>76</sup> *Id.* at 7.

<sup>77</sup> *Id.* at 1.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 8.

<sup>80</sup> *Id.*

<sup>81</sup> Clotfelter, Ladd & Vigdor, *supra* note 53, at 378.



<sup>82</sup> National Science Foundation, National Center for Science and Engineering Statistics, Science and Engineering Indicators 2012, Appendix Table 1-18. *Years of teaching experience of public middle and high school mathematics and science teachers, by minority enrollment and school poverty level: Academic years 2003-04 and 2007-08*, <http://www.nsf.gov/statistics/seind12/append/c1/at01-18.pdf>. “High-minority schools” are defined here as those with minority enrollments greater than 45 percent of the student population, and “low-minority schools” are those with 0-5 percent minority enrollment.

<sup>83</sup> National Science Foundation, National Center for Science and Engineering Statistics, Science and Engineering Indicators 2012, Appendix Table 1-11. *Highest degree attainment of public middle and high school mathematics and science teachers, by minority enrollment and school poverty level: Academic years 2003-04 and 2007-08*, <http://www.nsf.gov/statistics/seind12/append/c1/at01-11.pdf>. “High-poverty schools” are defined here as those in which more than 50 percent of students were eligible for free or reduced-price lunch and “low-poverty schools” are those in which 0-10 percent of students were eligible.

<sup>84</sup> Clotfelter, Ladd & Vigdor, *supra* note 53, at 378.

<sup>85</sup> Appendix Table 1-25, *supra* note 68. “High-poverty schools” are defined here as those in which more than 50 percent of students were eligible for free or reduced-price lunch and “low-poverty schools” are those in which 0-10 percent of students were eligible. “High-minority schools” are defined here as those with minority enrollments greater than 45 percent of the student population, and “low-minority schools” are those with 0-5 percent minority enrollment. “Necessary materials” include textbooks, supplies, and copy machines. See U.S. DEP’T OF EDUC., NAT’L CTR. FOR EDUC. STATISTICS, *TEACHER QUESTIONNAIRE: SCHOOL AND STAFFING SURVEY – 2007-08 SCHOOL YEAR 33*, available at <http://nces.ed.gov/surveys/sass/pdf/0708/sass4a.pdf>. Figures are National Women’s Law Center calculations.

<sup>86</sup> Pringle et al., *supra* note 74, at 221.

<sup>87</sup> KRISTA D. MATTERN, EMILY J. SHAW & MAUREEN EWING, THE COLLEGE BOARD, *RESEARCH REPORT No. 2011-6, ADVANCED PLACEMENT EXAM PARTICIPATION: IS AP EXAM PARTICIPATION AND PERFORMANCE RELATED TO CHOICE OF COLLEGE MAJOR?* 12 (2011), available at <https://research.collegeboard.org/sites/default/files/publications/2012/7/researchreport-2011-6-ap-participation-performance-major-choice.pdf>. See also Adam V. Maltese & Robert H. Tai, *Pipeline Persistence: Examining the Association of Educational Experiences With Earned Degrees in STEM Among U.S. Students*, 95 *SCI. EDUC.* 877, 881 (2011), available at [http://www.socialimpactexchange.org/sites/www.socialimpactexchange.org/files/A+B-Tai\\_Maltese-Pipeline\(2011\).pdf](http://www.socialimpactexchange.org/sites/www.socialimpactexchange.org/files/A+B-Tai_Maltese-Pipeline(2011).pdf).

<sup>88</sup> Keith Cowing, *Homer Hickam Supports High School Student Whose Science Project Got Her Expelled and Arrested*, *SPACE REF*, May 13, 2013, <http://spaceref.com/nasa-hack-space/homer-hickam-supports-high-school-student-whose-science-project-got-her-expelled-and-arrested.html>.

<sup>89</sup> Rebecca Klein, Kiera Wilmot, *Teen Arrested in Botched Science Experiment, Haunted By Felony Record*, *HUFFINGTON POST*, May 30, 2014, [http://www.huffingtonpost.com/2014/05/30/kiera-wilmot-college\\_n\\_5420612.html](http://www.huffingtonpost.com/2014/05/30/kiera-wilmot-college_n_5420612.html).

<sup>90</sup> Leslie Postal, *Kiera Wilmot Will Not Be Expelled From School, Attorney Says*, *ORLANDO SENTINEL*, May 29, 2013, available at [http://articles.orlandosentinel.com/2013-05-29/news/os-kiera-wilmot-not-expelled-20130529\\_1\\_alternative-school-leah-lauderdale-school-police-officer](http://articles.orlandosentinel.com/2013-05-29/news/os-kiera-wilmot-not-expelled-20130529_1_alternative-school-leah-lauderdale-school-police-officer).

<sup>91</sup> Danica Lawrence, *Teen Arrested for Explosive Science Project Graduates*, *USA TODAY*, June 4, 2014, <http://www.usatoday.com/story/news/nation/2014/06/04/florida-student-arrested-science-experiment-blast/9947139>.

<sup>92</sup> *Id.*

<sup>93</sup> Klein, *supra* note 89.

<sup>94</sup> Kirsten West Savali, *Victory: Kiera Wilmot Will Not Be Prosecuted for Exploring Science Experience!*, *NEWSONE*, May 15, 2013, <http://newsone.com/2454320/kiera-wilmot-florida-science-experiment-3/>.

<sup>95</sup> Daniel Clark, *Cleared of Charges of Setting Off a School Exploding, Florida Honor Student Heads to Space Camp*, *ABC NEWS*, May 22, 2013, <http://abcnews.go.com/US/cleared-charges-honor-student-space-camp/story?id=19236561>.

<sup>96</sup> Cowing, *supra* note 88.

<sup>97</sup> *Id.*

<sup>98</sup> NAT’L WOMEN’S LAW CTR., *THE NEXT GENERATION OF TITLE IX: ATHLETICS* 3 (2012), available at [http://www.nwlc.org/sites/default/files/pdfs/nwlcathletics\\_titleixfactsheet.pdf](http://www.nwlc.org/sites/default/files/pdfs/nwlcathletics_titleixfactsheet.pdf).

<sup>99</sup> *Id.* (citing Robert Kaestner & Xin Xu, *Title IX, Girls’ Sports Participation, and Adult Female Physical Activity and Weight*, 34 *EVALUATION REV.* 52 (2010)). Girls who had opportunities to play sports because of Title IX had a seven percent lower risk of obesity 20 to 25 years later when they were in their late 30s and early 40s. One study notes that while a seven percent decline in obesity is modest, “no other public health program can claim similar success.” *Id.*

<sup>100</sup> ELLEN J. STAUROWSKY ET AL., WOMEN’S SPORTS FOUND., *HER LIFE DEPENDS ON IT II: SPORT, PHYSICAL ACTIVITY, AND THE HEALTH AND WELL-BEING OF AMERICAN GIRLS AND WOMEN* 44-46 (2009), available at [http://www.womenssportsfoundation.org/home/research/articles-and-reports/mental-and-physical-health/~/\\_media/PDFs/WSF%20Research%20Reports/Her\\_Life\\_II\\_Full.ashx](http://www.womenssportsfoundation.org/home/research/articles-and-reports/mental-and-physical-health/~/_media/PDFs/WSF%20Research%20Reports/Her_Life_II_Full.ashx).

<sup>101</sup> *Id.* at 40-43. See also NAT’L WOMEN’S LAW CTR., *supra* note 98, at 3 (citing Don Sabo et al., *High School Athletic Participation And Adolescent Suicide: A Nationwide Study*, 40 *INT. REV. FOR SOC. SPORT* 5 (2004), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2563797/pdf/nihms50086.pdf>;

George Nicoloff & Thomas L. Schwenk, *Using Exercise to Ward Off Depression*, 23 PHYSICIAN & SPORTSMEDICINE 44 (1995); Randy M. Page & Larry A. Tucker, *Psychosocial Discomfort and Exercise Frequency: An Epidemiological Study of Adolescents*, 29 ADOLESCENCE 183 (1994)).

<sup>102</sup> See STAUROWSKY ET AL., *supra* note 100, at 36-39; DON SABO ET AL., WOMEN'S SPORTS FOUND., *SPORT AND TEEN PREGNANCY* 7 (1998), available at [http://www.womenssportsfoundation.org/home/research/articles-and-reports/mental-and-physical-health/~media/PDFs/WSF%20Research%20Reports/Teen\\_Pregnancy.ashx](http://www.womenssportsfoundation.org/home/research/articles-and-reports/mental-and-physical-health/~media/PDFs/WSF%20Research%20Reports/Teen_Pregnancy.ashx).

<sup>103</sup> NAT'L WOMEN'S LAW CTR., *supra* note 98, at 3 (citing *National Collegiate Athletic Association, Graduation Success Rate Report, 1999-2002 Cohorts: Overall Division I* (2009), [http://web1.ncaa.org/app\\_data/nH8egsrAggr2009/1\\_0.pdf](http://web1.ncaa.org/app_data/nH8egsrAggr2009/1_0.pdf); NAT'L FED'N OF STATE HIGH SCH. ASSOCIATIONS, *THE CASE FOR HIGH SCHOOL ACTIVITIES* 7 (2008); Press Release, Univ. of Cent. Fla., *UCF Study Looks at Diversity in Campus Leadership, Graduation Rates for Women's 2004 Sweet 16 College Teams* (March 25, 2004), available at [http://www.tidesport.org/Grad%20Rates/2004\\_Campus\\_Leadership\\_Study\\_for\\_Women%27s%20BB.pdf](http://www.tidesport.org/Grad%20Rates/2004_Campus_Leadership_Study_for_Women%27s%20BB.pdf)).

<sup>104</sup> See generally Sandra L. Hanson & Rebecca S. Krauss, *Women, Sports, Science: Do Female Athletes Have an Advantage?* 71 SOC. EDUC. 93 (1998).

<sup>105</sup> DON SABO, WOMEN'S SPORTS FOUND., *MINORITIES IN SPORTS: THE EFFECT OF VARSITY SPORTS PARTICIPATION ON THE SOCIAL, EDUCATIONAL, AND CAREER MOBILITY OF MINORITY STUDENTS* 4 (1989), available at <http://files.eric.ed.gov/fulltext/ED312356.pdf>.

<sup>106</sup> NCAA Research, *Trends in Graduation-Success Rates and Federal Graduation Rates at NCAA Division I Institutions* 20 (Oct. 2013), [http://www.ncaa.org/sites/default/files/GSR%2Band%2BFed%2BTrends%2B2013\\_Final.pdf](http://www.ncaa.org/sites/default/files/GSR%2Band%2BFed%2BTrends%2B2013_Final.pdf). Figure compares graduation rates of NCAA Division I athletes and students overall. Figures are National Women's Law Center calculations.

<sup>107</sup> NAT'L WOMEN'S LAW CTR., *supra* note 98, at 3.

<sup>108</sup> *Id.*

<sup>109</sup> 20 U.S.C. §§ 1681-1688.

<sup>110</sup> DON SABO & PHIL VELIZ, WOMEN'S SPORTS FOUND., *GO OUT AND PLAY: YOUTH SPORTS IN AMERICA* 5, 15-16 (2008), available at <http://www.womenssportsfoundation.org/en/home/research/articles-and-reports/mental-and-physical-health/go-out-and-play>.

<sup>111</sup> TERRIS ROSS ET AL., NAT'L CTR. FOR EDUC. STATISTICS, U.S. DEPT. OF EDUC., *HIGHER EDUCATION: GAPS IN ACCESS AND PERSISTENCE STUDY* 81 tbl.16-2 (2012), available at <http://nces.ed.gov/pubs2012/2012046.pdf>.

<sup>112</sup> See Tracy K. Richmond et al., *Can School Income and Racial/Ethnic Composition Explain the Racial/Ethnic Disparity in Adolescent Physical Activity Participation?*, 117 PEDIATRICS 2158, 2163-2165 (2006). Study participants were asked about participation in a variety of physical activities: "[t]he first

of the 3 physical activity questions referred to riding a bike, roller-skating, or roller-blading; the second asked about participation in active sports such as soccer, baseball, or basketball; and the third asked about engaging in active exercises such as walking, running, dancing, or jumping rope." *Id.* at 2160.

<sup>113</sup> *Id.* at 2163.

<sup>114</sup> *Id.* at 2164.

<sup>115</sup> Mira Grieser et al., *Black, Hispanic, and White Girls' Perceptions of Environmental and Social Support and Enjoyment of Physical Activity*, 78 J. SCH. HEALTH 314, 318 (2008).

<sup>116</sup> WILSON SPORTING GOODS CO. & WOMEN'S SPORTS FOUND., *THE WILSON REPORT: MOMS, DADS, DAUGHTERS AND SPORTS* 27 (1988), available at <https://www.womenssportsfoundation.org/en/home/research/articles-and-reports/mental-and-physical-health/moms-dads-daughters-and-sports>.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> *Id.* at 30.

<sup>120</sup> SABO AND VELEZ, *supra* note 110, at 133.

<sup>121</sup> High School Data Transparency Act of 2013, H.R. 455, S. 217, 113th Cong. (2013). See also National Coalition for Women & Girls in Education, *The High School Data Transparency Bills of 2013*, [http://www.nwlc.org/sites/default/files/pdfs/2013\\_1\\_31\\_hs\\_transparency\\_bills\\_mythsfacts.pdf](http://www.nwlc.org/sites/default/files/pdfs/2013_1_31_hs_transparency_bills_mythsfacts.pdf). Recently the U.S. Department of Education's Office for Civil Rights resolved five complaints filed by the National Women's Law Center, finding district-wide underrepresentation of girls in sports in Arizona, North Carolina, Ohio, Texas, and California. National Women's Law Center, *OCR Resolves Five NWLC Title IX Complaints and Finds District-Wide Underrepresentation of Girls in Sports*, <http://www.nwlc.org/success/ocr-resolves-five-nwlc-title-ix-complaints-and-finds-district-wide-underrepresentation-girls>.

<sup>122</sup> BETH M. MILLER, NELLIE MAY FOUND. *CRITICAL HOURS: AFTERSCHOOL PROGRAMS AND EDUCATIONAL SUCCESS* 30-31 (2003), available at <http://www.nmefoundation.org/getmedia/08b6e87b-69ff-4865-b44e-ad42f2596381/Critical-Hours?ext=.pdf>.

<sup>123</sup> *Id.* at 80.

<sup>124</sup> MARGO GARDNER ET AL., CAMPAIGN FOR EDUC. EQUITY, *EQUITY MATTERS: RESEARCH REVIEW No.4, CAN AFTER-SCHOOL PROGRAMS HELP LEVEL THE ACADEMIC PLAYING FIELD FOR DISADVANTAGED YOUTH?* 14 (2009), available at [http://www.equitycampaign.org/i/a/document/11242\\_after-school\\_report\\_10-7-09\\_web.pdf](http://www.equitycampaign.org/i/a/document/11242_after-school_report_10-7-09_web.pdf).



<sup>125</sup> LISA DODSON & RANDY ALBELDA, CTR. FOR SOC. POLICY, UNIV. OF MASS. BOSTON, *HOW YOUTH ARE PUT AT RISK BY PARENTS' LOW-WAGE JOBS* 13 (2012), available at [http://cdn.umb.edu/images/centers\\_institutes/center\\_social\\_policy/Youth\\_at\\_RiskParents\\_Low\\_Wage\\_Jobs\\_Fall\\_121.pdf](http://cdn.umb.edu/images/centers_institutes/center_social_policy/Youth_at_RiskParents_Low_Wage_Jobs_Fall_121.pdf).

<sup>126</sup> MILLER, *supra* note 122, at 80.

<sup>127</sup> DODSON & ALBELDA, *supra* note 125, at 14.

<sup>128</sup> MILLER, *supra* note 122, at 80.

<sup>129</sup> American Community Survey (ACS) 2012 using Steven Ruggles et. al. Integrated Public Use Microdata Series: Version 5.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2010). Data refers to the number of hours per week that the respondent usually worked in the prior year, if the person worked during the previous year. National Women's Law Center calculations.

<sup>130</sup> ROSS ET AL., *supra* note 111, at 81 tbl.16-2. Figures are National Women's Law Center calculations.

<sup>131</sup> ROSS ET AL., *supra* note 111, at 81 tbl.16-2.

<sup>132</sup> Lloyd D. Johnston et al., *Monitoring the Future: A Continuing Study of American Youth (12th-Grade Survey)*, 2012 ICPSR34861-v2 Form 6 (Ann Arbor, MI: Inter-university Consortium for Political and Social Research, 2014), <http://doi.org/10.3886/ICPSR34861.v2>. Figures are National Women's Law Center calculations.

<sup>133</sup> ROBERT GRIMM JR, KIMBERLY SPRING & NATHAN DIETZ, CORP. FOR NAT'L & CMTY. SERV., *THE HEALTH BENEFITS OF VOLUNTEERING: A REVIEW OF RECENT RESEARCH* 3-4 (2007), available at [http://www.nationalservice.gov/sites/default/files/documents/07\\_0506\\_hbr.pdf](http://www.nationalservice.gov/sites/default/files/documents/07_0506_hbr.pdf).

<sup>134</sup> CHRISTOPHER SPERA ET AL., CORP. FOR NAT'L & CMTY. SERV., *VOLUNTEERING AS A PATHWAY TO EMPLOYMENT: DOES VOLUNTEERING INCREASE ODDS OF FINDING A JOB FOR THE OUT OF WORK?* 1 (2013), available at [http://www.nationalservice.gov/sites/default/files/upload/employment\\_research\\_report.pdf](http://www.nationalservice.gov/sites/default/files/upload/employment_research_report.pdf).

<sup>135</sup> Archer-Banks & Behar-Horenstein, *supra* note 38, at 208.

<sup>136</sup> CHILDREN'S DEF. FUND, *CHILDREN OUT OF SCHOOL IN AMERICA* 5-6, 117-47 (1974), available at [http://diglib.lib.utk.edu/cdf/data/0116\\_000050\\_000207/0116\\_000050\\_000207.pdf](http://diglib.lib.utk.edu/cdf/data/0116_000050_000207/0116_000050_000207.pdf).

<sup>137</sup> "Zero tolerance" refers to a discipline policy under which a single infraction can result in suspension or expulsion or other severe sanctions, without any intermediate disciplinary options.

<sup>138</sup> CHRISTOPHER BOCCANFUSO & MEGAN KUHFIELD, CHILD TRENDS, *RESEARCH-TO-RESULTS BRIEF No. 2011-09, MULTIPLE RESPONSES, PROMISING RESULTS: EVIDENCE-BASED, NONPUNITIVE ALTERNATIVES TO ZERO TOLERANCE* 1 (2011), available at [http://www.childtrends.org/wp-content/uploads/2011/03/Child\\_Trends-2011\\_03\\_01\\_RB\\_AltToZeroTolerance.pdf](http://www.childtrends.org/wp-content/uploads/2011/03/Child_Trends-2011_03_01_RB_AltToZeroTolerance.pdf).

<sup>139</sup> CATHERINE KIM, DANIEL LOSEN & DAMON HEWITT, *THE SCHOOL-TO-PRISON PIPELINE: STRUCTURING LEGAL REFORM* 113 (2010) (noting that "[a]nother factor exacerbating the increased criminalization of school misconduct involves the deployment of full-time police officers to patrol K-12 school hallways").

<sup>140</sup> Blake et al., *supra* note Error! Bookmark not defined., at 92-94.

<sup>141</sup> Color of Discipline, *supra* note 36, at 335 (citing ADVANCEMENT PROJECT & THE CIVIL RIGHTS PROJECT AT HARVARD UNIV., *OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE* (2000)).

<sup>142</sup> See generally RUSSELL J. SKIBA & NATASHA T. WILLIAMS, *THE EQUITY PROJECT AT IND. UNIV., SUPPLEMENTARY PAPER No. 1, ARE BLACK KIDS WORSE? MYTHS AND FACTS ABOUT RACIAL DIFFERENCES IN BEHAVIOR: A SUMMARY OF THE LITERATURE* (2014), available at [http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior\\_031214.pdf](http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior_031214.pdf).

<sup>143</sup> Color of Discipline, *supra* note 36, at 333-35.

<sup>144</sup> *Id.* at 332.

<sup>145</sup> DANIEL J. LOSEN & RUSSELL SKIBA, *SUSPENDED EDUCATION: URBAN MIDDLE SCHOOLS IN CRISIS* 7 (2010), available at [http://www.splcenter.org/sites/default/files/downloads/publication/Suspended\\_Education.pdf](http://www.splcenter.org/sites/default/files/downloads/publication/Suspended_Education.pdf). The report analyzed suspension rates in middle schools in 18 of the largest urban school districts in the United States: Los Angeles, CA; Denver, CO; Hartford, CT; Miami-Dade, FL; Palm Beach, FL; Atlanta, GA; Indianapolis, IN; Des Moines, IA; Springfield, MA; Baltimore, MD; Jackson, MS; Charlotte, NC; Providence, RI; Dallas, TX; Houston, TX; San Antonio, TX; Seattle, WA; and Milwaukee, WI.

<sup>146</sup> CIVIL RIGHTS DATA COLLECTION, U.S. DEP'T OF EDUC. OFFICE FOR CIVIL RIGHTS, *ISSUE BRIEF No. 1, DATA SNAPSHOT: SCHOOL DISCIPLINE* 3 (2014), available at <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf> [hereinafter *SCHOOL DISCIPLINE*]. At 12 percent, the out-of-school suspension rates for African American girls are higher than those for all other groups of girls and all boys except for African American boys (20 percent) and American Indian/Alaska Native boys (13 percent).

<sup>147</sup> *Id.* at 4.

<sup>148</sup> *Id.* at 14-15.

<sup>149</sup> See generally Blake, Butler & Smith, *supra* note 32.

<sup>150</sup> *Id.* (manuscript at 6-7 & tbl.2). “Disobedience and disruptive behavior” is defined as “an unwillingness to submit to authority, refusal to respond to a reasonable request, or any act that substantially disrupts the orderly learning environment (i.e. dress code violations, inappropriate language, cursing, in appropriate gestures).” *Id.* (manuscript at 7).

<sup>151</sup> U.S. Department of Education, Civil Rights Data Collection, 2009-10 National and State Estimations, National total, <http://ocrdata.ed.gov/downloads/projections/2009-10/2009-10-Estimations-Nation.xls> [hereinafter CRDC 2009-10]. Discipline data are for students without disabilities. National Women’s Law Center calculations.

<sup>152</sup> LIZ WATSON & PETER EDELMAN, GEORGETOWN CTR. ON POVERTY, INEQUALITY, AND PUB. POLICY, IMPROVING THE JUVENILE JUSTICE SYSTEM FOR GIRLS: LESSONS FROM THE STATES 1 (2012), available at [http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/JDS\\_V1R4\\_Web\\_Singles.pdf](http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/JDS_V1R4_Web_Singles.pdf) (citing AM. BAR ASS’N & NAT’L BAR ASS’N, JUSTICE BY GENDER: THE LACK OF APPROPRIATE PREVENTION, DIVERSION AND TREATMENT ALTERNATIVES FOR GIRLS IN THE JUSTICE SYSTEM 1 (2001), available at [http://www.americanbar.org/content/dam/aba/publishing/criminal\\_justice\\_section\\_newsletter/crimjust\\_juvjus\\_justicebygenderweb.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_juvjus_justicebygenderweb.authcheckdam.pdf)).

<sup>153</sup> M. Sickmund, A. Sladky, & W. Kang, Easy Access to Juvenile Court Statistics: 1985-2011 (2014), <http://www.ojjdp.gov/ojstatbb/ezajcs/>. A delinquent act is defined as “[a]n act committed by a juvenile for which an adult could be prosecuted in a criminal court, but when committed by a juvenile is within the jurisdiction of the juvenile court. Delinquent acts include crimes against persons, crimes against property, drug offenses, and crimes against public order, as defined under Referral offense, when such acts are committed by juveniles.” Office of Juvenile Justice and Delinquency Prevention, Easy Access to Juvenile Court Statistics: 1985-2011, Glossary, [http://www.ojjdp.gov/ojstatbb/ezajcs/asp/glossary.asp#delinquent\\_act](http://www.ojjdp.gov/ojstatbb/ezajcs/asp/glossary.asp#delinquent_act). National Women’s Law Center calculations.

<sup>154</sup> ERIC S. HALL & ZORKA KARANXHA, SCHOOL TODAY, JAIL TOMORROW: THE IMPACT OF ZERO TOLERANCE ON THE OVER-REPRESENTATION OF MINORITY YOUTH IN THE JUVENILE SYSTEM (2012), available at [http://www.loyola.edu/~media/departments/powerplay/documents/past/vol4number1/ppj\\_vol\\_04\\_no\\_01\\_hall\\_karanxha.ashx](http://www.loyola.edu/~media/departments/powerplay/documents/past/vol4number1/ppj_vol_04_no_01_hall_karanxha.ashx).

<sup>155</sup> WATSON & EDELMAN, *supra* note 152, at 1.

<sup>156</sup> Jyoti Nanda, *Blind Discretion: Girls of Color & Delinquency in the Juvenile Justice System*, 59 UCLA L. REV. 1502, 1528 (2012) (citing Alecia Humphrey, The Criminalization of Survival Attempts: Locking up Female Runaways and Other Status Offenders, 15 HASTINGS WOMEN’S L.J. 165, 172 (2004)).

<sup>157</sup> Blake, Butler & Smith, *supra* note 32 (manuscript at 4) (citing Regina Rahimi & Delores D. Liston, *What Does she Expect when She Dresses Like That? Teacher Interpretation of Emerging Adolescent Female Sexuality*, 45 EDUC. STUD. 512 (2009)).

<sup>158</sup> Morris, *supra* note 32, at 5.

<sup>159</sup> Nanda, *supra* note 156, at 1530-31.

<sup>160</sup> *Id.* at 1507.

<sup>161</sup> Morris, *supra* note 32, at 9.

<sup>162</sup> Watson & Edelman, *supra* note 152, at 2-3.

<sup>163</sup> Kim Taylor-Thompson, *Girl Talk – Examining Racial and Gender Lines in Juvenile Justice*, 6 NEV. L.J. 1137, 1139 (2006), available at <http://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=1396&context=nlj> (citing AM. BAR ASS’N & NAT’L BAR ASS’N, Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System, 9 WM. & MARY J. WOMEN & L. 73, 79 (2002)).

<sup>164</sup> Title IV prohibits discrimination based on race, color, or national origin in public schools. It also prohibits discrimination on the basis of sex and religion.

<sup>165</sup> Title VI prohibits discrimination on the basis of race, color, or national origin to those entities that receive Federal Financial assistance.

<sup>166</sup> See Joint Dear Colleague Letter from U.S. Department of Justice and U.S. Department of Education on the Nondiscriminatory Administration of School Discipline (Jan. 8, 2014), available at <http://www.justice.gov/crt/about/edu/documents/dcl.pdf>.

<sup>167</sup> Rebecca Klein, *Tiana Parker, 7, Switches Schools After Being Forbidden From Wearing Dreads*, HUFFINGTON POST, Sept. 5, 2013, [http://www.huffingtonpost.com/2013/09/05/tiana-parker-dreads\\_n\\_3873868.html](http://www.huffingtonpost.com/2013/09/05/tiana-parker-dreads_n_3873868.html); Fran Jeffries, *Report: African-American Girl Won’t be Expelled Over Her Natural Hair Style*, ATLANTA J. CONST., Nov. 26, 2013, <http://www.ajc.com/news/news/report-african-american-girl-faces-expulsion-over/nb5M7>.

<sup>168</sup> Erica DeRamus, *Chose Suspension Over Paddling For Too-Revealing Prom Dress*, HUFFINGTON POST, June 2, 2010 pm, [http://www.huffingtonpost.com/2010/04/02/erica-deramus-chose-suspe\\_n\\_523083.html](http://www.huffingtonpost.com/2010/04/02/erica-deramus-chose-suspe_n_523083.html).

<sup>169</sup> Civil Rights Data Collection, Discipline and Disability (2009+) for Oxford High School, Oxford, AL using U.S. Department of Education, Civil Rights Data Collection, Detailed Data Tables, <http://ocrdata.ed.gov/flex/Reports.aspx?type=school>. Figures are National Women’s Law Center calculations.

<sup>170</sup> Sonja C. Tonnesen, Commentary, *“Hit It and Quit It”: Responses to Black Girls’ Victimization in School*, 28 BERKELEY J. GENDER L. & JUST. 1, 10 (2013), available at <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1312&context=bgjl>.

<sup>171</sup> David Schwartz & Andrea Hopmeyer Gorman, *Community Violence Exposure and Children’s Academic Functioning*, 95 J. EDUCATIONAL PSYCHOL. 163, 170 (2003).



<sup>172</sup> *Id.* at 171.

<sup>173</sup> Biological research has shown that trauma can affect the hippocampus, the area of the brain that controls the ability to learn and to store both long- and short-term memory. See Stephanie Covington, *A Trauma-Informed Approach to Girls: What it is and Why it's Needed*, Keynote Address at Trauma-Informed Policy and Practice for Disconnected Girls (Nov. 15, 2013). See also Office of Juvenile Justice and Delinquency Prevention, National Training and Technical Assistance Center, *A Trauma Informed Effective Reinforcement System for Girls* (Aug. 2013), <https://www.nttac.org/index.cfm?event=trainingCenter.traininginfo&eventID=190&from=training&dtab=1>.

<sup>174</sup> ROSS ET AL., *supra* note 111, at 64 tbl.12-1.

<sup>175</sup> DANIELLE L. MCGUIRE, *AT THE DARK END OF THE STREET: BLACK WOMEN, RAPE, AND RESISTANCE—A NEW HISTORY OF THE CIVIL RIGHTS MOVEMENT FROM ROSA PARKS TO THE RISE OF BLACK POWER* 30-31 (2010).

<sup>176</sup> See generally *id.*

<sup>177</sup> *Id.* at 6-8, 13-26.

<sup>178</sup> DANICE K. EATON ET AL., CENTERS FOR DISEASE CONTROL AND PREVENTION, U.S. DEP'T OF HEALTH AND HUMAN SERVICES, *SURVEILLANCE SUMMARIES* VOL. 61 No. 4, *YOUTH RISK BEHAVIOR SURVEILLANCE—UNITED STATES, 2011* 66 (2012), available at <http://www.cdc.gov/mmwr/pdf/ss/ss6104.pdf>.

<sup>179</sup> U.S. Department of Health and Human Services, Office of Refugee Resettlement, *Fact Sheet: Human Trafficking* (Aug. 2, 2012), <http://www.acf.hhs.gov/programs/orr/resource/fact-sheet-human-trafficking>.

<sup>180</sup> WILLIAM ADAMS, COLLEEN OWENS & KEVONNE SMALL, U.S. DEP'T OF JUSTICE, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, *EFFECTS OF FEDERAL LEGISLATION ON THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN* 1, 3 (2010), available at <https://www.ncjrs.gov/pdffiles1/ojjdp/228631.pdf>.

<sup>181</sup> U.S. DEP'T OF STATE, *TRAFFICKING IN PERSONS REPORT 13* (2006), available at <http://www.state.gov/documents/organization/66086.pdf>.

<sup>182</sup> PARSONS ET AL., *CTR. FOR AM. PROGRESS, 3 KEY CHALLENGES IN COMBATING THE SEX TRAFFICKING OF MINORS IN THE UNITED STATES* (2014), available at <http://cdn.americanprogress.org/wp-content/uploads/2014/04/HumanTrafficking-brief.pdf>.

<sup>183</sup> DUREN BANKS & TRACEY KYCKELHAHN, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, *CHARACTERISTICS OF SUSPECTED HUMAN TRAFFICKING INCIDENTS, 2008-2010* (2011), available at <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf>. See also PARSONS, *supra* note 182. These are just confirmed victims whose gender was known; sex trafficking is a crime that is severely underreported and it is extremely difficult to confirm the number of victims.

<sup>184</sup> HUMAN SMUGGLING AND TRAFFICKING CTR., U.S. DEP'T OF STATE, *DOMESTIC HUMAN TRAFFICKING: AN INTERNAL ISSUE 2* (2008), available at <http://www.state.gov/documents/organization/113612.pdf>.

<sup>185</sup> Jill Tucker, *Oakland Schools' Mission to End Child Sex Trafficking*, S.F. CHRON., Dec. 20, 2013, available at <http://www.sfgate.com/crime/article/Oakland-schools-mission-to-end-child-trafficking-5080256.php>.

<sup>186</sup> *Id.*

<sup>187</sup> Lynsey Clark, *Oakland Schools Teach Trafficking Prevention in Schools*, CHRON. FOR SOC. CHANGE, Aug. 26, 2013, <https://chronicleofsocialchange.org/news/oakland-schools-teach-trafficking-prevention-in-schools/3818>.

<sup>188</sup> Tucker, *supra* note 185.

<sup>189</sup> Clark, *supra* note 187.

<sup>190</sup> Ryan Dunn, *Protecting Children from Trafficking*, CONNECTION NEWSPAPERS, May 21, 2014, <http://www.connectionnewspapers.com/news/2014/may/21/protecting-children-trafficking/>.

<sup>191</sup> *Id.*

<sup>192</sup> *Id.*

<sup>193</sup> U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality, *National Survey on Drug Use and Health, 2012*, ICPSR34933-v1 (Ann Arbor, MI: Inter-university Consortium for Political and Social Research, 2013), <http://doi.org/10.3886/ICPSR34933.v1>; SCYATTA A. WALLACE & RIKI WILCHINS, *TRUE CHILD & HEINZ ENDOWMENTS, GENDER NORMS: A KEY TO IMPROVING HEALTH & WELLNESS AMONG BLACK WOMEN & GIRLS 4* (2013), available at <http://www.truechild.org/Images/Interior/findtools/heinz%20report.pdf> (citing Ellen F. Harrington, Janis H. Crowther & Jillian C. Shipherd, *Trauma, Binge Eating, and the "Strong Black Woman"*, 78 J. CONSULTING & CLINICAL PSYCHOL. 469 (2010)). See also HARRIS-PERRY, *supra* note 31, at 184-91. National Women's Law Center calculations.

<sup>194</sup> WALLACE & WILCHINS, *supra* note 193, at 13.

<sup>195</sup> Tonnesen, *supra* note 170, at 20.

<sup>196</sup> See generally Francine T. Sherman, *Reframing the Response: Girls in the Juvenile Justice System and Domestic Violence*, JUV. & FAM. JUST. TODAY 16, 17-20 (2009); Francine T. Sherman, *Justice for Girls: Are We Making Progress?* CRIM. JUST., Summer 2013, at 9, available at <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1507&context=lsfp>.

<sup>197</sup> CATHERINE HILL & HOLLY KEARL, AM. ASS'N OF UNIV. WOMEN, *CROSSING THE LINE: SEXUAL HARASSMENT AT SCHOOL 11* (Nov. 2011), available at <http://www.aauw.org/files/2013/02/Crossing-the-Line-Sexual-Harassment-at-School.pdf>.

<sup>198</sup> *Id.* at 25.

<sup>199</sup> AM. ASS'N OF UNIV. WOMEN EDUC. FOUND., *HOSTILE HALLWAYS: BULLYING, TEASING, AND SEXUAL HARASSMENT IN SCHOOL 24-25* (2001), available at <http://www.aauw.org/files/2013/02/hostile-hallways-bullying-teasing-and-sexual-harassment-in-school.pdf>.

<sup>200</sup> Tonnesen, *supra* note 170, at 5 (citing JODY MILLER, *GETTING PLAYED: AFRICAN AMERICAN GIRLS, URBAN INEQUALITY, AND GENDERED VIOLENCE* (2008)).

<sup>202</sup> Tonnesen, *supra* note 170, at 10.

<sup>203</sup> JOSEPH G. KOSCIW ET AL., *GAY, LESBIAN & STRAIGHT EDUC. NETWORK, THE 2011 NATIONAL SCHOOL CLIMATE SURVEY: THE EXPERIENCES OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER YOUTH IN OUR NATION'S SCHOOLS 87* (2012), available at <http://glsen.org/sites/default/files/2011%20National%20School%20Climate%20Survey%20Full%20Report.pdf>.

<sup>204</sup> *Id.* at 86.

<sup>205</sup> 20 U.S.C. §§ 1681-1688. See also OFFICE FOR CIVIL RIGHTS, U.S. DEP'T OF EDUC., *REVISED SEXUAL HARASSMENT GUIDANCE: HARASSMENT OF STUDENTS BY SCHOOL EMPLOYEES, OTHER STUDENTS OR THIRD PARTIES* (2001), available at <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>; Dear Colleague Letter from Russlynn Ali, Assistant Sec'y for Civil Rights, U.S. Dep't of Educ. (Apr. 4, 2011), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.

<sup>206</sup> 42 U.S.C. §§ 2000d to 2000d-7. See also Dear Colleague Letter from Russlynn Ali, Assistant Sec'y for Civil Rights, U.S. Dep't of Educ. (Oct. 26, 2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.

<sup>207</sup> *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999).

<sup>208</sup> Verna Williams, now a Professor at the University of Cincinnati College of Law, worked at the National Women's Law Center from 1993-2001. She served as Vice President and Director of Educational Opportunities, where she focused on issues of gender equity in education.

<sup>209</sup> Press Release, U.S. Dep't of Educ., *U.S. Department of Education Reaches Agreement with West Contra Costa Unified School District in California to Address & Prevent Sexual Assault, Harassment of Students* (Nov. 6, 2013), available at <https://www.ed.gov/news/press-releases/us-department-education-reaches-agreement-west-contra-costa-unified-school-distr>; Letter from Arthur Zeidman, Director, U.S. Dep't of Educ. Office for Civil Rights San Francisco, to Bruce Harter, Superintendent, West Contra Costa Unified Sch. Dist. (Nov. 6, 2013), available at <http://www2.ed.gov/documents/press-releases/west-contra-costa-california-letter.doc>.

<sup>210</sup> Dear Colleague Letter, *supra* note 205.

<sup>211</sup> OFFICE FOR CIVIL RIGHTS, U.S. DEP'T OF EDUC., *QUESTIONS AND ANSWERS ON TITLE IX AND SEXUAL VIOLENCE* (2014), available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

<sup>212</sup> MARIA GUERRA, CTR. FOR AM. PROGRESS, *FACT SHEET: THE STATE OF AFRICAN AMERICAN WOMEN IN THE UNITED STATES* (2013), available at <http://cdn.americanprogress.org/wp-content/uploads/2013/11/SOW-factsheet-AA.pdf>.

<sup>213</sup> NAT'L WOMEN'S LAW CTR., *A PREGNANCY TEST FOR SCHOOLS: THE IMPACT OF EDUCATION LAWS ON PREGNANT AND PARENTING STUDENTS 1* (2012), available at [http://www.nwlc.org/sites/default/files/final\\_nwlc\\_pregnantparenting\\_report.pdf](http://www.nwlc.org/sites/default/files/final_nwlc_pregnantparenting_report.pdf).

<sup>214</sup> *Id.*

<sup>215</sup> *Id.* at 1, 3-5, 17.

<sup>216</sup> 34 C.F.R. § 106.40(b)(5).

<sup>217</sup> OFFICE FOR CIVIL RIGHTS, U.S. DEP'T OF EDUC., *SUPPORTING THE ACADEMIC SUCCESS OF PREGNANT AND PARENTING STUDENTS UNDER TITLE IX OF THE EDUCATION AMENDMENTS OF 1972* (2013), available at <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>. See also Dear Colleague Letter from Seth Galanter, Acting Assistant Sec'y for Civil Rights, U.S. Dep't of Educ. (June 25, 2013), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201306-title-ix.pdf>.

<sup>218</sup> NAT'L CAMPAIGN TO PREVENT TEEN AND UNPLANNED PREGNANCY, *FAST FACTS: TEEN PREGNANCY AND CHILDBEARING AMONG NON-HISPANIC BLACK TEENS 1* (2013), available at [https://thenationalcampaign.org/sites/default/files/resource-primary-download/fast\\_facts\\_-\\_teen\\_pregnancy\\_and\\_childbearing\\_among\\_non-hispanic\\_black\\_te.pdf](https://thenationalcampaign.org/sites/default/files/resource-primary-download/fast_facts_-_teen_pregnancy_and_childbearing_among_non-hispanic_black_te.pdf).

<sup>219</sup> See generally NAT'L WOMEN'S LAW CTR., *supra* note 213; NAT'L CAMPAIGN TO PREVENT TEEN AND UNPLANNED PREGNANCY, *TEEN CHILDBEARING, EDUCATION, AND ECONOMIC WELLBEING* (2012), available at <https://thenationalcampaign.org/sites/default/files/resource-primary-download/childbearing-education-economicwellbeing.pdf>.

<sup>220</sup> KATE PERPER, KRISTEN PETERSON & JENNIFER MANLOVE, *CHILD TRENDS, FACT SHEET No. 2010-01, DIPLOMA ATTAINMENT AMONG TEEN MOTHERS 1* (2010), available at <http://www.childtrends.org/?publications=diploma-attainment-among-teen-mothers>.

<sup>221</sup> *Id.* at 2.

<sup>222</sup> SAUL D. HOFFMAN, NAT'L CAMPAIGN TO PREVENT TEEN PREGNANCY, *BY THE NUMBERS: THE PUBLIC COSTS OF ADOLESCENT CHILDBEARING 19* (2006), available at [http://thenationalcampaign.org/sites/default/files/resource-primary-download/btn\\_national\\_report.pdf](http://thenationalcampaign.org/sites/default/files/resource-primary-download/btn_national_report.pdf). "Young teenage mothers" refers to women who have a baby before the age of 18.

<sup>223</sup> See NAT'L WOMEN'S LAW CTR., *supra* note 213, at 11-19.

<sup>224</sup> PERPER, PETERSON & MANLOVE, *supra* note 220, at 3.

<sup>225</sup> Alyssa Newcomb, *Woman Denied Sole Valedictorian Status Because of Race, Lawsuit Says*, ABC News, July 26, 2011, <http://abcnews.go.com/US/student-sues-school-barred-sole-valedictorian/story?id=14164431>. National Women's Law Center calculations.

<sup>226</sup> Editorial Projects in Education, Education Counts database using Editorial Projects in Education, Research Center, Custom Table Builder, <http://www.edcounts.org/createtable/step1.php>. Graduation rates are reported by Editorial Projects in Education under the Cumulative Promotion Index. National Women's Law Center calculations.

<sup>227</sup> *Id.* 2010 graduation rates by race and gender are: female African American students (66 percent); female white students (82 percent); female Hispanic students (71 percent); female Asian students (83 percent); and female American Indian students (51 percent).

<sup>228</sup> *Id.* 2010 graduation rates are reported by Editorial Projects in Education under the Cumulative Promotion Index. The District of Columbia, Connecticut, Hawaii, Idaho, Iowa, Maine, Montana, Vermont, and Wyoming were excluded due to insufficient data.

<sup>229</sup> Current Population Survey, 2014 Annual Social and Economic Supplement using U.S. Census Bureau, Current Population Survey (CPS), CPS Table Creator, <http://www.census.gov/cps/data/cpstablecreator.html>. National Women's Law Center calculations. Figures are National Women's Law Center calculations.

<sup>230</sup> *Id.*

<sup>231</sup> National Center for Education Statistics, National Assessment of Educational Progress (NAEP), NAEP Overview, <http://nces.ed.gov/nationsreportcard/about/>.

<sup>232</sup> National Assessment of Educational Progress (NAEP), 2013 Reading and Mathematics Assessments [hereinafter 2013 NAEP Assessments] using U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, NAEP Data Explorer, <http://nces.ed.gov/nationsreportcard/naepdata/>. African American girls had slightly larger or equivalent shares of student scoring below Basic when compared to American Indian/Alaska native female students. Figures are National Women's Law Center calculations.

<sup>233</sup> *Id.*

<sup>234</sup> ROSS ET AL., *supra* note 111, at 98 tbl.19-1. The NAEP science assessment for 12<sup>th</sup>-graders was last administered in 2009.

<sup>235</sup> 2013 NAEP Assessments, *supra* note 232. Figures are National Women's Law Center calculations.

<sup>236</sup> National Assessment of Educational Progress (NAEP), 2009 High School Transcript Study using U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, NAEP Data Explorer, <http://nces.ed.gov/nationsreportcard/hstsdta/>. National Women's Law Center calculations.

<sup>237</sup> ROSS ET AL., *supra* note 111, at 58 tbl.11-1.

<sup>238</sup> See Shane R. Jimerson, Meta-analysis of Grade Retention Research: Implications for Practice in the 21<sup>st</sup> Century, 30 SCH. PSYCH. REV. 420 (2001), available at <http://mina.education.ucsb.edu/jimerson/NEW%20retention/Publications/MetaAnalysis.SPR01.pdf>.

<sup>239</sup> COLLEGE AND CAREER READINESS, *supra* note 66, at 11. Data disaggregated by gender for the 2011-12 CRDC are not yet available.

<sup>240</sup> CRDC 2009-10, *supra* note 151. Data disaggregated by gender are not yet available from the most recent 2011-12 Civil Rights Data Collection. National Women's Law Center calculations.

<sup>241</sup> *Id.*

<sup>242</sup> The College Board, About AP Scores, <https://apscore.collegeboard.org/scores/about-ap-scores>.

<sup>243</sup> The College Board, AP Program Participation and Performance Data 2013, National Report, [http://media.collegeboard.com/digitalServices/pdf/research/2013/National\\_Summary\\_13.xls](http://media.collegeboard.com/digitalServices/pdf/research/2013/National_Summary_13.xls).

<sup>244</sup> The College Board, *supra* note 243. National Women's Law Center calculations. Figures are National Women's Law Center calculations.

<sup>245</sup> *Id.*

<sup>246</sup> Institute for Computing Education at Georgia Tech, Detailed data on pass rates, race, and gender for 2013, <http://home.cc.gatech.edu/ice-gt/556>.

<sup>247</sup> *Id.* There were no computer science AP exams taken in Wyoming in 2013.

<sup>248</sup> COLLEGE BOARD, TOTAL GROUP PROFILE REPORT: 2013 COLLEGE-BOUND SENIORS 3 tbl.10 (2013), available at <http://media.collegeboard.com/digitalServices/pdf/research/2013/TotalGroup-2013.pdf>.

<sup>249</sup> THE ACT, ACT PROFILE REPORT – NATIONAL: GRADUATING CLASS 2012 NATIONAL 15 (2012), available at <http://www.act.org/newsroom/data/2012/pdf/profile/National2012.pdf> [hereinafter GRADUATING CLASS 2012 NATIONAL]; THE ACT, ACT PROFILE REPORT – NATIONAL: GRADUATING CLASS 2012 – BLACK/AFRICAN AMERICAN STUDENTS NATIONAL 15 (2012), available at <http://www.act.org/newsroom/data/2012/pdf/profile/AfricanAmerican.pdf>.

<sup>250</sup> *Id.*



<sup>251</sup> *Id.* In 2012, the ACT college readiness benchmark for science was 24 out of 36 points and for math was 22 out of 36 points. GRADUATING CLASS 2012 NATIONAL, *supra* note 249, at 19, 21.

<sup>252</sup> COLLEGE BOARD, *supra* note 248, at 3.

<sup>253</sup> Mark Hugo-Lopez & Ana Gonzalez-Barrera, Women's college enrollment gains leave men behind, FACT TANK, March 6, 2014, <http://www.pewresearch.org/fact-tank/2014/03/06/womens-college-enrollment-gains-leave-men-behind/>. Some attribute this to lowered labor market barriers that make a college education more beneficial for women. *Id.*

<sup>254</sup> U.S. Census Bureau, Current Population Survey (CPS), School Enrollment, CPS October 2012 – Detailed Tables, Table 7. Enrollment Status of High School Graduates 15 to 24 Years Old, by Type of School, Attendance Status, Sex, Race, and Hispanic Origin: October 2012, <http://www.census.gov/hhes/school/data/cps/2012/tables.html>. National Women's Law Center calculations.

<sup>255</sup> *Id.*

<sup>256</sup> See generally CONSTANCE BAKER MOTLEY, EQUAL JUSTICE UNDER LAW: AN AUTOBIOGRAPHY (1998). See also Douglas Martin, *Constance Baker Motley, Civil Rights Trailblazer, Dies at 84*, N.Y. TIMES, Sept. 29, 2005, available at <http://www.nytimes.com/2005/09/29/nyregion/29motley.html?pagewanted=all&r=0>.

<sup>257</sup> See generally ADA LOIS SIPUEL FISHER, A MATTER OF BLACK AND WHITE: THE AUTOBIOGRAPHY OF ADA LOIS SIPUEL FISHER (1996).

<sup>258</sup> FREDERIC O. SARGENT, THE CIVIL RIGHTS REVOLUTION: EVENTS AND LEADERS, 1955-1968 15-16 (2004).

<sup>259</sup> ROSS ET AL., *supra* note 111, at 194 tbl.39-1. Percentages are reported for the 2007-08 academic year.

<sup>260</sup> National Center for Education Statistics, Digest of Education Statistics 2013, Table 326.10. Graduation rates of first-time, full-time bachelor's degree-seeking students at 4-year postsecondary institutions, by race/ethnicity, time to completion, sex, and control of institution: Selected cohort entry years, 1996 through 2006, [http://nces.ed.gov/programs/digest/d13/tables/dt13\\_326.10.asp](http://nces.ed.gov/programs/digest/d13/tables/dt13_326.10.asp).

<sup>261</sup> National Center for Education Statistics, Digest of Education Statistics 2013, Table 326.20. Graduation rates of first-time, full-time degree/certificate-seeking students at 2-year postsecondary institutions who completed a credential within 150 percent of normal time, by race/ethnicity, sex, and control of institution: Selected cohort entry years, 2000 through 2009, [http://nces.ed.gov/programs/digest/d13/tables/dt13\\_326.20.asp](http://nces.ed.gov/programs/digest/d13/tables/dt13_326.20.asp).

<sup>262</sup> See U.S. Census Bureau, Current Population Survey (CPS), 2014 Annual Social and Economic (ASEC) Supplement, 2013 Person Income Table of Contents, Table PINC-03. Educational Attainment—People 25 Years Old

and Over, by Total Money Earnings in 2013, Work Experience in 2013, Age, Race, Hispanic Origin, and Sex, [http://www.census.gov/hhes/www/cpstables/032014/perinc/pinc03\\_000.htm](http://www.census.gov/hhes/www/cpstables/032014/perinc/pinc03_000.htm) [hereinafter Table PINC-03].

<sup>263</sup> U.S. Department of Labor, Bureau of Labor Statistics, Employment Projections, Earnings and Unemployment Rates by Educational Attainment, at [http://www.bls.gov/emp/ep\\_table\\_001.htm](http://www.bls.gov/emp/ep_table_001.htm).

<sup>264</sup> See *High Wages After High School—Without a Bachelor's Degree*, OCCUPATIONAL OUTLOOK Q., Summer 2012, available at <http://www.bls.gov/opub/ooq/2012/summer/art03.htm>.

<sup>265</sup> National Science Foundation, *Women, Minorities, and Persons with Disabilities in Science and Engineering*, Table 2-8. Intentions of freshmen to major in S&E fields, by race/ethnicity and sex: 2012, [http://www.nsf.gov/statistics/wmpd/2013/pdf/tab2-8\\_updated\\_2014\\_05.pdf](http://www.nsf.gov/statistics/wmpd/2013/pdf/tab2-8_updated_2014_05.pdf). STEM includes biological/agricultural sciences, computer sciences, engineering, mathematics/statistics, physical sciences, social/behavioral sciences.

<sup>266</sup> National Science Foundation, *Women, Minorities, and Persons with Disabilities in Science and Engineering*, Table 4-3. S&E and S&E technologies associate's degrees awarded, by sex, citizenship, race/ethnicity, and field: 2012, [http://www.nsf.gov/statistics/wmpd/2013/pdf/tab4-3\\_updated\\_2014\\_05.pdf](http://www.nsf.gov/statistics/wmpd/2013/pdf/tab4-3_updated_2014_05.pdf).

<sup>267</sup> National Science Foundation, *Women, Minorities, and Persons with Disabilities in Science and Engineering*, Table 5-7. Bachelor's degrees awarded, by race/ethnicity, citizenship, sex, and field: 2012, [http://www.nsf.gov/statistics/wmpd/2013/pdf/tab5-7\\_updated\\_2014\\_05.pdf](http://www.nsf.gov/statistics/wmpd/2013/pdf/tab5-7_updated_2014_05.pdf).

<sup>268</sup> Table PINC-03, *supra* note 262. Figures are for full-time, year-round workers 25 and older and assume a 40-year career. Figures are not adjusted for inflation. National Women's Law Center calculations.

<sup>269</sup> U.S. Census Bureau, Current Population Survey (CPS), 2014 Annual Social and Economic (ASEC) Supplement, 2013 Poverty Table of Contents, POV29. *Years of School Completed by Poverty Status, Sex, Age, Nativity and Citizenship*, [http://www.census.gov/hhes/www/cpstables/032014/pov/pov29\\_100.htm](http://www.census.gov/hhes/www/cpstables/032014/pov/pov29_100.htm). Figures are for adults 25 and older who are of a single race.

<sup>270</sup> JULIE VOGTMAN & KATHERINE GALLAGHER ROBBINS, Nat'l Women's Law Ctr., HIGHER STATE MINIMUM WAGES PROMOTE FAIR PAY FOR WOMEN (2014), available at [http://www.nwlc.org/sites/default/files/pdfs/higher\\_state\\_minimum\\_wages\\_promote\\_fair\\_pay\\_for\\_women\\_march\\_2014.pdf](http://www.nwlc.org/sites/default/files/pdfs/higher_state_minimum_wages_promote_fair_pay_for_women_march_2014.pdf).

<sup>272</sup> *Id.* at 13-14.

<sup>273</sup> Current Population Survey (CPS) 2013 using Miriam King et al., *Integrated Public Use Microdata Series, Current Population Survey: Version 3.0* [Machine-readable database] (Minneapolis: University of Minnesota, 2010). Figures are for employed workers. The low-wage workforce is defined here as occupations with median wages of \$10.10 or less per hour based on Bureau of Labor Statistics (BLS) Occupational Employment Statistics data from May 2013. See Bureau of Labor Statistics, Occupational Employment Statistics,

May 2013 National Occupational Employment and Wage Estimates United States, [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). Figures are National Women's Law Center calculations.

<sup>274</sup> U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2014, Table, PINC-05, Work Experience in 2013 –People 15 Years Old and Over, by Total Money Earnings , Age, Race, Hispanic Origin, Sex, and Disability Status [http://www.census.gov/hhes/www/cpstables/032014/perinc/pinc05\\_000.htm](http://www.census.gov/hhes/www/cpstables/032014/perinc/pinc05_000.htm). Figures are for full-time, year-round workers. The career wage gap assumes a constant wage gap during the 40 years and no inflation. Figures are National Women's Law Center calculations.

<sup>275</sup> MARIKO CHANG, INSIGHT CTR. FOR CMTY. ECON. DEV., LIFTING AS WE CLIMB: WOMEN OF COLOR, WEALTH, AND AMERICA'S FUTURE, INSIGHT, CENTER FOR COMMUNITY ECONOMIC DEVELOPMENT 8 fig.2 (2010), available at <http://www.insightcced.org/uploads/CRWG/LiftingAsWeClimb-WomenWealth-Report-InsightCenter-Spring2010.pdf>.

<sup>276</sup> *Id.* at 7.

<sup>277</sup> THOMAS SHAPIRO, TATJANA MESCHEDÉ & SAM OSORO, INST. ON ASSETS AND SOC. POLICY, BRANDEIS UNIV., THE ROOTS OF THE WIDENING RACIAL WEALTH GAP: EXPLAINING THE BLACK-WHITE ECONOMIC DIVIDE 2 (2013), available at <http://iasp.brandeis.edu/pdfs/Author/shapiro-thomas-m/racialwealthgapbrief.pdf>.

<sup>278</sup> SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, BREADWINNING MOTHERS, THEN AND NOW 6 (2014), available at <http://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf>.

<sup>279</sup> SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, THE NEW BREADWINNERS: 2010 UPDATE 3 (2012), available at <http://www.americanprogress.org/wp-content/uploads/issues/2012/04/pdf/breadwinners.pdf>.





