

Southern Poverty Law Center



Response to Call for Input for Country Visit to the USA

Submitted 2 March 2024

The Southern Poverty Law Center was founded in 1971 with the purpose of ensuring that the goals of the US civil rights movement would be realized for everyone. SPLC seeks to achieve its purpose through litigation, policy advocacy, education and community organizing, and is a catalyst for racial justice in the Southern US and beyond.

The Southern Poverty Law Center (SPLC) welcomes this opportunity to help inform the Special Rapporteur's upcoming country visit to the United States.

Discriminatory Discipline and Policing of Black and Brown Children.

Black children in US schools are singled out for harsh discipline at much higher rates than their white peers and are disproportionately suspended or expelled from school.¹

In July 2022, the US reached an agreement with an Alabama school district, as part of a larger desegregation case,² over its finding that Black high school students were more likely to be subjected to exclusionary discipline for similar behaviors. A new SPLC report reveals many Alabama schools disproportionately suspend Black students for the same infractions as white students.³ They are far more likely to wind up in Alabama's racially discriminatory juvenile legal system, which disproportionately incarcerates Black children and criminalizes minor offenses. Similar conditions exist in Mississippi⁴ and Louisiana.⁵

In 2023, the US Department of Education released a letter⁶ to Governors and school leaders urging an end corporal punishment. It cites data showing that corporal punishment is associated with higher rates of mental health disorders and substance abuse, and lower cognitive ability and academic achievement, and that Black boys are twice as likely to be subjected to corporal punishment and Black girls four times as likely. About 70,000 public school students were subjected to corporal punishment in 19 states during 2017-18, including 900 preschool students.

In one Alabama district, the corporal punishment rate was 31.6% for Black students and 10.1% for white students.⁷ Mississippi had the highest rates of corporal punishment and biggest racial disparities. *Almost half* of Black girls in the US subjected to corporal punishment in public schools lived in Mississippi.⁸

School police presence does not reduce violence and can increase behavioral incidents and student punishment,⁹ yet a massive police presence exists that exacerbates discriminatory and excessive punishment and criminalization of children. By 2019 more police officers than nurses worked in Florida schools.¹⁰ In 2018-2019, police arrested Florida elementary school students, as young as 5

¹ [Suspensions and Expulsions in Public Schools](#), US Department of Education.

² [Justice Department Secures Resolution in Madison County, Alabama School Desegregation Case](#), US Department of Justice, 6 July 2022.

³ [Only Young Once: Alabama's Overreliance on School Pushout and For-Profit Youth Incarceration](#), Southern Poverty Law Center, 2024.

⁴ [Only Young Once: The Case for Mississippi's Investment in Youth Decarceration](#), SPLC, 2023.

⁵ [Only Young Once: The Urgent Need for Reform of Louisiana's Youth Justice System](#), SPLC, 2023.

⁶ [Letter from U.S. Secretary of Education Miguel A. Cardona](#), 24 March 2023.

⁷ [The Striking Outlier: The Persistent, Painful and Problematic Practice of Corporal Punishment in Schools](#), SPLC, 2019, at 21-23.

⁸ *Id.* at 23-24.

⁹ Fisher, B. and Petrosino, A., [What a Systemic Review of 32 Evaluations Says About the Impact of School-Based Law Enforcement](#), WestEd, 2022.

¹⁰ [The Cost of School Policing](#), American Civil Liberties Union of Florida, Equality Florida, Florida Social Justice in Schools Project, SPLC, The League of Women Voters of Florida, 2019, at 5.

and 6 years, 345 times.¹¹ Black students were 4.5 times more likely to be arrested for disorderly conduct at school. For Black girls, the figure was 6 times.¹² Black youths are disproportionately targeted for arrest and are more likely to be placed in solitary confinement.¹³

Inequitable School Funding.

US states with more poor students spend less per student on education.¹⁴ Schools with larger populations of Black, Latino or Native American students receive as much as \$2,700 less per student.¹⁵ In many states, school funding based largely on property taxes and other local funding creates gaps between wealthier districts serving mostly white students and poorer districts whose population is mostly Black or Brown.¹⁶ Districts with a majority of students of color in Alabama and Florida received more than 8% less funding on average.¹⁷ Similar disparities are found in Texas.¹⁸

White students are substantially overrepresented in private schools, while Hispanic and Black students are underrepresented.¹⁹ In Mississippi, white children are 83% of private school students, but only 47% of the state's student population. In Louisiana, "black students typically used vouchers to leave public schools where their race was overrepresented, but white students tended to leave public schools where their race was underrepresented."²⁰ In Florida, Black and Latinx students are increasingly moving from segregated public schools to new, segregated private schools – with the number of private schools serving 75% or more Black and Latinx population more than doubling over eight years.

In SPLC's region, one in five students live in poverty, more than half are low income and one in three is Black.²¹ School voucher programs funnel public funding²² to private schools that lack accountability.²³ In 2020, SPLC filed a lawsuit challenging a Tennessee voucher program that would take funding for public schools in the state's largest cities of Nashville and Memphis and

¹¹ *Id.* at 6.

¹² *Id.* at 17.

¹³ [G.H. v. Tamayo](#), SPLC, 2019.

¹⁴ [The other school funding divide: States with more poor students tend to spend less, creating hard-to-fix disparities](#), Chalkbeat, 31 July 2019.

¹⁵ [School Districts That Serve Students of Color Receive Significantly Less Funding](#), The Education Trust, 8 December 2022.

¹⁶ [Inequality in Public School Funding: Key Issues & Solutions for Closing the Gap](#), American University School of Education, 10 September 2020.

¹⁷ [The State of Funding Equity Data Tool](#), The Education Trust.

¹⁸ [Not Making The Grade: School funding policies in eight Southern states fail students of color and those living in poverty, new report says](#), SPLC, 25 October 2021.

¹⁹ Jongyeon Ee et al., [Private Schools in American Education: A Small Sector Still Lagging in Diversity](#), UCLA Civil Rights Project, Working Paper, 2018.

²⁰ [Do Private School Vouchers Pose a Threat to Integration?](#), Halley Potter, Century Found., 12 March 2017.

²¹ [Inequity in School Funding](#), SPLC and Education Law Center, 2021.

²² [State Policymakers Should Reject K-12 School Voucher Plans](#), Center on Budget and Policy Priorities, 21 March 2023; [School Vouchers: NSBA Urges Congress to Reject the Diversion of Public Funds to Private Schools](#), National School Boards Association.

²³ ["No Accountability": Vouchers Wreak Havoc on States](#), NEA Today, National Education Association, 2 February 2024.

transfer it to private schools.²⁴ A current proposal would cost the state at least \$345 million per year after the first year.²⁵

Florida siphons at least \$1 billion each year from public schools. Florida increased spending for voucher programs by 310% from FY 2008 to FY 2018 and decreased per-pupil funding for public education by 13.4% (spending at least \$4000 less per pupil each year than the national average).²⁶ Florida recently expanded its program, making vouchers worth about \$8,500 available to all families of K-12 students regardless of income.²⁷ In Alabama, a voucher plan providing up to \$7,000 in tax credits for private school expenses is advancing in the legislature.²⁸ Georgia is also considering voucher legislation.²⁹

Attacks on Inclusive Education.

SPLC's Learning for Justice program³⁰ provides free, grade-appropriate classroom and professional development resources to support educators in providing accurate and inclusive teaching on a range of topics, including race and ethnicity,³¹ slavery,³² and the civil rights movement,³³ as well as sexual orientation and gender identity.³⁴

Hard-right extremists, often calling themselves "parental rights" activists, have become a driving force behind book bans, the censoring of instruction and discussion about race, sexual orientation and gender identity, and laws targeting transgender students.³⁵

Florida's 2022 law known as the "Stop WOKE Act" prohibits schools from teaching concepts such as unconscious racial bias, oppression or privilege based on race, and affirmative action.³⁶ A Florida rule prohibits teaching "that racism is embedded in American society and its legal systems."³⁷ In 2023, Florida approved standards requiring students be taught that enslaved Black people benefited from slavery because they "developed skills which, in some instances could be applied for their personal benefit."³⁸ One Black Florida teacher told the UN Human Rights Committee she felt compelled to take a sabbatical after 12 years of teaching African American History because of the new standards.³⁹

²⁴ [McEwen v. Lee](#), SPLC.

²⁵ [Tennessee House reveals massive omnibus bill that includes school voucher amendment](#), WKRN, 26 February 2024.

²⁶ [Inequity in School Funding](#), n.2.

²⁷ [Florida just expanded school vouchers – again. What does that really mean?](#), The Hechinger Report, 24 April 2023.

²⁸ [House passes Ivey's school choice plan after hours of debate](#), Alabama Political Reporter, 28 February 2024.

²⁹ [Georgia governor aims to get down to business with school voucher legislation this year](#), Georgia Recorder, 12 January 2024.

³⁰ [Learning for Justice](#).

³¹ [Race and Ethnicity](#), Learning for Justice.

³² [Teaching Hard History](#), Learning for Justice.

³³ [Teaching the Civil Rights Movement](#), Learning for Justice.

³⁴ [Gender and Sexual Identity](#), Learning for Justice.

³⁵ [Assault on Inclusive Education and How We're Fighting Back](#), SPLC, 6 June 2023.

³⁶ [Gov. DeSantis signs 'Stop WOKE Act' into law](#), WFLA.com, 22 April 2022.

³⁷ Florida Board of Education, Rule 6A-1.094124, Required Instruction Planning and Reporting.

³⁸ [New Florida standards teach students that some Black people benefited from slavery because it taught useful skills](#), NBC News, 20 July 2023.

³⁹ [Black history teacher takes Florida education standards complaints to the UN](#), CBS News, 12 October 2023.

Georgia’s “Protect Students First Act” bans teaching or discussion of a laundry list of “divisive” topics, covering most discussions of racism in the US.⁴⁰ In February 2024, an Alabama Senate Committee advanced SB 129, a bill prohibiting the inclusion of so-called divisive concepts in college coursework.⁴¹ Many state and local governments are banning books touching on matters of race or removing them from libraries.⁴² 3,362 books were banned, affecting 1,557 unique titles, during the 2022-2023 school year.⁴³ The list is filled with books by authors of color and books about race and racism.⁴⁴

Inclusive education for LGBTQ students is under assault through bans on inclusive instruction and attacks on the children themselves. More than 60% of efforts to remove books from schools are aimed at books about LGBTQ people.⁴⁵ At least 429 anti-LGBTQ laws have been introduced for 2024 legislative sessions.⁴⁶ Georgia’s H.B. 653⁴⁷ would require school employees to out students to their parents, effectively preventing students from seeking advice or support at school, while S.B. 88⁴⁸ prohibits school staff discussing sexual orientation or gender identity with a student. Mississippi’s H.B. 176⁴⁹ would require schools to notify parents of students identifying as a gender other than that assigned at birth, while protecting staff who refuse to use a student’s preferred pronouns. Other laws ban transgender students from using bathrooms⁵⁰ or participating on sports teams⁵¹ matching their gender identity.

SPLC filed suit challenging Florida laws that ban discussion of sexual orientation and gender identity⁵² and prohibit transgender and non-binary teachers from using their correct pronouns.⁵³ In Georgia, we sued on behalf of a 5th grade teacher fired for reading a children’s book challenging traditional gender norms to her class.⁵⁴

Proposed Activities for the Special Rapporteur’s Visit.

Deep South states are on the front lines of attacks on access to adequate, inclusive and nondiscriminatory education for students and families of color, LGBTQ students and their families, as well as teachers and school officials. Florida is frequently ground zero for such attacks.

⁴⁰ [Georgia HB 1084](#).

⁴¹ [Stopping Woke in Alabama – AL SB 129](#), PEN America, 27 February 2024.

⁴² E.g. [In Texas, a Battle Over What Can Be Taught, and What Books Can Be Read](#), The New York Times, 10 December 2021; [Calls to Ban Books by Black Authors Are Increasing Amid Critical Race Theory Debates](#), Education Week, 30 September 2021.

⁴³ [PEN America Index of Banned Books – 2022-2023](#).

⁴⁴ [Banned in the USA: State Laws Supercharge Book Suppression in Schools](#), PEN America, 20 April 2023.

⁴⁵ [The Post reviewed 1,000 school book challenges. Here’s what we found.](#), The Washington Post, 23 December 2023.

⁴⁶ [Mapping Attacks on LGBTQ Rights in US Legislatures in 2024](#), American Civil Liberties Union, visited 27 February 2024.

⁴⁷ [H.B. 653](#).

⁴⁸ [S.B. 88](#)

⁴⁹ [H.B. 176](#)

⁵⁰ [Transgender bathroom bills are back. Does the nation care?](#), NBC News, 3 February 2024.

⁵¹ [Transgender athlete laws by state: Legislation, science, more](#), ESPN, 24 August 2023.

⁵² [Cousins v. the School Board of Orange County](#), SPLC.

⁵³ [Wood v. Florida Department of Education](#), SPLC.

⁵⁴ [Teachers sue Georgia school district over restrictions on inclusive education](#), SPLC, 16 February 2024.

Florida's education legislation serves as a model for similar measures in other states. SPLC urges the Special Rapporteur to include Florida in her visit to the US. We would be honored to assist the Special Rapporteur in making arrangements to meet with directly impacted students, parents, and teachers and other school officials, as well as with organizations that are working in the education advocacy space and state and local government officials, in any of our five states.