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# A CROWNING ACHIEVEMENT: ELIMINATING SCHOOL-BASED RACIAL HAIR DISCRIMINATION AT ITS ROOT


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# CONTENT WARNING

As a content warning and reminder, this training will include discussions of anti-Black racism, discrimination on the basis of race, sex, and disability, and discriminatory school discipline.

We will do our best to handle these subjects with care, honesty, and respect.

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# WHO WE ARE

Education Law Center-PA ("ELC-PA") is a statewide nonprofit legal services organization. Our mission is to ensure access to a quality public education for all children in Pennsylvania. We have offices in Philadelphia and Pittsburgh.

We pursue this mission by focusing on the students who are most underserved: children living in poverty, children of color, children with disabilities, children in the foster care and juvenile justice systems, children experiencing homelessness, multilingual learners, and LGBTQ+ and gender-nonbinary students — as well as many who are at the intersection of these identities.

Our priority areas include:

- Equal Access to Quality Schools
- Adequate & Equitable School Funding
- Dismantling the School-to-Prison Pipeline

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# AGENDA

- **ELC-PA's Black Girls Education Justice Initiative**
- **Racial Hair Discrimination**
  - Definition
  - How does it impact students?
- **The PA CROWN Act**
  - What does it say and require?
  - Who is it intended to protect?
- **Compliance with the CROWN Act**
  - How can schools ensure compliance?
  - Examples of possible violations
- **Resources and Questions**



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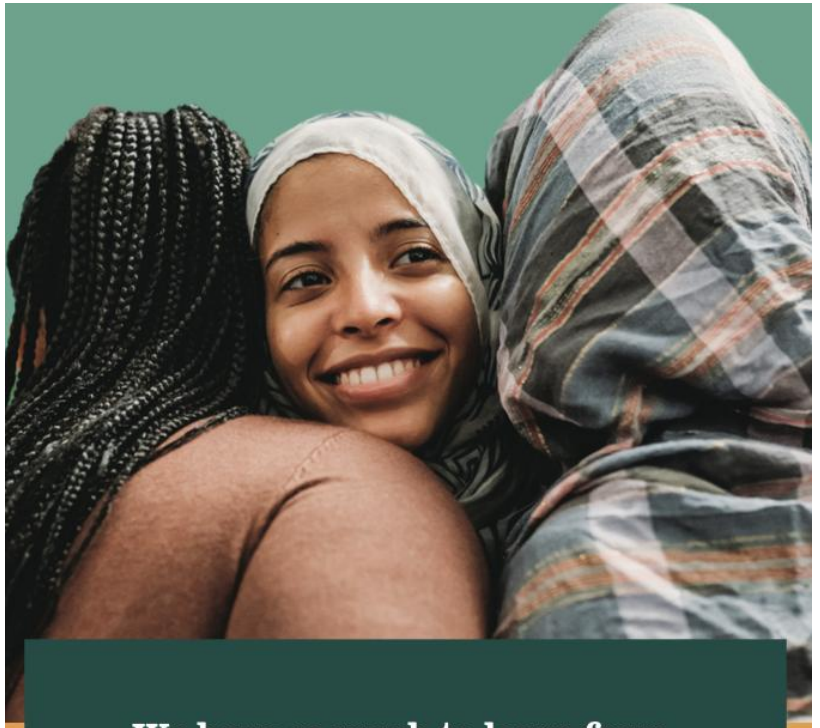
# ELC'S BLACK GIRLS EDUCATION JUSTICE INITIATIVE

# Defining ELC'S Black Girls Education Justice Initiative*

Black girls must be fully and holistically supported, affirmed, celebrated, and provided with every opportunity to thrive at school;

We are committed to honoring the knowledge that students with lived experience with Black girlhood bring by centering their expertise in our advocacy efforts;

We are committed to investing time and resources to develop and implement unique legal strategies to address the educational barriers Black girls face due to the intersections of anti-Black racism, sexism, and other forces of oppression.




*Definition created by Paige Joki, Esq., with contributions from Brandon Miller, Esq.

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# OUR REPORT'S RECOMMENDATIONS

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



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# DRESS AND GROOMING CODES. IF USED, CONSIDER THE IMPACT ON STUDENTS: DOES IT AFFIRM THEM OR PUSH THEM AWAY?

- *"I am made to feel sexualized and feel grown when I am just being myself."*
- *"Hostility around dress code impacted Black girls' ability to attend school: 'Do you want us to show up or not?'"*



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# DRESS AND GROOMING CODES: IF USED, MUST BE FAIR, INCLUSIVE AND AFFIRM ALL STUDENTS' CULTURAL AND GENDER EXPRESSION

## Needed changes identified by student experts

- Students specifically mentioned the need to pass a CROWN Act in PA, which is now the reality!

## Schools must adopt affirming dress and grooming policies that:

- embrace expansive cultural and gender expression
- do not discriminate re: body shape or size

## School staff need to be educated on harms caused by discriminatory dress codes

- The impact of experiencing racist hair discrimination is similar to other known traumas because it harms an individual's health and well-being



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# SCHOOL DRESS CODES AND PENNSYLVANIA LAW

# SCHOOL RULES: WHAT IS A CODE OF CONDUCT?

Rules that schools create sometimes have different names, such as ‘Code of Conduct’ or ‘Family and Student Handbook.’

Students and families must follow these rules (22 PA. CODE § 12.3(c))

**Some of these rules might be about. . .**

- What students CAN and CANNOT do at school, on the way to or from school, and during extracurricular and school-sponsored events
- The dress and grooming code
- How schools may discipline students who do not follow the rules

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# SCHOOL RULES MUST BE WRITTEN AND MADE PUBLIC ("PUBLISHED")

- Schools must have written rules (22 PA. CODE § 12.3(c))
- The Code of Conduct must be available for everyone to read, including students and their champions (22 PA. CODE § 12.3(c))
- The law requires that these Codes of Conduct be posted on the school's website (24 P.S. § 5-510.2) and a copy must be in the library (22 PA.CODE § 12.3(c))
    - This requirement is called "publishing," i.e. making it available



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# DRESS AND GROOMING CODES MUST FOLLOW THE LAW (22. PA. CODE § 12.11)

## School Boards CAN

✓ **Create a dress code + require uniforms**
- Decide to apply rules at a district or school level
- (24 P.S. § 5-510.2(x))

✓ **Require students to wear specific clothing in specific settings when they are "required for" "health or safety reasons."**
- e.g., gym, shop, or extracurricular activities

✓ **Require a student to cover their hair for "health or safety reasons"**

## School Boards CANNOT

✗ **Prevent a student from choosing ("governing") the length or style of their hair UNLESS the school can provide *evidence* that a student's hair**
- Poses a "health or safety hazard"
  or
- disrupts "the educational process"

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# RACIAL HAIR DISCRIMINATION IS ILLEGAL

# ESTABLISHING SHARED VOCABULARY

Anti-Black Racism is:

"any attitude, behavior, practice, or policy that explicitly or implicitly reflects the belief that Black people are inferior to another racial group."

- Center for Social Policy

Anti-Black Racism is:

- Present in every system
- Both historic and contemporary
- A foundational oppression
  - interacts with
  - reinforces other systems

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# WHY IS ELIMINATING RACIAL DISCRIMINATION IMPORTANT?

Racial hair discrimination originated in American Slavery and continues to be a source of anti-Black discrimination

Black students must be afforded equal access to their fundamental right to education, and cannot be subjected to illegal discrimination or harassment.

Public schools that enforce illegal and discriminatory policies cause harm by:

- Surveilling and policing Black students' bodies and expression
- Fueling pushout by penalizing and punishing students for wearing their hair in racially and/or culturally expressive ways
- Sending the message that Black students and their expression is unwelcome

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# WHAT DOES RESEARCH TELL US ABOUT HAIR DISCRIMINATION IN SCHOOLS?

See 2022 report by the United States Government Accountability Office (GAO), 'Department of Education Should Provide Information on Equity and Safety in School Dress Codes'

- Strict dress codes are linked to higher rates of exclusionary discipline.
- 59% of dress codes included rules about hair, hairstyles, and hair coverings, which disproportionately impacted Black students.
- 44% of districts banned hair wraps, some specifically naming durags, and similar styles.



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# C.R.O.W.N. ACTS IN PENNSYLVANIA

# WHAT IS THE PENNSYLVANIA HUMAN RELATIONS ACT (PHRA)?

The PHRA is the Commonwealth's primary anti-discrimination law. It is the umbrella statute that prohibits discrimination in places of public accommodation on the basis of:

- **Race**
  - includes hair texture and protective hairstyles
- **Sex**
  - includes gender identity and sexual orientation
- **Disability**
- **National origin**
- **Ancestry**
- **Family status**
- **Religion**
  - includes religious head coverings and hairstyles historically associated with religious "creed"

Public schools, including charter schools, cyber charter schools, and preschools, are places of public accommodation and are therefore covered by the PHRA.

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# WHAT IS A C.R.O.W.N. ACT?

C.R.O.W.N. stands for "Creating a Respectful and Open World for Natural Hair"

A category of laws that protects against a type of racial discrimination

The PA CROWN ACT amends the PHRA to protect against discrimination on the basis of:

“Race” Includes Hair Textures + Protective Hairstyles

“Religious Creed” Includes Religious Head Coverings and Hairstyles Historically Associated with Religious Creed

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# PA FINALLY PASSED THE CROWN ACT!

## C.R.O.W.N. Act (Creating a Respectful and Open World for Natural Hair)

- Amends the Pennsylvania Human Relations Act to
  - Prohibit racial discrimination based on:
    - hair texture
    - protective styles (e.g., braids, locs, knots, and twists)
- Prohibit religious discrimination based on:
  - religious head covering
  - Hairstyles historically associated with religious creed

## Applies to all "places of public accommodation"

## PA *passed the* C.R.O.W.N. Act >>> It is Effective NOW!

- There was wide bi-partisan support in the House and Senate and both chambers passed the legislation with an overwhelming majority House (194-4) Senate (44-3)

## 30 states and counting as well as numerous municipalities have passed CROWN Acts

- Philadelphia and Pittsburgh already passed CROWN Acts

## To learn more, see our NEW factsheet

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# WHAT ARE EXAMPLES OF PROTECTIVE HAIRSTYLES ENUMERATED IN THE CROWN ACT?

- As defined by the PHRA,"[t]he term 'protective hairstyle' includes, but is not limited to, such hairstyles as locs, braids, twists, coils, Bantu knots, afros and extensions."
- Black students may wear protective styles:
  - To maintain the health of their hair
  - To express their identity and culture as an embodiment of self-love



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# ADDITIONAL PROTECTIONS AFFORDED THROUGH PITTSBURGH'S AND PHILADELPHIA'S CROWN ACT

| ***Philadelphia's CROWN Act*** | ***Pittsburgh's CROWN Act*** |
| --- | --- |
| • Protects protective and cultural hairstyles<br>• Includes but is NOT limited to "braids, cornrows, locs, Bantu knots, Afros, and twists."<br>• Includes protections for styles that are created using hair extensions and protects styles "adorned by hair ornaments, such as ribbon, headwraps, beads, or barrettes. | • Protects protective and cultural hairstyles<br>• Includes but is NOT limited to "braids, cornrows, locs, Bantu knots, Afros, and twists."<br>• Includes protections for styles that are created or maintained using "hair extensions or treatments" or "adorned by hair ornaments, beads, or headwraps." |
| PHILA., PA., FAIR PRAC. ORDINANCE: PROT. AGAINST UNLAWFUL DISCRIMINATION § 9-1102(e) | PITTSBURGH, PA., PITTSBURGH CODE tit. 6, art. V, ch. 651, § 651.04 (uu), (vv) (2021) |

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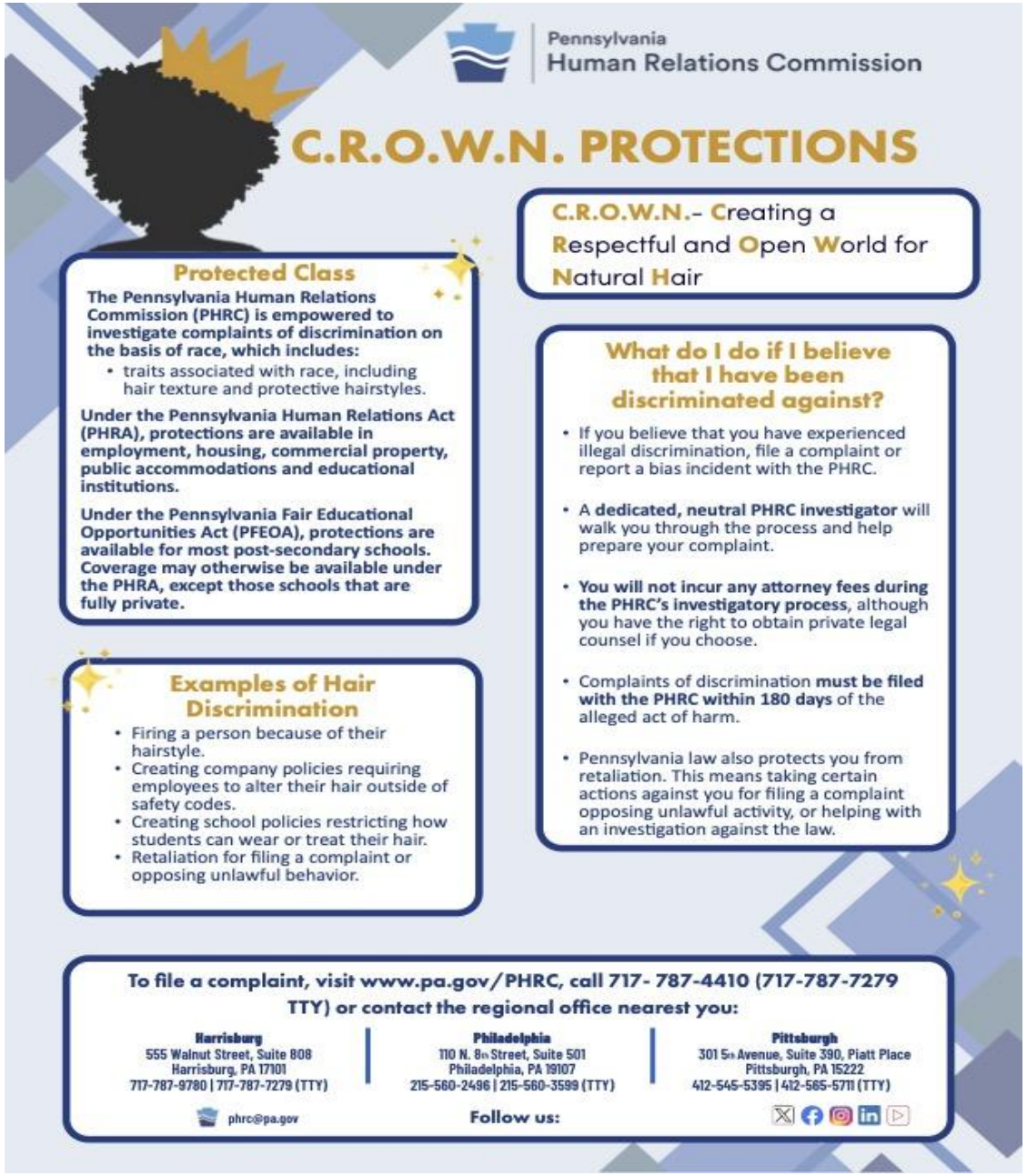
# THE PENNSYLVANIA HUMAN RELATIONS COMMISSION'S (PHRC) C.R.O.W.N. ACT RESOURCE

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# SCHOOL DUTIES UNDER THE CROWN ACT

# HOW DOES HAIR COME UP IN SCHOOLS?

- Banned Hair Styles
  - Combs or headscarves
  - Wave caps
  - Do-rags
- Banned Culturally Expressive Styles & Subjective Language
  - Hairstyles that are not “neat”
  - Hair styles that are “innovative” or “flamboyant”
  - Hairstyles that are not “well-groomed”
  - Hair that is “colored or highlighted in any flamboyant colors”
  - No so-called “excessive parts”

These types of rules may be found to be illegal under the PHRA.

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# SCHOOLS CANNOT PUNISH OR DISCIPLINE A STUDENT FOR THE FOLLOWING:

Expressing their racial and cultural identity by wearing a protective hairstyle

Wearing their hair the way it grows from their head, or

"hair texture"

Wearing a hairstyle associated with a student's "religious creed"

Wearing religious head coverings, such as hijabs, niqabs, kippahs, yarmulkes, and headscarves

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# WHAT RULES MUST SCHOOLS CHANGE TO COMPLY WITH THE CROWN ACT AND PA LAW?

School Boards must review rules in their policies that ban specific hairstyles, head coverings, and hair textures

Examples of language used in dress or grooming codes that may violate the CROWN Act:

| | | | |
|---|---|---|---|
| "Hairstyles with excessive parts" | "Curly high-top fades" | "The use of combs, headscarves, wave caps, or "do-rags" | And any vague language generally prohibiting hairstyles that aren't "neat" or "well-groomed" |

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# EXAMPLE: RACIALLY DISCRIMINATORY RULE

## A RACIALLY DISCRIMINATORY ILLEGAL RULE

"Students cannot wear braids, locs, puffs, or afros and may be excluded from class for doing so."

This rule is illegal because it discriminates against students on the basis of their race (wearing a protective hairstyle counts!)

## A LEGAL, CULTURALLY RESPONSIVE RULE

"Students have the right to wear protective hairstyles such as braids, locs, puffs, afros, twists, wigs, including styles with elements such as headbands, head wraps, bonnets, barrettes or beads. Students will not be discriminated against on the basis of their hair texture. Discrimination on the basis of protective hairstyle and/or hair texture is illegal racial discrimination"

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# FILING COMPLAINTS ABOUT HAIR DISCRIMINATION: OPTIONS (YOU CAN DO ALL 3)

Report to Your School

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# ARE PUBLIC SCHOOL EMPLOYEES PROTECTED BY THE PA CROWN ACT?

- **Yes! School district employees have the right to wear:**
  - Protective hairstyles
  - "Head coverings and hairstyles historically associated with religious creeds"
- **To legally regulate any employee's hairstyle, schools must meet each of the following criteria:**
  - Necessary for health or safety;
  - Adopted for nondiscriminatory reasons;
  - Specifically tailored to the employee's position and job activities; and
  - Applied equally to employees
- 43 PA. STAT. AND CONS. STAT. § 955



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# WHAT WORKS TO SUPPORT STUDENTS

# Promising Policy: School District of Philadelphia's (SDP) 2025-2026 Dress Code

## Dress Code

Students have the right to dress in a manner that celebrates their racial, cultural, religious, and gender identities, is reflective of their gender expression (including gender neutrality) and allows them to focus on their academic, social and emotional growth. Students are expected to follow their school's dress code so that their appearance does not constitute a health or safety hazard. School leaders must determine, in collaboration with their school community, what the school dress policy will be and then communicate that decision before the start of the school year.

All school dress policies must comply with the following District guidelines:

- Students have the right to wear protective hairstyles such as braids, locs, puffs, afros, twists, wigs, including styles with elements such as headbands, head wraps, bonnets, barrettes or beads. Students will not be discriminated against on the basis of their hair texture. Discrimination on the basis of protective hairstyle and/or hair texture is illegal racial discrimination.
- Students have the right to dress in accordance with their stated gender identity and/or expression (including gender neutrality) within the constraints of the school's dress code.
- Students have the right to wear religious garb in accordance with their religious practices, which cannot be restricted or banned.
- Ski-masks or other non-religious face coverings (not to include medical face masks) are NOT permitted for any reason.
- No student in the School District of Philadelphia may be excluded from the classroom environment including being denied entrance to school, suspended, or expelled for not following the dress code.

Students who do not have access to resources to adhere to the school dress code should discuss these circumstances with their school counselor. For more information regarding a school's dress code, please consult the school handbook.

# PPS DRESS CODE IN THE STUDENT 2025-2026 HANDBOOK

Students must not wear any apparel or jewelry that by words, signs, pictures, or any combination thereof appearing on said clothing or jewelry advocates or promotes sexual activity or violence, or the use of alcohol or drugs or demeans or degrades another because of race, sex, gender (including gender identity or expression), religion, national origin or disability.

District policy is administered through school level procedures which must be implemented equally across all students, regardless of race, ethnicity, gender (including gender identity or expression), or sexual orientation. The dress code will be equally enforced without regard to body shape or size. Teachers, administrators, and other school staff shall avoid objectifying conversations about dress and appearance. Students will not be asked to leave their classroom or school for violating dress code. Schools are prohibited from issuing In-School-Suspensions (ISS) for dress code violations. Schools will work with students whose dress is not in compliance with the dress code in a discreet manner to provide an acceptable solution (e.g., parent/guardian contact, permitting student to change into other available clothing, or have a variety of extra clothing articles available to students when their dress does not meet dress code requirements). Students in need of support obtaining school uniforms should contact their guidance counselor or person designated by the school. Highly mobile/vulnerable students shall be provided adequate time and support to ensure that they are aware of and comply with the dress code. Nothing in the Code of Conduct restricts or bans students from wearing religious garb. Parents with questions regarding religious dress are encouraged to discuss them with the school principal.

The District is committed to upholding the Pittsburgh and Allegheny Crown Acts, also known as the Creating a Respectful and Open World for Natural Hair (CROWN) Act, prohibiting discrimination based on natural hairstyles, textures and hair coverings particularly targeting racial discrimination. Furthermore, students have the right to wear protective hairstyles, including styles that include elements such as headbands, head wraps, bonnets, barrettes or beads. Students will not be discriminated against on the basis of their hair texture.

School principals are authorized to establish within their school an additional dress code, or a uniform policy as outlined in Board policy and regulations. Schools that implement a prescribed dress or uniform policy at school or school sponsored events will maintain one list of appropriate attire for all students, instead of including lists by gender. Parents/guardians should access their child's school-specific dress code for further information. Students who are experiencing homelessness under the McKinney-Vento Act will be provided with assistance obtaining a uniform. Individual school dress code provisions must be consistent with Board policy, administrative guidelines, and this Code of Student Conduct. Specifically, school level dress code must follow the general guidelines in Board Policy 221: Dress Code.

22

- ✓ Must be "equally enforced without regard to body shape or size"
- ✓ Students "will not be asked to leave their class" or be subjected to In-School Suspension (ISS) for dress code concerns"
- ✓ Mentions the Pittsburgh CROWN Act
- ✓ Protections around hair textures, protective styles, and head coverings
- ✓ Protections around "elements such as headbands, headwraps, bonnets, barrettes, or beads" are explicitly protected (emphasis added)
- ✓ Requires schools to be in alignment with District's Code
- ✓ Mentions uniform resources

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# KEY QUALITIES OF AFFIRMING POLICIES

Rules don't discriminate or violate students' rights

Use rights-based language

- Students have the right to wear protective hairstyles

Define key terms, including protective styles, to ensure that students' rights are understood

Name unlawful racial discrimination

- Discrimination on the basis of hair texture and protective hairstyles is illegal hair discrimination

Eliminate subjective and adultifying language, such as: "distracting," "provocative," and "tight"

Ensure NO exclusionary discipline is imposed for dress and grooming reasons

Direct families to dress and grooming resources

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# STUDENT EXPERTS CAN PARTNER WITH US!

**Share your expertise in a research brief co-published by the ELC-PA and the Center for Racial and Economic Justice focused on affirming dress and grooming rules**

**Speak at a School Board Meeting with our support! We can:**

| | | |
|---|---|---|
| Explain the testimony process | Help prepare remarks | Support your expertise with our own testimony that links the law with students' experience and the laws schools must follow |

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Scan the QR Code or click this link to share your information + your caregiver's if you are under 18.

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# RESOURCES

# ELC-PA RESOURCES & CONTACT INFORMATION

Back to School Guide for 2025-26 SY

- ❑ Affirming & Safe Schools
- ❑ Act 1: Accessing Supports
- ❑ Enrollment
- ❑ School Discipline
- ❑ Attendance & Truancy
- ❑ Bullying & Harassment
- ❑ Honest & Inclusive Schools
- ❑ Students with Disabilities
- ❑ Early Childhood Education
- ❑ KYR: Students in Care
- ❑ Juvenile Justice Involvement
- ❑ Students Experiencing Homelessness
- ❑ Multilingual Learners & Immigrant Students
- ❑ School Funding
- ❑ LGBTQ+ & Gender Expansive Students

Education Law Center-PA

Intake:

- 215-238-6970 (Eastern and Central PA)
- 412-258-2120 (Western PA)

Email: info@elc-pa.org

Opportunities

# ELC-PA'S PRESENTATION RESOURCES

ELC-PA's Bullying and Harassment Resource Landing Page

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# RESOURCES FROM ELC-PA




Questions?
Ideas?
Thoughts?

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# BONUS SLIDES

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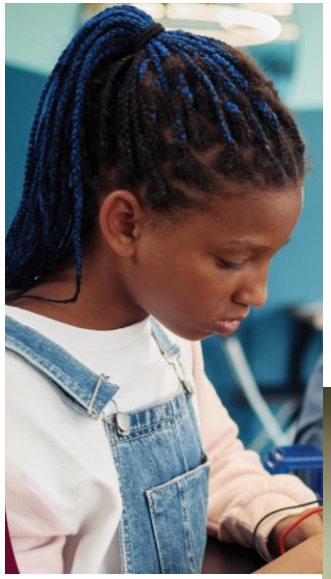
# EXAMPLES

## PROTECTED HAIRSTYLES UNDER THE PHILADELPHIA AND PITTSBURGH CROWN ACTS, AND LIKELY THE PA CROWN ACT

PLEASE NOTE THAT THE FOLLOWING IMAGES SHOW SOME EXAMPLES, BUT NOT ALL OF THE MANY BEAUTIFUL AND PROTECTED WAYS STUDENTS MAY WEAR THEIR HAIR

# BRAIDS (INCLUDING SOME EXAMPLES OF BRAIDS CREATED USING EXTENSIONS, WHICH ARE ALSO PROTECTED)









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# TWISTS (INCLUDING SOME EXAMPLES OF TWISTS CREATED USING EXTENSIONS, WHICH ARE ALSO PROTECTED)







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# AFROS










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# PUFFS











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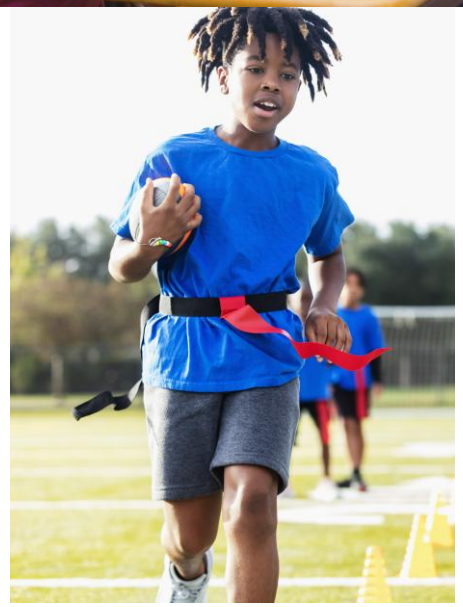
# LOCS











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# PROTECTED STYLES WITH HEADBANDS AND SCARVES







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# BONNET



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# PROTECTED STYLES ADORNED WITH BEADS, BARRETTES, AND ORNAMENTS









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# RESOURCES TO ADDRESS SCHOOL-BASED HARASSMENT

# PHRC'S UPDATED 2025 HARASSMENT AND BULLYING GUIDANCE

"HARASSMENT IN EDUCATIONAL SETTINGS" GUIDANCE ON EVALUATING CLAIMS OF BULLYING AND HARASSMENT UNDER THE PENNSYLVANIA HUMAN RELATIONS ACT

"The purpose of this Guidance is to

- "provide clarity to all Pennsylvanians regarding **how** the Commission will evaluate harassment and bullying cases resulting from discrimination" re: public schools
- Explain the differences between bullying and discriminatory harassment
- Set forth the legal standard for liability: school personnel "knew or should have known"
  - More on this in a few slides!

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# SUPPORTING IMPACTED STUDENTS

## Identify Harassment and Bullying as Illegal and Wrong

- Young people are inundated with harmful messages that harassment is “normal” and “expected”

## Identify Folks Involved

- If a name is unknown, you can still report
- You can describe the person, share their grade, provide what class it happened in, and share the name of their teacher

## Preserve Evidence

- Seek immediate medical care for all injuries and have the cause of the injuries documented
- Consult with an attorney about how to preserve text messages, emails, voice messages etc., so the student does not have to keep these things on their own accounts
- Help them take screen shots or photos with another phone if images are single-view

## Safety Plan

- Ask the school for interim supports
- Add adult supervision to harassment “hot spots”
- Create separation between the student reporting behavior and the person who is behaving in discriminatory ways

## Seek Support

- Refer a young person to affirming mental health supports
- Complaints can take time to resolve, discuss supports that can be used in the interim

## Retaliation for reporting bullying or harassment is illegal