CSW 70 Justice for Women Brief

Education Justice

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Education is a fundamental human right and a cornerstone of access to justice. Yet in the United States, systemic inequities in schooling—rooted in race, gender, class, and ability—continue to deny girls and young women equal educational opportunity. Punitive truancy laws, along with zero-tolerance disciplinary policies and the school-to-prison pipeline, have caused educational institutions to reproduce the very injustices they should dismantle.

Education, Chronic Absenteeism and Truancy in the US

- Chronic absenteeism is defined as missing 10% of school, or approximately 18 days per year. Chronic absenteeism rates rose 31% during the COVID-19 pandemic (to 14.7 million),[1] up from 8% pre-pandemic. While the rate decreased slightly to 28% in 2022-23, it remains high.[2,3]
- When students miss too much school, their chances of graduating drop sharply—by nearly 70%.[4]
- States set guidelines for what constitutes an excused absence. Some districts classify students with as little as 3 unexcused absences a year as "truant." Truancy reflects a punitive, compliance-oriented system that can lead to official warnings, parental fines, and, if unresolved, legal action.
- Truancy has a domino effect and is detrimental to student outcomes. These challenges are often compounded for girls, who may face gender-specific barriers to regular attendance.

Gendered Dimensions of Truancy

Though truancy affects students of all genders, girls often experience unique barriers:

- Caregiving Responsibilities: Girls are 50% more likely than boys to take on household or caregiving duties, often leading to missed school days. In the US, the prevalence of "caregiving youth" has grown 250 percent in 15 years due to a caregiving crisis with more people, including the elderly, requiring more informal caregiving.[5]
- Health and Well-being: 6% of girls report health-related concerns affecting attendance.[6] Nearly a quarter of students struggle to afford access to menstrual hygiene products, and 65% do not want to be at school during their periods.[7]
- Gender-Based Violence: Girls are harassed or bullied on the basis of sex at a higher rate than boys.[8] 56% of girls in one study reported being sexually harassed at school, and 37% did not want to go to school as a result.[9]
- Early Pregnancy: Only 53% of teen mothers receive a high school diploma by age 22, compared to 90% of women who did not give birth as teenagers.[10]

These factors are amplified for girls from low-income, minority, immigrant, or rural backgrounds, exacerbating educational inequalities.

Impact on Women and Girls

Chronic absenteeism and school dropout significantly limit future prospects. Women without a high school diploma earn a median of $30,900 annually, compared to $36,700 for those with a diploma, and $60,800 with a bachelor's degree.[11] Girls who leave school are more likely to experience unemployment, poverty, and adverse health outcomes throughout their lives.

Fast Facts

- Black girls receive more frequent and more severe discipline in school than other girls. They are suspended at rates 5 times higher than white girls for similar behaviors.[12]
- The expansion of "zero-tolerance" discipline since the 1990s has led to the criminalization of minor infractions, feeding students—especially girls of color—into the juvenile justice system.[13]
- In many states, truancy laws criminalize school absences linked to caregiving, housing instability, or trauma, disproportionately affecting young women and girls responsible for family care.
- Black girls make up 16 percent of the female student population in the US but are 39 percent of girls arrested in school. Native American girls were 12 percent of girls in Montana but were 62 percent of female arrests in that state.[14]

Recommendations for Policy and Action

1. **Reimagine Discipline Through Restorative Justice**[15]
    a. Replace zero-tolerance policies with restorative and trauma-informed approaches.
    b. Fund training for educators on implicit bias, gender-based violence, and conflict resolution.
    c. Require federal reporting on school discipline disaggregated by race, gender identity, and disability.
2. **Decriminalize Truancy and Caregiving Responsibilities**
    a. Repeal punitive truancy laws; replace them with family-supportive, community-based interventions.
    b. Protect pregnant and parenting students from discriminatory attendance policies under Title IX.
3. **Interrupt the School-to-Prison Pipeline**
    a. Eliminate police presence in schools and redirect funds to counselors, social workers, and culturally responsive educators.
    b. Expand early intervention programs to identify trauma, abuse, or neglect before punitive measures are applied.
    c. Prohibit the use of restraint, seclusion, and arrest for nonviolent school-based incidents.
4. **Strengthen Education Access in and after Juvenile Detention**
    a. Ensure compliance with the Juvenile Justice Reform Act (2018) to guarantee educational continuity for detained youth.
    b. Provide federally funded reentry support, including mentorship and secondary/college access programs for girls exiting detention.
5. **Promote Accountability and Gender-Responsive Legal Reform**
    a. Mandate gender-impact assessments in federal and state education and justice policies.
    b. Reauthorize and expand the Civil Rights Data Collection (CRDC) to include intersectional data on gender identity and sexual orientation.
    c. Ratify CEDAW and incorporate international human rights frameworks into U.S. education and juvenile justice standards.

Conclusion

Access to justice for women and girls in the United States begins with equitable access to education. Schools should be spaces of learning, not pipelines to incarceration. Centering education justice in national and state policy—by ending punitive truancy laws, dismantling zero-tolerance regimes, and reforming juvenile detention systems—advances inclusive, rights-based justice systems. Ensuring education justice is not only a legal obligation; it is a moral imperative for realizing gender equality and human dignity in the United States.

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