

# Affirmative Action Policy for Ethnic Minorities and Women

*Adopted by the 1997 Representative Assembly*

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## Preamble

*Because the effects of ethnic and gender discrimination by particular employers and by society in general cannot be remedied simply by ending discriminatory practices and utilizing employment practices that treat people equally regardless of ethnicity or gender, affirmative action may be necessary to achieve true equal employment opportunity.\**

## Definitions

For purposes of this Policy Statement, the following definitions apply:

1. The term “affirmative action” means any measure, beyond simply terminating and prohibiting discriminatory practices, that may be used to increase or maintain the percentage of ethnic minorities or women in an educational employer’s workforce, or a particular segment of an educational employer’s workforce.

2. The term “discrimination” means denying an employment opportunity or benefit, or taking any adverse employment action, against ethnic minorities or women solely on the basis of their ethnicity or gender.

3. The term “diversity” means the inclusion of a specified percentage of ethnic minorities or women in an educational employer’s workforce, in order to obtain the educational benefits of an ethnically or sexually diverse workforce, to provide ethnic minority or female role models for

all students, or to alleviate the effects of societal discrimination.

4. The term “education employee” means a person employed in a professional or education support position by an educational employer.

5. The term “educational employer” means a public school district, a college

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\* NEA’s current policies reflect a concern with the fact that there traditionally has been a disproportionately low percentage of men employed as teachers in elementary schools, and support the use of affirmative action to cure such underrepresentation. The failure to address this concern in this Policy Statement does not in any sense mean that NEA is altering its position in this regard. To the contrary, it remains the position of NEA that, in appropriate circumstances, affirmative action should be used to increase the percentage of male elementary school teachers. However, because the historical and legal variables involved in the underrepresentation of male elementary school teachers are so markedly different from those involved in regard to ethnic minorities and women, NEA believes that the problems should not be dealt with in the same Policy Statement.

or university, or any other public entity which employs education employees.

6. The term “ethnic minority” means those persons designated as ethnic minority by statistics published by the United States Bureau of the Census. This designation shall specifically include American Indian/Alaska Native, Asian, Native Hawaiian or other Pacific Islander, Black, and Hispanic.

7. The term “qualified” means that the person meets the legal requirements for holding the position, and has the skills necessary to perform the functions of the position.

8. (a) When affirmative action is used to cure the effects of past ethnic or sexual discrimination by a particular educational employer, the term “underrepresented” means that the percentage of ethnic minorities or women in an educational employer’s workforce is significantly below the percentage of qualified ethnic minorities or women in the relevant labor market;

(b) When affirmative action is used to achieve or maintain diversity in an educational employer’s workforce, the term “underrepresented” means that the percentage of ethnic minorities or women in an educational employer’s workforce is significantly below the percentage that is necessary to achieve the educational and societal benefits of ethnic or sexual diversity.

## Principles

1. NEA reaffirms its strong support for the use of affirmative action in educational employment (a) to cure the effects of past ethnic or gender discrimination

by the particular educational employer involved, and (b) to achieve or maintain ethnic or gender diversity in an educational employer’s workforce.

2. When necessary for the above purposes, affirmative action should be used with regard to recruitment, training, employment, assignments, transfers, promotions, layoff, recall, and other aspects of the educational employment relationship.

3. The employment of a non-ethnic minority or male education employee should not be terminated solely for the purpose of curing the effects of past discrimination by the particular employer involved, or achieving or maintaining diversity in an educational employer’s workforce. When a fiscal exigency, a reduction in student enrollment, or other bona fide factor requires a reduction in an educational employer’s workforce, affirmative action may be appropriate to maintain—but not to increase—the pre-existing percentage of ethnic-minority or female employees in the workforce.

4. Affirmative action should be used, in certain circumstances, to make choices among qualified individuals. An ethnic-minority or woman applicant who is not qualified for the position in question should not, on the basis of ethnicity or gender, be given preference over a qualified non-minority or male applicant. An educational employer should be allowed to use affirmative action training programs and take other ethnic- or gender-conscious actions in order to expand the pool of qualified ethnic-minority or female applicants for educational employment positions.

5. The use of affirmative action is appropriate when ethnic minorities or women are underrepresented in an educational employer's workforce as a whole, or when they are underrepresented in the professional educator, education support, or administrator/supervisor categories of an educational employer's workforce. Whether the use of affirmative action is appropriate to deal with the underrepresentation of ethnic minorities or women at a school building, in an operational department, or in some other segment of an educational employer's workforce should be determined on a case-by-case basis after assessing all of the relevant factors.

6. (a) Decisions as to the use of affirmative action in educational employment—including decisions as to the relationship between affirmative action and seniority—should be made voluntarily by the educational employer and the local employee organization through collective bargaining or other form of bilateral decisionmaking.

(b) Although NEA urges its affiliates to support the use of affirmative action in educational employment as recommended in this Statement of Policy, affiliates are free to decide for themselves what positions to take in this regard. Accordingly, the NEA will not deny

support to an affiliate that is seeking to enforce contractual or statutory employment rights solely because those rights are contrary to positions recommended in this Statement of Policy.

7. (a) Whether NEA participates in litigation involving affirmative action will be determined on a case-by-case basis after considering all of the relevant factors, including, among others, the NEA policy on the issue presented, the position (if any) taken by NEA affiliates, and the precedential effect of the litigation.

(b) NEA will participate in litigation involving the relationship between affirmative action and seniority only with the approval of an NEA governing body (i.e., Representative Assembly, Board of Directors, or Executive Committee).

(c) A court should have the power to impose an affirmative action remedy that is contrary to the seniority rights of education employees only when there has been a judicial finding that the underrepresentation of ethnic minorities or women in the workforce is attributable to unlawful discrimination by the particular educational employer involved, and then only to the extent that the remedy is necessary to cure the effects of the unlawful discrimination.



# Privatization and Subcontracting Programs

*Adopted by the 2000 Representative Assembly, amended 2017*

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## Preamble

*Certain forms of private sector involvement have the potential to adversely affect public education and impair NEA's ability to achieve its organizational goals and objectives. This Policy Statement (1) sets forth the criteria that are used by NEA in order to determine whether and under what circumstances it will oppose or support private sector involvement in public education, and (2) based upon those criteria, indicates the position taken by NEA with regard to certain commonly-used forms of such involvement.<sup>1</sup>*

## Definitions

For purposes of this Policy Statement, the following definitions apply:

1. The term “public school” means a preK program, an elementary school, or a secondary school that is supported by tax dollars; that is under the jurisdiction of and subject to comprehensive regulation by a governmental entity; that, subject to reasonable pedagogically-based distinctions, provides access to all resident students; that is financially and educationally accountable to the public or its elected representatives; and that seeks to inculcate in its students basic values that are rooted in the democratic and egalitarian traditions of our country;

2. The term “privatization program” means a private school tuition voucher program, a private school tax credit/deduction program, or other program pursuant to which public funds are used—directly or

indirectly—to subsidize preK–12 private school education;

3. The term “subcontracting program” means an arrangement pursuant to which private sector entities are used to perform functions—either support or professional—that traditionally have been performed by public elementary and secondary school employees and public higher education employees;

4. The term “private school tuition voucher program” means a program pursuant to which public funds are used to pay, in whole or in part, the tuition for a student to attend a private school—either

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<sup>1</sup> This Policy Statement does not deal with all forms of private sector involvement in public education. Thus, for example, charter schools are not addressed. The position that NEA takes with regard to charter schools is set forth in the Policy Statement on Charter Schools adopted by the 2001 Representative Assembly.

by direct payment to a private school, or as reimbursement to a student's parents;

5. The term "private school tuition tax credit/deduction program" means a program that provides a tax advantage—either in the form of a credit against income tax, or a deduction in computing income tax—to persons who pay for, or contribute to, the cost of private education;

6. The term "sectarian private school" means a private school that is affiliated with a religious group, institution, or organization, or that includes a religious component in its educational program; and

7. The term "economic security" means the right to continued employment in the same or a substantially equivalent position, with the same or substantially equivalent compensation, benefits, and working conditions.

8. The term "whole student approach" means that in order for effective learning to take place, every student must be healthy, safe, engaged, supported, and challenged.

## Principles<sup>2</sup>

### A. Criteria

NEA reaffirms its strong and historical commitments to (1) promoting the cause of public education, (2) preserving the principle of separation of church and state, (3) protecting the economic security of public education employees,

and (4) achieving racial integration in the public schools and preventing resegregation. Consistent with these commitments, NEA is opposed to any privatization or subcontracting program that:

1. Has the potential to reduce the resources that otherwise would be available to achieve and/or maintain a system of quality public education, or the potential to otherwise negatively impact on public education;

2. Allows public funds to be used for religious education or other religious purposes, or otherwise weakens the wall of separation between church and state;

3. Places the economic security of public education employees at risk, without regard to individual job performance, so that the services in question can be performed by private sector employees; or

4. Has the purpose or effect of causing or maintaining racial segregation in the public schools.

### B. Application of Criteria

#### 1. Private School Tuition Voucher Programs

a. NEA opposes private school tuition voucher programs that pay for students to attend private schools *in order to obtain educational services that are available to them in public schools to which they have reasonable access*. Such programs reduce the resources that otherwise would be available for public education, and otherwise impair the ability of the affected school districts to provide a quality public education.

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<sup>2</sup> These Principles are set forth in summary terms. The underlying analysis, and the rationale for the positions taken, are contained in the May 2000 Report of the NEA Special Committee on Educational Privatization.

NEA also opposes the foregoing type of private school tuition voucher programs because they have the potential to reduce the student population in the affected school districts, which in turn could result in the displacement of public education employees. This places the economic security of public education employees at risk, without regard to individual job performance, so that the services in question can be performed by private sector employees.

To the extent that sectarian private schools participate in voucher programs of this type, public funds are used to pay for religious education and other religious activities. NEA opposes such participation because it weakens the wall of separation between church and state.

b. NEA does not take a categorical position for or against private school tuition voucher programs that pay for students to attend private schools *in order to obtain educational services that are not available to them in public schools to which they have reasonable access*—such as, for example, secondary schools for students who reside in school districts that operate only elementary schools, or specialized services for disabled students.

If the unavailable services are provided by sectarian private schools, NEA would oppose the program to the extent the public funds are used to pay for religious education and/or other religious activities.

If the participating private schools are not sectarian, or if the funds made available to sectarian private

schools are used only for secular purposes, the acceptability of the program would depend on whether it is feasible for the public schools to provide the services in question, related actions of the school district, and other such factors. Because these factors can best be assessed in context, NEA defers to the judgment of the relevant state and local affiliates.

## **2. Tuition Tax Credit/Deduction Programs**

Because tax credits/deductions have the same potential financial impact on public education as the direct payment of public funds, tuition tax credit/deduction programs are the functional equivalent of tuition voucher programs. Accordingly, the position that NEA takes with regard to tuition tax credit/deduction programs is the same as the position that it takes with regard to tuition voucher programs.

## **3. Privatization Programs Pursuant to Which Public Funds are Used to Provide Services, Materials, and/or Other Assistance to Private Schools or to Students Who Attend Such Schools**

NEA does not oppose the use of public funds to provide services, materials, and/or other assistance to private schools or to students who attend private schools in all circumstances. Such assistance may be acceptable if the services, materials, and/or other assistance (a) are not part of the basic educational program that is provided by the private school, but are ancillary to that program, (b) as a general matter, do not in and of themselves provide an incentive for public school students to transfer to

private schools,<sup>3</sup> (c) are not so costly as to negatively impact on the ability of public schools to implement their own educational programs, and (d) are secular in nature and are incapable of diversion to religious use—such as bus transportation or secular library books, as opposed to tape recorders, computers, etc. NEA's position with regard to programs of this type will be determined on a case-by-case basis, after considering the structure and operation of the program in question.

#### **4. Subcontracting Programs Pursuant to Which Private-Sector Entities Are Used to Provide Services for Public Schools**

NEA will oppose specific subcontracting programs under which private-sector entities are used to provide education support or professional services for public schools and higher education institutions if it determines that the programs have a negative impact on public education and the whole student approach to education, or if—because sectarian entities are used to provide the services—they weaken the wall of separation between church and state. NEA's position with regard to programs of this type will depend in most cases on two issues. First, is a contractor capable of providing employees who have the professional development, commitment, character, and workplace stability to participate in the whole student approach. Second, whether they place

the economic security of public education employees at risk, without regard to individual job performance, so that the services in question can be performed by private-sector employees.

On this latter basis, NEA opposes the use of private-sector transportation companies if it results in the displacement of publicly-employed school bus drivers, the use of private-sector food service companies if it results in the displacement of publicly-employed school cafeteria workers, and any other program that simply replaces public education employees with private-sector employees. NEA opposes the use of private-sector companies that are hostile to labor unions or that interfere with employees in the exercise of their right to organize and bargain collectively.

NEA's position with regard to subcontracting programs under which the use of private-sector entities do not result in the displacement of public education employees because the services in question have not traditionally been performed by public education employees cannot be determined in the abstract. The acceptability of such programs can best be determined in context—after considering such factors as the economic and programmatic feasibility of using public education employees to provide the services, related actions of the school district, the nature and track record of the particular private-sector entity involved, and whether the local Association has been consulted. NEA does not take a categorical position for or against programs of this type, but defers to the judgment of the relevant state and local affiliates.

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<sup>3</sup> The qualification "as a general matter" is necessary because the result might be otherwise in a particular case. Thus, for example, a student might attend a private as opposed to a public school if publicly funded transportation were available.

# Kindergarten and Prekindergarten

*Adopted by the 2003 Representative Assembly, amended 2013*

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## Introduction

The term “early childhood education” is used by educators to refer to educational programs provided for children from birth through age eight. Within this eight-year span, there are four separate developmental age groups: infants and toddlers (i.e., children from birth to age three); prekindergarten children (i.e., children age three and up who have not yet entered kindergarten); children in kindergarten; and children in the primary grades (i.e., grades one through three). Because there are significant differences in the patterns of growth and learning of the children in each of these developmental age groups, it is appropriate to deal with each group separately rather than consider early childhood education in the aggregate.

This Policy Statement sets forth NEA’s positions with regard to kindergarten and prekindergarten.<sup>1</sup> For purposes of discussion, the positions are grouped into two categories—relating to the availability and financing of kindergarten and prekindergarten, and the educational quality of kindergarten and prekindergarten.

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<sup>1</sup> These positions are set forth in summary terms. The underlying analysis, and a more complete rationale for the positions taken, are contained in the April 2003 Report of the NEA Special Committee on Early Childhood Education.

## Availability and Financing

### A. Kindergarten

#### 1. Availability

Because of the proliferation of prekindergarten programs, kindergarten may no longer be the primary bridge between home and formal education. But it still serves an important transitional function: in kindergarten children are expected to learn the basic academic and social skills that prepare them for the demands of first and subsequent grades. In order to ensure that this expectation is met, kindergarten attendance should be mandatory, and all states should offer a publicly-funded, free, quality kindergarten program.

Wide age spans in kindergarten classes can make it difficult for teachers to implement a curriculum that accommodates children’s substantially different levels and paces of learning. In order to reduce the age span, there should be a uniform entrance age for kindergarten. This means that there should be both a minimum and maximum cut-off date: children should not be allowed to enter kindergarten before they reach a minimum age, or if they are above a maximum age. In terms of the uniform age itself, children should be required to have reached age five at the beginning of kindergarten and should be required to enter kindergarten not later than their sixth birthday.

The minimum and maximum entrance ages should generally be applied; however, there should be a mechanism that allows for exceptions on a case-by-case basis. This mechanism should not simply accommodate any parents who wish to enroll their children in kindergarten before they are five years of age or delay the entrance of their children until after they are six years of age. The mechanism should rather include specific criteria for determining whether an exception is warranted, and the final determination should be made by the school district after appropriate consultation with the parents and the kindergarten teacher. Because these criteria can best be determined in context, NEA defers in this regard to the judgment of its affiliates, with the following caveat: because of the problems that it generally creates for kindergarten classes, parents who seek to enroll children who are not yet five years of age should bear a particularly heavy burden of persuasion.

## **2. Financing**

The public schools should be the primary provider of kindergarten, and—as a component part of the public school program—should be financed in the same manner as the rest of the public school program. But the money should come from “new” funding sources. This does not necessarily mean that additional taxes must be imposed, but that the funds necessary to finance mandatory full-day kindergarten—including the money to recruit and adequately compensate qualified teachers and education support professionals—should not be obtained at the expense of other educational priorities.

NEA recognizes and respects the right of parents to send their children to private kindergarten—just as it does the right of parents to send their children to private elementary/secondary schools. The issue, however, is whether public funds should be used to pay for private kindergarten. Based upon the NEA Policy Statement Regarding Privatization and Subcontracting Programs, NEA’s answer to this question is “no.”

## **B. Prekindergarten**

### **1. Availability**

There is no longer any serious doubt about the value of prekindergarten. Children who participate in quality prekindergarten programs perform better academically and exhibit better cognitive and social skills—on both a short-term and long-term basis—than similar children who do not participate in such programs. And, this is true for all children, not just those from disadvantaged backgrounds. NEA supports the establishment in every state of a non-mandatory “universal” prekindergarten for all three- and four-year-old children—i.e., all such children whose parents want them to enroll should have access to, but not be required to attend, a publicly-funded, free, quality prekindergarten program.<sup>2</sup>

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<sup>2</sup> The reference to three- and four-year-old children assumes that when children reach five years of age they will be enrolled in kindergarten. But this is the recommended minimum entrance age for kindergarten, and some children may not enter kindergarten until after they have reached that age. Such children should be eligible to attend the prekindergarten program.

There are specific advantages to public as opposed to private prekindergarten, and the public schools should be the primary provider. Criteria should be designed to ensure program quality (essentially the same requirements that would apply to public school prekindergarten) and preserve the principle of church/state separation.

## 2. Financing

The existing pattern of financing for prekindergarten differs from K–12 education in that the federal contribution is substantially greater and exceeds that of the states. This difference derives from the fact that prekindergarten—including Head Start—has focused on children from disadvantaged families, and the federal government traditionally has played a special role in providing educational access and opportunity for such children. Consistent with this tradition, the federal government should provide funds sufficient to make prekindergarten available for all three- and four-year-old children from disadvantaged families. State (including as appropriate local) governments should be responsible for providing the additional funds necessary to make prekindergarten available to all three- and four-year-old children. Both the federal and state governments should use “new” money to fund prekindergarten—not money taken from other areas of education and childcare which also have important unmet needs.

## Educational Quality

Although the positions taken with regard to early childhood education should

reflect the different patterns of growth and learning for each of the four developmental age groups included within the definition of early childhood education, there is an affinity between kindergarten and prekindergarten with regard to the criteria for a quality education program. Accordingly, in order to avoid redundancy, this Policy Statement discusses kindergarten and prekindergarten together, noting as appropriate the relevant differences.

A. NEA supports full-day—as opposed to half-day—kindergarten and prekindergarten.<sup>3</sup> There is ample evidence to demonstrate that the subsequent academic performance of children who attend full-day kindergarten and prekindergarten is better than that of similar children who attend half-day programs, and that they also make significantly greater progress in learning social skills. This is true not just for children from low-income families, but for all children. Nor is it the mere increase in hours that leads to these positive effects, but rather what children experience during the day.

B. The curriculum and pedagogy in kindergarten and prekindergarten should foster all areas of a child’s development—thinking, problem solving, and the

<sup>3</sup> As used in this Policy Statement, the term “full-day” is not intended to refer to a specific number of school day hours, but means rather that the starting and ending times for kindergarten and prekindergarten are keyed to the regular school day. Implicit in our support for full-day kindergarten and prekindergarten is support for “full-year” programs—i.e., programs that operate for the regular school year.

development of social and physical skills, as well as basic academic skills. Toward this end, the curriculum and pedagogy should incorporate components of both the “child-centered” and “didactic” approaches. In an effort to avoid “curriculum shovedown” in kindergarten— i.e., an attempt to push expectations from the primary grades down into kindergarten—academic skills should be properly integrated into the overall kindergarten curriculum, and taught in a manner that is developmentally appropriate for the children involved. The curriculum and pedagogy for prekindergarten should not be identical to that in kindergarten, but should reflect the fact that there are developmental differences between three- and four-year-old children and five-year-old children that may tip the balance in prekindergarten even further away from didactic academic instruction.

C. NEA’s basic position with regard to size is set forth in Resolution B-11. After opining “that excellence in the classroom can best be attained by small class size,” the Resolution states that “[c]lass size maximums must be based on the type of students, grade level, subject area content, and physical facilities.” Consistent with this statement, NEA does not recommend any specific number as the optimum size for kindergarten and prekindergarten. The reference in Resolution B-11 to “optimal class sizes” is intended to apply to classes at all educational levels, and is not tailored to kindergarten and prekindergarten. As regards kindergarten and prekindergarten, it is relevant to note the research consensus that, in order to

achieve the greatest academic gains, children should be taught in small classes at the earliest possible point in their school careers.

D. Resolution F-28 provides that all “classroom teachers should be provided with support staff to assist in the educational process.” When dealing with kindergarten and prekindergarten children—who because of their age require assistance in performing various life skills, pose unique health and safety concerns, etc.—the primary need is for additional adult supervision in the classroom. Accordingly, kindergarten and prekindergarten teachers should have the assistance of a full-time classroom aide. The purpose of this classroom aide should be to assist the classroom teacher—and, as indicated in Resolution F-28, NEA “believes that the employment of education support professionals should not be a rationale for increasing class size.”

E. Assessment of kindergarten and prekindergarten students should be holistic, and involve all developmental domains (i.e., physical, social, emotional, and cognitive). Multiple sources of information should be used (for example, obtaining parent information as well as direct observation of the child), and children should be given an opportunity to demonstrate their skills in different ways, allowing for variability in learning pace and for different cultural backgrounds. For this reason, the use of large scale, standardized tests is inappropriate. And, because the development of young children is uneven and greatly impacted by environmental factors, assessment results

for some children may not be reliable until they are in the third grade or beyond.

The purpose of any assessment of kindergarten and prekindergarten students should be to improve the quality of education, by (1) providing information that will enable kindergarten and prekindergarten teachers to work more effectively with the children, and first grade or kindergarten teachers, as the case may be, to individualize the curriculum to facilitate learning, (2) identifying children with special needs, developmental delays, and health problems (i.e., vision and hearing), and (3) developing baseline data against which future data can be compared.

F. Teachers, education support professionals, and administrators who work in kindergarten and prekindergarten should be qualified to perform their functions effectively. These employees should be considered qualified if they hold the license and/or certificate that the state requires for their employment.

Although this same basic rule should apply with regard to kindergarten and prekindergarten teachers, the two situations are somewhat different. Because “a teaching license should signify that an individual entering the teaching profession is competent to teach,” Resolution G-3, and because all states require public school kindergarten teachers to be licensed, any concerns regarding the qualifications of teachers at the kindergarten level are adequately addressed. In many states, however, public school prekindergarten teachers are not required to have a state license, but can be employed if they have some type of training in child

development and obtain some type of certification in early childhood education. There should be appropriate mechanisms to ensure that prekindergarten teachers who do not hold a state license possess the requisite knowledge and skills and are working towards full prekindergarten licensure in states where such licensure exists.

Consistent with Resolution D-15, it is NEA’s belief that “continuous professional development is required for education professionals to achieve and maintain the highest standards of student learning and professional practice.” And, consistent with Resolution D-16, NEA believes that “continuous professional development is required for education support professionals to achieve and maintain the highest standards of professional practice in order to meet the needs of the whole student.” This professional development should be provided at school district expense.

G. Resolution A-5 expresses NEA’s belief that “parents/guardians who are active participants in the education of their children increase the likelihood of the achievement of educational excellence.” Because kindergarten and prekindergarten are critical transition points for children—prekindergarten is generally a child’s first organized educational experience, and kindergarten is the bridge to the more structured environment of first and subsequent grades—such parental involvement is particularly important at these levels. Training programs should be made available to parents/guardians to prepare them to take an active role in the

education of their kindergarten and pre-kindergarten children, and provide them with an understanding of the expectations that will be placed on their children, and the new policies and procedures that their children will experience, in kindergarten and prekindergarten.

This Policy Statement refers simply to kindergarten and prekindergarten children and makes no special mention of children with disabilities or other exceptional needs. In Resolution B-1, NEA

“advocates the establishment of fully funded early childhood special education programs,” and states that “[t]hese programs and necessary services should be readily accessible for children with disabilities and staffed by certified/licensed teachers, qualified support staff, and therapists.” Implicit in this Policy Statement is the unqualified endorsement of the foregoing positions with regard to kindergarten and prekindergarten.

# Teacher Evaluation and Accountability

*Adopted by the 2011 Representative Assembly, amended 2017*

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## Introduction

Consistent with NEA's belief that the "teaching profession is a cornerstone of society," "composed of individuals meeting the highest standards" of "evaluation" and "accountability," (NEA Resolution D-1), and recognizing that evaluation and accountability systems too often leave teachers without the feedback or support needed to enhance practice and advance student learning, NEA sets forth below the criteria for the types of teacher evaluation and accountability systems necessary to ensure a high quality public education for every student.

## I. High Quality Teacher Evaluation Systems

NEA believes that our students and teachers deserve high quality evaluation systems that provide the tools teachers need to continuously tailor instruction, enhance practice and advance student learning. Such systems must provide both ongoing, non-evaluative, formative feedback and regular, comprehensive, meaningful, and fair evaluations. Such systems must be developed and implemented with teachers and their representatives, either through collective bargaining where available, or in partnership with the affiliate representing teachers at the state and local level.

a. All teachers should be regularly evaluated by highly trained evaluators on the basis of clear standards as to what teachers should know and be able to do. Such standards should be high and rigorous and define the rich knowledge, skills, dispositions, and responsibilities of teachers. Such standards may be based on national models such as the NEA Principles of Professional Practice, the Interstate Teacher Assessment and Support Consortium Model Core Teaching Standards, the Standards developed by the National Board for Professional Teaching Standards, or statewide standards for the teaching profession.

b. Evaluations must be comprehensive—based on multiple indicators to provide teachers with clear and actionable feedback to enhance their practice—and must include all three of the following components:

i. **Indicators of Teacher Practice** demonstrating a teacher's subject matter knowledge, skill in planning and delivering instruction that engages students, ability to address issues of equity and diversity, and ability to monitor and assess student learning and adjust instruction accordingly. Such indicators may include the following indicators or others chosen by a local or state affiliate: classroom observations, proof of practice (e.g.,

lesson plans, curriculum plans, student assessments, minutes from team planning meetings, curriculum maps, and teacher instructional notes), teacher interviews, and self-assessments.

ii. **Indicators of Teacher Contribution and Growth** demonstrating a teacher's professional growth and contribution to a school's and/or district's success. Such indicators may include the following indicators or others chosen by a local or state affiliate: completion of meaningful professional development that is applied to practice; structured collaboration with colleagues focused on improving practice and student outcomes (e.g., by way of professional learning communities and grade or subject teams); evidence of reflective practice; teacher leadership in the school, district, or educational community; collaborative projects with institutions of higher education; and positive engagement with students, parents, and colleagues.

iii. **Indicators of Contribution to Student Learning, Growth, and/or Development** demonstrating a teacher's impact on student learning, growth, and/or development. Such indicators must be authentic, recognize that there are multiple factors that impact a student's learning which are beyond a teacher's control (which must include, but not be limited to, learning challenges and poor attendance), and may include the following indicators chosen by a local or state affiliate: student learning objectives developed jointly by the teacher and principal/evaluator; teacher-selected assessments; student work (papers, portfolios, projects, presentations); and/or teacher defined student development objectives.

High quality, developmentally appropriate teacher-selected assessments that provide valid, reliable, timely, and meaningful information regarding student learning, growth, and/or development may be used for quality, formative evaluation. Standardized tests, even if deemed valid and reliable, may not determine any part of an educator's evaluation or be used to support any employment action against a teacher.

c. Evaluations must be meaningful, providing all teachers with clear and actionable feedback linked to tailored professional development. Such feedback should include regular non-evaluative formative feedback—meaning feedback that serves only to inform practice and that does not contribute to formal evaluation results—as such feedback is often the most effective way to improve teacher practice. Such non-evaluative feedback may include self-reflection, peer observation and/or teacher approved surveys of students to assess engagement and learning behaviors.

d. Evaluations must be fair, conducted by highly trained and objective supervisors or other evaluators as agreed to by the local affiliate, whose work is regularly reviewed to ensure the validity and reliability of evaluation results. If an evaluation will be the basis for any action relating to a teacher's employment, ratings by more than one evaluator must be provided in support of the action. Where a teacher believes an evaluation does not accurately reflect his or her level of practice, the teacher must have the right to contest the evaluation, and have access to the information necessary to do so.

e. To satisfy these requirements, evaluation systems must be adequately funded and staffed, and fully developed and validated, including by training all teachers on the new systems, before they are used to make any high stakes employment decisions. NEA recognizes that our schools do not currently have enough staff trained to provide meaningful evaluative and non-evaluative feedback to teachers. To expand the number of people who can do so, the Representative Assembly directs NEA to examine existing mentorship, peer assistance and peer assistance and review programs, and report back to the October 2011 NEA Board meeting regarding those programs, their compliance with the requirements set forth in D-10 (Mentor Programs) and D-12 (Peer Assistance Programs and Peer Assistance & Review Programs), and to make programmatic recommendations as to whether to expand such programs or develop others in partnership with state and local Associations.

## **II. High Quality Teacher Accountability Systems**

NEA believes that teachers are accountable for high quality instruction that advances student learning. High quality teacher accountability systems, developed and implemented with teachers and their representatives either through collective bargaining where available, or in partnership with the affiliate representing teachers at the state and local level, should be based on the following principles.

a. All teachers are responsible for providing a high quality education to students and supporting the efforts of

colleagues and their school as a whole to do the same. To fulfill that responsibility, teachers have the right to a safe and supportive working environment including ongoing non-evaluative feedback on their practice that supports teachers' efforts to innovate and the right to regular, confidential evaluations.

b. All teachers have the responsibility to continually enhance their practice and to stay current in subject matter and pedagogical approaches by reflecting and acting on feedback received, accessing professional development opportunities provided and collaborating with colleagues to enhance instruction. To fulfill that responsibility, teachers have the right to increased autonomy over instructional practices, time during the school day for collaboration with colleagues, a decision-making role in professional development, and the right to have such development tailored to enhancing skills identified as needing improvement in both non-evaluative feedback and in evaluations, as well as the ability to pursue advanced coursework and degrees as part of professional development.

c. If, through a high quality evaluation system, a teacher's practice fails to meet performance standards, a teacher should be provided with clear notice of the deficiencies and an improvement plan should be developed by the teacher, local Association and employer. The improvement plan should provide the teacher with a reasonable opportunity—including time, high quality professional development, and support—to meet expectations. In addition, the teacher should receive regular

and frequent feedback from the district and the local Association regarding his or her progress during the support program period. What constitutes a reasonable opportunity will depend on the nature of the deficiencies identified, but in no event should an improvement plan exceed one school year. During the period in which a teacher is implementing an improvement plan, the district shall provide a support program mutually agreed upon by the district and the local Association, which shall include the assignment of an accomplished teacher to assist the teacher not meeting performance standards in improving his or her practice and to ensure a quality education for that teacher's students.

d. If a teacher fails to improve despite being given a reasonable opportunity to do so, or otherwise fails to meet expectations, the teacher may be counseled to leave the profession or be subject to fair, transparent, and efficient dismissal process that provides due process. Such a process should include: notice to a teacher of the basis for the dismissal; early disclosure of all evidence on which the dismissal is based; an early mandatory meeting between the teacher, employer, and the teacher's representative to discuss possible resolution; and, failing such resolution, a prompt hearing before an impartial decisionmaker on the charges.

e. NEA believes that it is appropriate and fitting for accountability systems to continue to differentiate between the rights and responsibilities of probationary teachers, meaning those teachers in their initial years of employment who may be nonrenewed upon notice at the end of a

school year, and career teachers, meaning those teachers who have successfully served through the probationary period and may be dismissed only for cause as defined by state law or local agreement or policy.

- Probationary teachers should receive ongoing support for at least the first two years of their employment from locally developed and fully supported induction programs. The focus of such induction programs should be supportive and non-evaluative, designed to provide beginning teachers with the support they need to learn and thrive in the teaching profession. Districts should be encouraged to partner with colleges and universities to develop joint induction programs. No beginning teacher should go for weeks, much less years, without receiving any feedback on their practice.

- Probationary teachers should become career teachers if they meet or exceed expectations at the conclusion of their probationary employment period as defined by state law. A probationary teacher should have the right to require that the school district conduct the necessary evaluations within this time period, so that an appropriate determination can be made as to career status.

- Probationary teachers who meet or exceed expectations at the conclusion of their probationary employment period as defined by state law, and who are not granted career status, should have the right to contest that denial before an impartial decisionmaker.

- Once a probationary teacher has attained career status, that status should

not be lost and should be portable from one school district to another within a state. If a career teacher's performance fails to meet expectations, the teacher may be counseled out of the profession or dismissed pursuant to a fair, transparent, and efficient dismissal procedure that provides due process.

- Career teachers have the responsibility to reflect upon and enhance their own practice and to support and enhance the practice of their colleagues, particularly probationary teachers. NEA encourages local affiliates to institutionalize opportunities for career teachers to provide such support and enhance the practice of their colleagues by way of including in collective bargaining agreements or local policies provisions supporting professional learning communities, partnerships with local/regional institutions of higher

education, and mentorship and peer assistance programs.

### **III. The Role of the Association in High Quality Evaluation and Accountability Systems**

The development, implementation, and enforcement of high quality evaluation and accountability systems are top priorities of NEA and its affiliates, presenting new opportunities and work for the Association and its affiliates. The Representative Assembly therefore directs that NEA support that work by providing the training and resources (including model fair dismissal procedures and other model language) needed to develop, implement, and enforce high quality evaluation and accountability systems that enhance instruction and improve student learning.



# Digital Learning

*Adopted by the 2013 Representative Assembly, amended 2014*

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In the fast-paced, worldwide, competitive workplace we now live in, our traditional school models are not capable of meeting the needs of the 21st century student. All students—preK through graduate students—need to develop advanced critical thinking and information literacy skills and master new digital tools. At the same time, they need to develop the initiative to become self-directed learners while adapting to the ever-changing digital information landscape.

This shifting landscape creates new opportunities for NEA, our affiliates, our members, and our profession in pre-schools, public elementary and secondary schools, and postsecondary institutions. The appropriate use of technology in education—as defined by educators rather than entities driven by for-profit motives—will improve student learning, quality of instruction, and education employee effectiveness, and will provide opportunities to eradicate educational inequities.

Digital technologies create new opportunities for accelerating, expanding, and individualizing learning. Our members and students are already actively engaged in building the schools and campuses of the future—including quality online communities. Increasingly, teachers, librarians/media specialists, faculty, and staff are becoming curriculum designers who orchestrate the delivery of content using multiple instructional methods and

technologies both within and beyond the traditional instructional day. Teaching and learning can now occur beyond the limitations of time and space.

NEA embraces this new environment and these new technologies to better prepare our students for college and for 21st century careers.

## **Ensure Equity to Meet the Needs of Every Student**

NEA believes that educational programs and strategies designed to close the achievement and digital gaps must address equity issues related to broadband Internet access, software and technical support, and hardware maintenance. Also, technical support must be adequate to ensure that digital classrooms function properly and reliably for both educators and students. Under our current inequitable system of funding, simply moving to a large scale use of technology in preK–12 and postsecondary education will more likely widen achievement gaps among students than close them. For example, school districts with lower income populations simply will not be able to provide or maintain appropriate and relevant digital tools and resources for their students. We as a nation must address the issues of equity and access in a comprehensive manner in order to see the promise and realize the opportunities that digital learning can provide.

To that end, NEA believes that student learning needs can best be met by public school districts and postsecondary institutions working in collaboration with certified teachers, qualified education support professionals, faculty and staff, and local associations to develop comprehensive and thorough digital learning plans that address all the elements of incorporating technology into the instructional program. These plans should be living documents, constantly reviewed and adapted as changing circumstances require, but always keeping the focus on student learning. Implementation of these plans should honor experimentation and creativity as part of the learning process for both educators and students, while always maintaining support for the professional judgment of educators. It is of critical importance that the use of technology is recognized as a tool that assists and enhances the learning process, and is not the driver of the digital learning plan.

These plans also should include the provision of adaptive technologies to meet individual students' needs, including assistive technology to support students who are English Language Learners and students with a variety of disabilities or challenges.

### **Support and Enhance Educator Professionalism**

NEA believes that the increasing use of technology in preK to graduate level classrooms will transform the role of educators allowing the educational process to become ever more student-centered. This latest transformation is not novel,

but part of the continuing evolution of our education system. Educators, as professionals working in the best interests of their students, will continue to adjust and adapt their instructional practice and use of digital technology/tools to meet the needs and enhance the learning of their students.

All educators—preK–12 and postsecondary teachers, librarians/media specialists, ESPs, and administrators—are essential to student learning and should have access to relevant, high-quality, interactive professional development in the integration of digital learning and the use of technology into their instruction and practice. Teachers need access to relevant training on how to use technology and incorporate its use into their instruction, ESPs need access to training on how best to support the use of technology in classrooms, and administrators need training to make informed decisions about purchasing equipment, technology use, course assignments, and personnel assignments. School districts and postsecondary institutions need to ensure that they provide interactive professional development on an ongoing basis, and to provide time for all educators to take advantage of those opportunities. The training needs to address both the basic preparation on how to make the technology work, and how to most effectively incorporate it into the educational program.

Teacher candidates need problem-solving and creativity experiences and should have the opportunity to learn different strategies throughout their pre-service education and regular professional

development so they are prepared for using not only the technology of today, but of tomorrow.

In these changing roles, it is important to protect the rights of educators, and to fairly evaluate the accomplishments of educational institutions as a whole. For example, the use of supplemental, remedial, or course recovery online instruction can affect the hours, wages, and working conditions of all educational employees, but can dramatically affect college and university faculty and staff.

Educators and their local associations need support and assistance in vetting the quality of digital course materials and in developing or accessing trusted digital venues to share best practices and provide support.

Furthermore, education employees should own the copyright to materials that they create in the course of their employment. There should be an appropriate “teacher’s exception” to the “works made for hire” doctrine, pursuant to which works created by education employees in the course of their employment are owned by the employee. This exception should reflect the unique practices and traditions of academia.

All issues relating to copyright ownership of materials created by education employees should be resolved through collective bargaining or other process of bilateral decisionmaking between the employer and the affiliate.

The ownership rights of education employees who create copyrightable materials should not prevent education employees from making appropriate use of

such materials in providing educational services to their students.

## **Enhance and Enrich Student Learning**

Optimal learning environments should neither be totally technology free, nor should they be totally online and devoid of educator and peer interaction. The Association believes that an environment that maximizes student learning will use a “blended” and/or “hybrid” model situated somewhere along a continuum between these two extremes.

NEA believes there is no one perfect integration of technology and traditional forms of delivering education for all students. Every class will need to be differentiated, and at some level every student needs a different approach. Professional educators are in the best position and must be directly involved in determining what combination works best in particular classes and with particular students.

Students’ maturity and developmental status determines how students adapt to the use of digital technology as they continually face more challenging materials. The use of technology in the classroom will help build self-reliance and motivation in students, but it must be appropriate to their developmental and skill level, as determined by professional educators.

As different digital tools are created and used, the impact of technology on traditional socialization roles must be considered. The face-to-face relationship between student and educator is critical to increasing student learning, and students’ interactions with each other are an

important part of their socialization into society.

Additionally, assessment and accountability systems need to be carefully developed to ensure academic integrity and accurately measure the impact on students. Sensible guidelines and strategies should be used to ensure students are completing their own online assignments and taking the appropriate assessments.

### **The Role of the Association in Promoting High Quality, Digital Learning**

The development and implementation of high quality digital learning must be a top priority of NEA and its affiliates. The Representative Assembly, therefore, directs that NEA demonstrate its support of digital learning by providing leadership and sharing learning opportunities to develop and implement high quality digital learning that enhances instruction and improves student learning. The Representative Assembly strongly encourages NEA to do this work in the field of digital learning in partnership with trusted organizations and experts who can work at the national, state, and local levels to assist states, school districts, colleges and universities, and local associations in developing their capacity for high quality digital learning.

The Representative Assembly also directs NEA to encourage its members and utilize their expertise to engage in professional learning that enhances their understanding of how to creatively and appropriately integrate digital tools and high quality digital learning into their

instruction. Such professional learning should include sharing of expertise by members who can serve as valuable mentors and professional partners for other members who are new to digital instruction.

The Representative Assembly further directs that NEA work with stakeholders, including parents, students, and policy makers, to seize the opportunities that digital technologies provide. Some educators now have access to the technological tools to further professionalize teaching, vastly enhance and enrich student learning, and meet the individual needs of every student. It is time to ensure that ALL educators have access and are prepared to use these digital tools.

### **Addendum**

#### **Blended and/or Hybrid Learning**

Blended and/or hybrid learning is an integrated instructional approach in which a student learns, at least in part, at a supervised physical location away from home and through online delivery where the student has control over at least some aspects of the time and place of accessing the curriculum. The Policy Statement supports maximizing student learning by using both technology and real life educators in the process. It rejects the idea that effective learning can take place completely online and without interaction with certified teachers and fully qualified faculty.

#### **The Definition of Fully Qualified Educators**

The term “educator” includes teachers, librarians/media specialists, and education

support professionals in preK–12 public schools, and faculty and staff of higher education institutions. Teachers should be fully qualified, certified, and/or licensed to teach the subjects they are teaching, including in online instructional settings.

### **Technology as a Tool**

Technology is a tool to enhance and enrich instruction for students, and should not be used to replace educational

employees who work with students or limit their employment.

### **Special Education Services**

Use of virtual learning to provide instruction to students receiving special education services for behavioral/self-regulation needs will be determined by the IEP Team. The enrollment in a virtual school will not be used as a behavior consequence.



# Discipline and the School-To-Prison Pipeline

*Adopted by the 2016 Representative Assembly*

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## I. Introduction

The school-to-prison pipeline disproportionately places students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners, into the criminal justice system for minor school infractions and disciplinary matters, subjecting them to harsher punishments than their white peers for the same behaviors. The school-to-prison pipeline diminishes their educational opportunities and life trajectories. All educators—which includes every school employee—are key to ending the school-to-prison pipeline.

NEA's Resolutions state NEA's firm belief that schools must be safe and welcoming for all students, discriminatory toward none, and focused on educational practices that reach the whole child and disciplinary policies that emphasize prevention and rehabilitation over punishment (see, e.g., Resolutions B-6, B-14 (f–h, k) B-71, C-7, C-29, C-41). NEA's Resolutions also reflect NEA's belief “that all education employees must be provided professional development in behavior management, discipline, [and] conflict resolution,” (D-18) and that both education employees and parents need training “to help students deal with stress and anger.” (C-7). NEA also believes that equally important

is deepening educator awareness about their actions and the impact on students. The purpose of this Policy Statement is not to modify existing NEA Resolutions, but to explain how NEA will act on its already stated beliefs to end the school-to-prison pipeline.

## II. Definitions

For purposes of this Policy Statement, the following definitions apply:

1. School-to-Prison Pipeline means the policies and practices that are directly and indirectly pushing students of color out of school and on a pathway to prison, including, but not limited to: harsh school discipline policies that overuse suspension and expulsion, increased policing and surveillance that create prison-like environments in schools, overreliance on referrals to law enforcement and the juvenile justice system, and an alienating and punitive high-stakes testing-driven academic environment.

2. Institutional Racism means the norms, policies, and practices that are structured into political, societal, and economic institutions that have the net effect of imposing oppressive conditions and denying rights, opportunity, and equality to identifiable groups based upon race or ethnicity.

3. Zero-Tolerance policies mean school disciplinary policies that set pre-determined consequences or punishments for specific offenses or rule infractions. Zero-tolerance policies forbid persons in positions of authority from exercising discretion or changing punishments to fit individual circumstances.

4. Restorative practices are processes that proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing. Restorative practices are increasingly being applied in individual schools and school districts to address youth behavior, rule violations, and to improve school climate and culture. Restorative practices can improve relationships between students, between students and educators, and even between educators, whose behavior often serves as a role model for students. They allow each member of the school community to develop and implement a school's adopted core values.

Restorative practices allow individuals who may have committed harm to take full responsibility for their behavior by addressing the individual(s) affected by the behavior. Taking responsibility requires understanding how the behavior affected others, acknowledging that the behavior was harmful to others, taking action to repair the harm, and making changes necessary to avoid such behavior in the future. Restorative practices also represent a mindset that can help guide adult and youth behavior and relationship management in schools, not another program. They are not intended to replace current initiatives and evidence

based programs like Positive Behavior Interventions and Supports (PBIS) or social and emotional learning models that assist in building a foundation and culture of caring. Programs and initiatives like PBIS complement restorative practices.

5. Cultural Competence means the capacity to interact effectively and respectfully with people from different racial, ethnic, and/or economic backgrounds. Such competence includes understanding that different cultures have different communication codes and styles, being open to learning from others, to shift out of one's own cultural paradigm, and to refrain from judging people before honestly exploring what motivates their behavior.

6. Implicit Bias means the deep-seated attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

7. To educate the Whole Child means to use all available resources to maximize the achievement, skills, opportunities, and potential of each student by building upon his or her strengths and addressing his or her needs. A Whole Child approach prepares students to thrive in a democratic and diverse society and changing world as knowledgeable, creative, engaged citizens and lifelong learners.

### **III. Ending the School-to-Prison Pipeline**

The school-to-prison pipeline deprives students of color of their futures by pushing them out of school and its pathway to college and careers, and into the juvenile and criminal justice systems. The pipeline is the result of an array of policies

and practices, fed by institutional racism, that disproportionately affect students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners. The policies and practices include harsh school discipline policies that overuse suspension and expulsion, “zero-tolerance” policies that criminalize minor infractions of school rules, increased policing and surveillance in schools that create prison-like environments in schools, and overreliance on exclusionary disciplinary referrals to law enforcement and juvenile justice authorities. Students who are suspended or expelled not only fall behind academically but are significantly more likely to drop out of school altogether, fail to secure a job, rely on social welfare programs, and end up in prison.

As educators, NEA and its members are committed to changing the policies and practices of the schools in which we work to end the school-to-prison pipeline. Our work to that end will be guided by the following five principles.

### **Guiding Principle 1: Eliminating Disparities in Discipline Practices**

Disciplinary policies and practices should not have a disparate impact based on students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners. NEA will advocate for schools, school districts, and states to review their disciplinary policies and practices for any such disparate impact; to take prompt and effective action to eliminate any disparate impact that is found; and to

continue to monitor disciplinary policies and practices to ensure that they are fair and non-discriminatory.

### **Guiding Principle 2: Creating a Supportive and Nurturing School Climate**

NEA will promote awareness of, and support the development of, effective school disciplinary procedures that support high expectations for quality instruction and learning, treat students respectfully, and provide all students with a supportive and nurturing school environment. NEA recognizes that educators play an essential role in developing such procedures and creating a school community that promotes respectful, caring, and trusting positive relationships among students and adults. NEA also recognizes that other stakeholders must also be fully engaged in that effort including local affiliates, local school boards, community organizations, and members as well as family members.

### **Guiding Principle 3: Professional Training and Development**

NEA believes that educators must be better prepared to respond to the social and emotional needs of each student. All school staff must understand what it means to be culturally competent and responsive. Educators must be given the tools to develop the skills needed to interact with students from different racial, ethnic, and economic backgrounds. NEA must encourage stakeholders to work together to develop and implement, with fidelity, training that is proven, substantial,

and ongoing, and professional development tools that are responsive to the needs of students and educators and that build and increase educators' cultural competence over the course of their careers.

At a minimum, such training and professional development shall include: (1) developing communications skills including strategies for peer-to-peer, educator-to-parent, educator-to-student, and student-to-educator communication; (2) developing cultural competence including awareness of one's own implicit biases, understanding culturally competent pedagogy, and becoming culturally responsive in one's approach to education and discipline; (3) training developed for, and delivered to, pre-service, early career, and experienced educators; and (4) an understanding of educational trauma and its impact on a student's education.

### **Guiding Principle 4: Partnerships and Community Engagement**

NEA will use its existing partnerships with education partners, students, parents, community-based organizations, and social justice advocacy groups to: (A) raise awareness of the school-to-prison pipeline, (B) eliminate disparate discipline policies and practices, (C) develop and implement the necessary professional development and training for school staff, and (D) build respectful and supportive school environments. NEA will also participate in, and build upon, existing coalitions by bringing together diverse groups of education and social justice stakeholders for the purpose of identifying and sharing policies, practices, and activities

to end the school-to-prison pipeline. To that end, NEA will foster relationships with community-based nonprofits, school districts, peer mentoring groups, mental health organizations, churches, professional associations, alternative schools/juvenile correctional institutions, law enforcement, and national and state advocacy groups.

### **Guiding Principle 5: Student and Family Engagement**

In order to change school cultures, the social and emotional needs of students must be strengthened and supported through education, parental and community partnerships, and relationship building. Students, parents, and other caregivers need to be engaged and trained in problem-solving techniques, conflict resolution skills, anger management, and other skills. Students need to be invested in their own success and understand why taking responsibility for their conduct is important. As part of this effort, NEA encourages the development and implementation of restorative practices to build healthy relationships and a community to prevent and address conflict and wrongdoing.

## **IV. Advocacy and Action**

NEA believes that one-size-fits-all discipline policies, such as zero-tolerance, harsh disciplinary approaches, and toxic testing endanger educational opportunities and make dropout and incarceration more likely for millions of students. NEA will lead efforts to end the school-to-prison pipeline by focusing its work in two areas: Awareness and Advocacy.

**Awareness.** NEA believes that there must be increased awareness among its members and the public about the school-to-prison pipeline and the ongoing, widespread disparate outcomes in discipline practices. NEA should raise awareness of the benefits of professional development and training in cultural competency, implicit bias, and restorative practices. NEA and its affiliates must continually examine and highlight data to illustrate the problems with the school-to-prison pipeline and the impact on students of color. NEA encourages schools and districts to provide educators with intensive training and professional development, along with access to tools on classroom management and model discipline practices.

**Advocacy.** NEA has a responsibility to advocate for discipline policies and procedures, legislation, and practices that will end the school-to-prison pipeline. Advocacy must include the continual identification of model school districts that have enacted fair and effective discipline policies. As educators, NEA is in the best position to develop model discipline policies that encourage the use of fair and effective discipline practices, and discourage the use of school-based arrests and referrals to law enforcement, before educators attempt corrective action. NEA must continuously advocate for the elimination of unjust policies and practices that fuel the school-to-prison pipeline.



# Charter Schools

*Adopted by the 2017 Representative Assembly*

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## Introduction

Charter schools were initially promoted by educators who sought to innovate within the local public school system to better meet the needs of their students. Over the last quarter of a century, charter schools have grown dramatically to include large numbers of charters that are privately managed, largely unaccountable, and not transparent as to their operations or performance. The explosive growth of charters has been driven, in part, by deliberate and wellfunded efforts to ensure that charters are exempt from the basic safeguards and standards that apply to public schools, which mirror efforts to privatize other public institutions for profit.

Charters have grown the most in school districts that were already struggling to meet students' needs due to longstanding, systemic and ingrained patterns of institutional neglect, racial and ethnic segregation, inequitable school funding, and disparities in staff, programs and services. The result has been the creation of separate, largely unaccountable, privately managed charter school systems in those districts that undermine support and funding of local public schools. Such separate and unequal education systems are disproportionately located in, and harm, students and communities of color by depriving both of the high quality public education system that should be their right.

As educators we believe that “public education is the cornerstone of our social, economic, and political structure,” NEA Resolution A-1, the very “foundation of good citizenship,” and the fundamental prerequisite to every child’s future success. *Brown v. Bd. of Ed. of Topeka, Shawnee Cty., Kan.*, 347 U.S. 483, 493 (1954). The growth of separate and unequal systems of charter schools that are not subject to the same basic safeguards and standards that apply to public schools threatens our students and our public education system. The purpose of this policy statement is to make plain NEA’s opposition to the failed experiment of largely unaccountable privately managed charter schools while clarifying NEA’s continued support for those public charter schools that are authorized and held accountable by local democratically elected school boards or their equivalent.

**I. NEA supports public charter schools that are authorized and held accountable by public school districts.** Charter schools serve students and the public interest when they are authorized and held accountable by the same democratically accountable local entity that authorizes other alternative school models in a public school district such as magnet, community, educator-led or other specialized schools. Such charters should be authorized only if they meet the substantive

standards set forth in (a) below, and are authorized and held accountable through a democratically controlled procedure as detailed in (b) below.

a. Public charter schools should be authorized by a public school district only if the charter is both necessary to meet the needs of students in the district and will meet those needs in a manner that improves the local public school system. Public charters, like all public schools, must provide students with a free, accessible, non-sectarian, quality education that is delivered subject to the same basic safeguards and standards as every other public school, namely, in compliance with: i) open meetings and public records laws; ii) prohibitions against for-profit operation or profiteering as enforced by conflict of interest, financial disclosure and auditing requirements; and iii) the same civil rights, including federal and state laws and protections for students with disabilities, employment, health, labor, safety, staff qualification and certification requirements as other public schools. When a charter is authorized in a public school district that has an existing collective bargaining agreement with its employees, the authorizer will ensure that the employees will be covered by a collective bargaining agreement. Those basic safeguards and standards protect public education as a public good that is not to be commodified for profit.

In addition, charter schools may be authorized or expanded only after a district has assessed the impact of the proposed charter school on local public school resources, programs and services, including the district's operating

and capital expenses, appropriate facility availability, the likelihood that the charter will prompt cutbacks or closures in local public schools, and consideration of whether other improvements in either educational program or school management (ranging from reduced class sizes to community or magnet schools) would better serve the district's needs. The district must also consider the impact of the charter on the racial, ethnic and socioeconomic composition of schools and neighborhoods and on equitable access to quality services for all district students, including students with special needs and English language learners. The impact analysis must be independent, developed with community input, and be written and publicly available.

b. Public charter schools should only be authorized by the same local, democratically accountable entity that oversees all district schools such as a locally elected school board or, if there is no school board, a community-based charter authorizer accountable to the local community.

Maintaining local democratic control over decisions as to whether to authorize charters at all, and if so, under what conditions, safeguards community engagement in local public schools. A single local authorizing entity also ensures comprehensive consideration of whether each option, and the mix of options offered in a district, meets the needs of students and the community as a whole given the resources and facilities in the district. A single entity also permits effective integrated oversight of all schools, including charter schools, and a central mechanism

for identifying and sharing successful innovations throughout local public schools.

The overall goal of the authorization and review process must be to improve the education offered to all students. That goal cannot be accomplished with a diffuse authorization system, comprised of multiple different entities, with differing partial views of the students served by a district and the overall scope of its educational offerings.

The local authorizer also must ensure that parents are provided with the same information about charters that is provided to parents about other district schools, as well as information about any significant respects in which the charter departs from district norms in its operations including the actual charter of the school.

The state's role in charter authorization and oversight should be limited to ensuring that local school districts only authorize charters that meet the criteria in (a) above and do so by way of a procedure that complies with (b). To that end, the state should both monitor the performance of districts as charter authorizers and hold districts accountable for providing effective oversight and reporting regarding the quality, finances and performance of any charters authorized by the district. In addition, the state must provide adequate resources and training to support high quality district charter authorization practices and compliance work, and to share best authorization practices across a state. States should entertain appeals from approvals or denials of charters only on the narrow grounds that the local process for approving a charter was not properly

followed or that the approval or denial of a charter was arbitrary or illegal.

c. Unless both the basic safeguards and process detailed above are met, no charter school should be authorized and NEA will support state and local moratoriums on further charter authorizations in the school district.

**II. NEA opposes as a failed and damaging experiment unaccountable privately managed charters.** Charters that do not comply with the basic safeguards and standards detailed above and that are not authorized by the local school board (or its equivalent) necessarily undermine local public schools and harm the public education system.

The theory that charter competition will improve public schools has been conclusively refuted. Charters have a substantial track record that has been assessed in numerous research studies. Those studies document that charters, on average, do no better than public schools in terms of student learning, growth or development. And those charters that do perform better are not incorporated into district-wide school improvement efforts.

In fact, at their worst, charters inflict significant harms on both students and communities. Of the charter schools that opened in 2000, a full fifth had closed within five years of opening and a full third had closed by 2010. Because the very opening of charters often prompts cutbacks and/or closures in local public schools, these alarmingly high charter closure rates subject students and communities to cycles of damaging disruption.

Such disruption can leave students stranded mid-year. Even closures that occur at the year's end disrupt students' education and unmoors communities that previously had been anchored by the local public school.

Charters that are not subject to the basic safeguards and standards detailed above also open up the local public schools to profiteers. Such charters operate without any effective oversight, draining public school resources and thereby further harming local public schools and the students and communities they serve.

Finally, one particular form of unaccountable privately managed charters deserves specific discussion. Fully virtual or online charter schools cannot, by their nature, provide students with a well-rounded, complete educational experience, including optimal kinesthetic, physical, social and emotional development. Accordingly, they should not be authorized as charter schools.

### **III. Organizing Communities for Quality Public Education**

NEA stands for our students wherever they are educated. Relegating students and communities to unaccountable privately managed schools that do not comply with

the basic safeguards and standards detailed above has created separate systems of charters that are inherently unequal. To counter the threat to public education of such charters, NEA supports both communities organizing for quality public education and educators working together to improve charter schools.

a. NEA supports communities that are working to hold charters accountable whether that work takes the form of state legislative initiatives, local school board resolutions and actions, or efforts to raise local awareness of the need for charters to comply with the basic safeguards and standards detailed above. NEA also will support state and local efforts to preserve public school funding and services by eliminating such funding and services from unaccountable privately managed charters that do not comply with those basic safeguards and standards.

b. NEA believes that all educators deserve the right to collective voice and representation, and that an organized workforce is a better guardian of quality standards for students and educators alike. For that reason, state affiliates that seek to organize charter schools may continue to seek NEA's assistance in those organizing efforts.