

**National Education Association  
Policy Statements  
2021-2022**

**2022 NEA Representative Assembly**

A Policy Statement shall set forth NEA's position with regard to a particular subject, and may include expressions of opinion, intent, or belief; may call for actions that are specific in nature and terminal in application; and may indicate support for or opposition to federal legislation.

An adopted Policy Statement shall continue in force unless and until further action is taken with regard to that Policy Statement by a subsequent Representative Assembly.

The statements are arranged chronologically by year of initial adoption, except for the proposed Policy Statement on Safe, Just and Equitable Schools, which is presented first in this document. Dates for the first year adopted and last year amended are shown following the statement title. If only one year is shown, the statement has not been revised by the Representative Assembly.

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**\*Proposed Policy Statement on Safe, Just, and Equitable Schools to replace existing Policy Statement on Discipline and the School-to-Prison Pipeline**

In May 2022, the NEA Board of Directors voted to approve the submission of the proposed Policy Statement on Safe, Just, and Equitable Schools to the 2022 Representative Assembly for consideration and action. If adopted, this new Policy Statement will supersede the existing Policy Statement on Discipline and the School-to-Prison Pipeline.

# 1 A. Proposed NEA Policy Statement on Safe, Just, and Equitable Schools

2  
3 *To be considered and acted on by the 2022 NEA Representative Assembly*

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5 *If adopted, this new policy statement will supersede the existing Policy Statement on Discipline and the School-to-*  
6 *Prison Pipeline*

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## 7 8 9 10 I. Our Vision for Safe, Just, and Equitable Schools

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12 The National Education Association’s vision for safe, just, and equitable schools is of thriving spaces that  
13 are safe and welcoming for all students, discriminatory toward none, integrate the social, emotional, physical,  
14 and spiritual needs of the whole student, and equitably and fully-fund the community school model with  
15 wraparound services and resources.

16 NEA’s vision is the recruitment and retention of educators who reflect the community, with relevant  
17 professional development and tools for cultural competence and responsiveness, prepared to center students’  
18 needs and lived experiences, value all voices, and ensure voices that have been historically exploited, ignored,  
19 or silenced are empowered and heard.

20 NEA’s vision is to emphasize evidence-based behavioral practices centered in the philosophy of restora-  
21 tive justice over the criminalization and policing of students, and which dismantle and eliminate inequitable  
22 policies, practices, and systems that deprive many of our students of their futures and disproportionately  
23 harm Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial  
24 students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners.

25 NEA believes all educators—which includes every adult working in our schools—are indispensable both  
26 for realizing our vision and for transforming our schools and the broader community so that we may end  
27 inequitable policies, practices, and systems to avert a crisis of criminalization of our youth and instead prepare  
28 every student to achieve their full potential and succeed in a diverse and interdependent world.

29 This Policy Statement sets forth principles to guide the beliefs, actions, advocacy, partnerships, and other  
30 organization-wide efforts to achieve and sustain NEA’s vision for safe, just, and equitable schools for every  
31 student, educator, parent/guardian, and community.

## 32 33 II. Guiding Principles to Achieve Our Vision

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35 NEA is committed to changing the policies and practices of the schools in which we work to ensure thri-  
36 ving spaces that are safe, just, and equitable. The Association is committed to beliefs, actions, advocacy, and  
37 partnerships for the removal of impediments that are entirely incompatible with our vision, such as institutio-  
38 nal racism, white supremacy culture, inadequate and inequitable school funding, and the criminalization and  
39 policing of students<sup>1</sup> in our schools—all of which perpetuate the school-to-prison and school-to-deportation  
40 pipelines.<sup>2</sup>

41 The Association demands a transformative investment in the physical and mental health of all students<sup>3</sup>,  
42 including Native students and Asian, Black, Latin(o/a/x), Middle Eastern and North African, Multiracial,  
43 and Pacific Islander students, LGBTQ+ students, and students from all economic backgrounds and abilities.  
44 Policymaking that produces a frayed network of public services in our communities is incompatible with  
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46 <sup>1</sup> *Criminalization and policing of students* refer to practices and enforcement of school disciplinary policies that criminalize students’  
47 behaviors, subjecting students to potential penalties imposed by law enforcement instead of consequences imposed by educators.

48  
49 <sup>2</sup> *School-to-prison and school-to-deportation pipelines* refer to policies and practices that directly and indirectly push Native, Asian,  
50 Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including immigrant and undo-  
51 cumented youth, out of school and on a pathway to prison and/or deportation including, but not limited to: harsh school discipline  
52 policies that overuse suspension and expulsion, increased policing and surveillance that create prison-like environments in schools,  
53 and overreliance by educators on referrals to law enforcement, the juvenile and criminal justice system, detention, and potentially  
54 deportation proceedings.

1 our vision. When equitably and fully-funded, this network—which includes public schools, libraries, parks,  
2 transportation, food security, access to health care and child care, affordable housing, and public service  
3 infrastructure—energizes students, families, and their entire communities. The adoption of racial and social  
4 equity principles at all levels of policymaking will encourage systemic solutions to these issues. Racial and  
5 social justice in education and throughout the United States will be realized when we ensure fair treatment  
6 resulting in equitable opportunities and outcomes for people of all races and backgrounds.

7 Our work to achieve our vision for safe, just, and equitable schools is guided by five principles:

8

9 **Guiding Principle 1:**

10 **Adopting a Restorative Justice Philosophy to Create a Thriving School Climate**

11 NEA’s vision integrates the social, emotional, physical, and spiritual needs of the whole student,<sup>4</sup> in which  
12 students’ identities and lived experiences are centered within a thriving and nurturing school climate.

13 Educators are critical to the development of evidence-based behavioral practices centered in a philo-  
14 sophy of restorative justice that promotes caring, trusting, and positive relationships among students and  
15 adults. Without the development of such practices, high quality teaching and learning cannot occur. The  
16 Association’s vision for a restorative justice philosophy is comprised of practices and processes that proactively  
17 build healthy relationships and a sense of community. Restorative practices to address conflict and wrong-  
18 doing, behavior, rule violations, and school climate can improve relationships between students, between  
19 students and educators, and between educators whose behavior often serves as a role model for students.  
20 They allow each member of the school community to develop and implement a school’s adopted core values.

21 Restorative practices allow individuals who may have committed harm to take full responsibility for their  
22 behavior by addressing the individual or individuals affected by the behavior. These practices represent a  
23 collective mindset that can help guide youth and adult behavior and relationship management in schools.

24 Restorative justice practices and processes do not replace but rather complement existing initiatives and  
25 evidence-based programs like Positive Behavior Interventions and Supports (PBIS) or social and emotional  
26 learning models that assist in building a foundation and culture of caring.

27

28 **Guiding Principle 2:**

29 **Relevant Professional Development for Culturally Competent Educators**

30 NEA believes that educators—which includes every adult working in our schools—must be fully sup-  
31 ported so they are better prepared to respond to the social and emotional needs of each student to ensure  
32 development of the expertise and understanding of what it means to be culturally competent and responsive.<sup>5</sup>  
33 A culturally competent pedagogy connects students’ cultures, languages, and life experiences with the school  
34 curriculum. Leveraging a student’s knowledge and experiences from their families and communities helps  
35 them to access and connect with the curriculum and develop their academic skills.

36 Support of students who suffer from childhood trauma requires whole school involvement and trans-  
37 formation. To achieve our vision, the Association and its affiliates must actively engage in developing the  
38 means for schools and educators to address trauma and its implications for creating safe, just, and equitable  
39 schools. Educators must be given ongoing opportunities to develop the expertise to work with students from  
40 different racial, ethnic, and economic backgrounds, and to support those students who may be affected by  
41 childhood trauma.

42 The Association must fully engage and authentically partner with stakeholders to develop and implement,  
43 with fidelity, training that is relevant, proven, substantial, and ongoing, and professional development tools  
44 that are responsive to the needs of students and educators and are designed to build and increase educators’  
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46 <sup>3</sup> Identities and their usage here acknowledges the *Report and Recommendations of the Racial Equity Language Review Stakeholder*  
47 *Group* adopted by the NEA Board of Directors in May 2020. Native People are named first, distinctly, recognized as the first  
48 people of this land with sovereign national and tribal status, and named together with Asian, Black inclusive of African American,  
49 Latin(o/a/x) inclusive of Hispanic and Chican(o/a/x), Middle Eastern and North African, Multiracial, and Pacific Islander people.

50

51 <sup>4</sup> The *whole student* refers to the Whole Child tenets that call for all available educational resources to maximize the achievement,  
52 skills, opportunities, and potential of each student by building upon individual strengths and addressing individual needs. A Whole  
53 Child approach prepares students at all educational levels, including higher education, to thrive in a democratic and diverse society  
54 and changing world as knowledgeable, creative, engaged citizens, and lifelong learners.

55

- 1 cultural competence over the course of their careers. At a minimum, these programs must address:  
2 A. Development of communications skills including strategies for peer-to-peer, educator-to-parent, and  
3 educator-to-student communication.  
4 B. Development of cultural competence and responsiveness including awareness of one’s own implicit  
5 biases<sup>6</sup> and trauma, understanding culturally competent pedagogy, and becoming culturally respon-  
6 sive in one’s approach to education and discipline/behavior.  
7 C. Training developed for, and delivered to, pre-service, early career, and experienced educators.  
8 D. Understanding of trauma and its effect on a student’s education.  
9 E. Knowledge and skills required to transform schools into trauma-informed environments.

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11 **Guiding Principle 3:**

12 **Eliminating Disparities in Disciplinary/Behavioral Practices**

13 NEA is committed to ending harsh school discipline/behavioral policies that directly and indirectly cont-  
14 ribute to a crisis of criminalization of our youth, and disproportionately harm Native students and students  
15 of color. National research shows that these policies specifically have a disparate impact on Native, Black,  
16 and Latin(o/a/x) students, including those who identify as LGBTQ+, have disabilities, and/or are English  
17 language learners. Regionally, Asian, Middle Eastern and North African, Pacific Islander, and Multiracial  
18 students experience harm and disparate outcomes as a result of such policies. NEA demands an end to school  
19 disciplinary/behavioral policies and practices that overuse suspension and expulsion; employ zero-tolerance<sup>7</sup>  
20 policies that criminalize minor infractions of school rules; increase police presence and surveillance on school  
21 campuses that create prison-like environments; and encourage school staff to impose exclusionary discipline  
22 or refer students to law enforcement, juvenile justice authorities, and immigration services. Students who are  
23 suspended or expelled not only fall behind academically but are significantly more likely to drop out of school  
24 altogether, fail to secure a job, rely on social welfare programs, and end up in prison or face deportation.

25 The Association will advocate for schools, school districts, and states, in ensuring public accountability  
26 to the communities they serve, to take appropriate steps to review their disciplinary/behavioral policies and  
27 practices for any disparate impact on the basis of race, ethnicity, or other protected characteristics; to take  
28 prompt and effective action to eliminate any disparate impact found; and to continue to monitor discipli-  
29 nary/behavioral policies and practices to ensure that they are fair and nondiscriminatory.

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31 **Guiding Principle 4:**

32 **Eliminating the Criminalization and Policing of Students in Schools**

33 NEA believes the criminalization and policing of students obstructs a thriving and nurturing school cli-  
34 mate. Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial  
35 students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners  
36 are in greater jeopardy in schools with a presence of police and law enforcement.<sup>8</sup> Schools with police pre-  
37 sence rely more heavily on exclusionary discipline, and exclusionary discipline falls disproportionately on  
38 Black students and other students of color.

39 Ending the policing of students on school campuses is essential to ensure thriving spaces for all stake-  
40 holders and to facilitate policies that dismantle inequalities and eliminate the criminalization of youth. The  
41 Association strongly opposes the policing of students in all of its forms which perpetuate the school-to-prison  
42 and school-to-deportation pipelines.

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

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50 <sup>6</sup> Implicit bias means the deep-seated attitudes or stereotypes that affect our understanding, actions, and decisions in an uncon-  
51 scious manner.

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53 <sup>7</sup> Zero-tolerance refers to school disciplinary/behavioral policies and practices that set predetermined consequences or punishments  
54 for specific offenses or rule infractions. Zero-tolerance policies forbid persons in positions of authority from exercising discretion or  
55 changing punishments to fit individual circumstances.

1 NEA recognizes the significance of physical school facilities as a reflection of what educators want our  
2 schools to be—welcoming, inclusive, and supportive environments for our students, parents/guardians, and  
3 communities.

4 Therefore, the Association demands an end to:

- 5
- 6 A. Participation in federal 1033 programs which deliver unnecessary weapons, vehicles, surveil-  
7 lance technology, and other equipment that unjustifiably militarize the police presence on school  
8 campuses.
- 9 B. Overreliance by educators on referrals to law enforcement which increase the likelihood of contact  
10 with the juvenile justice system.
- 11 C. Subjective and biased enforcement of disciplinary policies such as hair and dress codes.
- 12 D. Construction of prison-like school environments that employ metal detectors, random searches,  
13 and other building and design elements that diminish a thriving and nurturing school climate.
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### 15 **Guiding Principle 5:**

#### 16 **Student, Family, Organizational, and Community Engagement**

17 NEA’s vision is a safe, just, and equitable school in which all students’ needs and lived experiences are  
18 centered and voices that have been historically exploited, ignored, or silenced are empowered and heard. The  
19 emotional, social, physical, and spiritual needs of the whole student must be strengthened and supported  
20 through education, family partnerships, and relationship building. Students, parents/guardians, and other  
21 caregivers must be engaged and trained in problem-solving techniques, conflict resolution skills, mental  
22 health and wellness, and cultural competence. The development and implementation of a restorative justice  
23 philosophy paired with restorative practices is essential for building healthy relationships and communities to  
24 prevent and address conflict and trauma. Students must be invested in their own success and understand that  
25 their actions and voices are critical in shaping and driving the decisions that affect their school communities  
26 and help create inclusive, bias-free, and thriving school climates.

27 The Association must fully engage and authentically partner with a comprehensive range of stakeholders  
28 that includes students, parents/guardians and family members, local and state affiliates, school boards, school  
29 districts, peer mentoring groups, community-based organizations, alternative schools/juvenile correctional  
30 institutions, mental health and wellness organizations, churches, law enforcement, professional associations  
31 and advocacy groups, and social justice stakeholders to identify policies, practices, and activities to achieve a  
32 shared vision for safe, just, and equitable schools.

### 34 **III. Implementing an Association-Wide Plan to Achieve Our Vision**

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36 NEA will utilize the Framework for Racial Justice in Education<sup>9</sup> to achieve our vision for safe, just, and  
37 equitable schools through the identification of strategies, activities, stakeholders, and internal and external  
38 levers of change required to influence sustainable transformation and learnings across school systems. The  
39 framework identifies three strategies: awareness, capacity building, and action encompassed within pre- and  
40 post-qualitative and quantitative evaluations. The framework also provides direction to focus the identified  
41 strategies, tactics, and activities while determining partnerships needed to leverage systems of change within  
42 the Association and institutions.

43 NEA will utilize the Racial Equity Impact Assessment (REIA)<sup>10</sup> to guide the development and imple-  
44 mentation of Association-wide plan activities. The REIA is designed to ensure stakeholders are proactively  
45 working to prevent bias and racial inequities from appearing in identified solutions.

46 The goals of NEA’s plan are to:

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49 <sup>8</sup> *Police* or more specifically *law enforcement* refers to any sworn individual with the power to arrest, detain, interrogate, and issue  
50 citations.

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52 <sup>9</sup> See Report of the NEA Task Force on Safe, Just, and Equitable Schools, Appendix C.

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54 <sup>10</sup> See Report of the NEA Task Force on Safe, Just, and Equitable Schools, Appendix D.

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- A. Identify and support opportunities to engage, activate, and mobilize members and leaders to organize to achieve safe, just, and equitable schools for every student, educator, parent/guardian, and community.
- B. Develop an Association-wide understanding of the issues and impacts of the criminalization and policing of students.
- C. Develop and strengthen NEA’s partnerships and coalitions with organizations, movements, and legislators to advocate and organize for safe, just, and equitable schools.
- D. Integrate and align the safe, just, and equitable schools vision and criteria across the NEA enterprise priorities and activities.



## B. 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 or other public employer’s workforce, or a particular segment of an educational or other public 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 or other public 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 or other public employee” means a person employed in a professional or education support position by an educational employer or in any position by another public employer.
5. The term “educational or other public employer” means a public school district, a college or university, any other public entity which employs education employees, or any other public employer.
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 or other public employer, the term “underrepresented” means that the percentage of ethnic minorities or women in an educational or other public 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 or other public employer’s workforce, the term “underrepresented” means that the percentage of ethnic minorities or women in an educational or other public employer’s workforce is significantly below the percentage that is necessary to achieve the educational and societal benefits of ethnic or sexual diversity.

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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.

1 **Principles**

- 2
- 3 1. NEA reaffirms its strong support for the use of affirmative action in employment (a) to cure the effects
- 4 of past ethnic or gender discrimination by the particular employer involved, and (b) to achieve or
- 5 maintain ethnic or gender diversity in an employer's workforce.
- 6 2. When necessary for the above purposes, affirmative action should be used with regard to recruitment,
- 7 training, employment, assignments, transfers, promotions, layoff, recall, and other aspects of the emp-
- 8 loyment relationship.
- 9 3. The employment of a non-ethnic minority or male employee should not be terminated solely for the
- 10 purpose of curing the effects of past discrimination by the particular employer involved, or achieving
- 11 or maintaining diversity in an employer's workforce. When a fiscal exigency, a reduction in student
- 12 enrollment, or other bona fide factor requires a reduction in an employer's workforce, affirmative action
- 13 may be appropriate to maintain—but not to increase—the pre-existing percentage of ethnic-minority
- 14 or female employees in the workforce.
- 15 4. Affirmative action should be used, in certain circumstances, to make choices among qualified indivi-
- 16 duals. An ethnic-minority or woman applicant who is not qualified for the position in question should
- 17 not, on the basis of ethnicity or gender, be given preference over a qualified non-minority or male
- 18 applicant. An employer should be allowed to use affirmative action training programs and take other
- 19 ethnic- or gender-conscious actions in order to expand the pool of qualified ethnic-minority or female
- 20 applicants for employment positions.
- 21 5. The use of affirmative action is appropriate when ethnic minorities or women are underrepresented
- 22 in an employer's workforce as a whole, or when they are underrepresented in the professional educa-
- 23 tor, education support, or administrator/supervisor categories of an educational employer's workforce.
- 24 Whether the use of affirmative action is appropriate to deal with the underrepresentation of ethnic
- 25 minorities or women at a school building, in an operational department, or in some other segment of
- 26 an employer's workforce should be determined on a case-by-case basis after assessing all of the relevant
- 27 factors.
- 28 6. (a) Decisions as to the use of affirmative action in employment including decisions as to the relation-
- 29 ship between affirmative action and seniority—should be made voluntarily by the employer and the
- 30 local employee organization through collective bargaining or other form of bilateral decisionmaking.
- 31 (b) Although NEA urges its affiliates to support the use of affirmative action in employment as recommen-
- 32 ded in this Statement of Policy, affiliates are free to decide for themselves what positions to take in this
- 33 regard. Accordingly, the NEA will not deny support to an affiliate that is seeking to enforce contrac-
- 34 tual or statutory employment rights solely because those rights are contrary to positions recommended
- 35 in this Statement of Policy.
- 36 7. (a) Whether NEA participates in litigation involving affirmative action will be determined on a case-
- 37 by-case basis after considering all of the relevant factors, including, among others, the NEA policy
- 38 on the issue presented, the position (if any) taken by NEA affiliates, and the precedential effect of the
- 39 litigation.
- 40 (b) NEA will participate in litigation involving the relationship between affirmative action and seniority
- 41 only with the approval of an NEA governing body (i.e., Representative Assembly, Board of Directors,
- 42 or Executive Committee).
- 43 (c) A court should have the power to impose an affirmative action remedy that is contrary to the seniority
- 44 rights of employees only when there has been a judicial finding that the underrepresentation of eth-
- 45 nic minorities or women in the workforce is attributable to unlawful discrimination by the particular
- 46 employer involved, and then only to the extent that the remedy is necessary to cure the effects of the
- 47 unlawful discrimination.
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## C. Privatization and Subcontracting Programs

*Adopted by the 2000 Representative Assembly, amended 2021*

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### Preamble

*Certain forms of private sector involvement have the potential to adversely affect public education and other public services 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, public higher education employees, or other public 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 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;
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;
9. The term "public-private partnership" means an arrangement between private investors and a public entity regarding the financing and/or operation of public projects;
10. The term "social impact bond" means an arrangement between private investors and a public entity in which the private investors pay the up-front cost of providing the service and the government repays the costs—with interest—only if goals are met.

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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 2017 Representative Assembly.

1 **Principles<sup>2</sup>**

2

3 **A. Criteria**

4 NEA reaffirms its strong and historical commitments to (1) promoting the cause of public educa-  
5 tion, (2) preserving the principle of separation of church and state, (3) protecting the economic security of  
6 public employees, and (4) achieving racial integration in the public schools and preventing resegregation.

7 Consistent with these commitments, NEA is opposed to any privatization or subcontracting program that:

- 8 1. Has the potential to reduce the resources that otherwise would be available to achieve and/or main-  
9 tain a system of quality public education, or the potential to otherwise negatively impact on public  
10 education;
- 11 2. Allows public funds to be used for religious education or other religious purposes, or otherwise wea-  
12 kens the wall of separation between church and state;
- 13 3. Places the economic security of public employees at risk, without regard to individual job perfor-  
14 mance, so that the services in question can be performed by private sector employees; or
- 15 4. Has the purpose or effect of causing or maintaining racial segregation, including institutional or syste-  
16 mic racism, in the public schools.

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18 **B. Application of Criteria**

19 **1. Private School Tuition Voucher Programs**

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

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

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

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

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

40 If the participating private schools are not sectarian, or if the funds made available to sectarian private  
41 schools are used only for secular purposes, the acceptability of the program would depend on whet-  
42 her it is feasible for the public schools to provide the services in question, related actions of the school  
43 district, and other such factors. Because these factors can best be assessed in context, NEA defers to  
44 the judgment of the relevant state and local affiliates.

45

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

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

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

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

3 NEA does not oppose the use of public funds to provide services, materials, and/or other assis-  
4 tance to private schools or to students who attend private schools in all circumstances. Such assistance  
5 may be acceptable if the services, materials, and/or other assistance (a) are not part of the basic educa-  
6 tional program that is provided by the private school, but are ancillary to that program, (b) as a general  
7 matter, do not in and of themselves provide an incentive for public school students to transfer to private  
8 schools,<sup>3</sup> (c) are not so costly as to negatively impact on the ability of public schools to implement their  
9 own educational programs, and (d) are secular in nature and are incapable of diversion to religious  
10 use—such as bus transportation or secular library books, as opposed to tape recorders, computers, etc.  
11 NEA’s position with regard to programs of this type will be determined on a case-by-case basis, after  
12 considering the structure and operation of the program in question.

13  
14 **4. Subcontracting Programs Pursuant to Which Private-Sector Entities Are Used to Provide Public**  
15 **Services**

16 NEA will oppose specific subcontracting programs under which private-sector entities are used to  
17 provide public services if it determines that the programs have a negative impact on public education,  
18 reduce or eliminate the number of staff employed that currently provide that educational service, reduce  
19 pay and/or benefits from existing staff providing that educational service, or have a negative impact  
20 on the whole student approach to education, or if—because sectarian entities are used to provide the  
21 services—they weaken the wall of separation between church and state. NEA’s position with regard to  
22 programs of this type will depend in most cases on two issues. First, is a contractor capable of providing  
23 employees who have the professional development, commitment, character, and workplace stability to  
24 participate in the whole student approach. Second, whether they place the economic security of public  
25 education employees at risk, without regard to individual job performance, so that the services in ques-  
26 tion can be performed by private-sector employees.

27 On this latter basis, NEA opposes the use of private-sector transportation companies if it results  
28 in the displacement of publicly-employed school bus drivers, the use of private-sector food service  
29 companies if it results in the displacement of publicly-employed school cafeteria workers, and any other  
30 program that simply replaces public education employees with private-sector employees. NEA opposes  
31 the use of private-sector companies that are hostile to labor unions or that interfere with employees  
32 in the exercise of their right to organize and bargain collectively. NEA opposes no-bid contracts with  
33 private-sector companies. NEA opposes requests for proposals (RFPs) that do not affirmatively provide  
34 opportunities for female- and minority-owned businesses to compete.

35 NEA’s position with regard to subcontracting programs and pilot programs under which the  
36 use of private-sector entities do not result in the displacement of public employees because the services  
37 in question have not traditionally been performed by public employees cannot be determined in the  
38 abstract. The acceptability of such programs can best be determined in context—after considering such  
39 factors as the economic and programmatic feasibility of using public employees to provide the services,  
40 related actions of the school district or employer, the nature and track record of the particular private-  
41 sector entity involved, and whether the local Association has been consulted. Should pilot programs be  
42 deemed successful, the employees in said program shall be accreted into the appropriate bargaining unit.  
43 NEA does not take a categorical position for or against programs of this type, but defers to the judg-  
44 ment of the relevant state and local affiliates.

45  
46 **Privatization by Attrition**

47 NEA opposes the privatization of employees based on hire date in which employees with more seniority  
48 may remain employees of the district, and newer employees are employees of a private-sector entity. While this  
49 method mitigates the immediate damage of privatization, it creates an incentive for forcing older employees  
50 out, and ultimately ends with an entirely privatized group of employees and inferior services for our students.

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53 <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  
54 attend a private as opposed to a public school if publicly funded transportation were available.  
55

**1 Social Impact Bond**

2 NEA opposes Social Impact Bonds (SIBs) – agreements in which the private sector funds a service and the  
3 government repays it with interest if outcome targets are met. First, SIBs always cost more. Payment includes  
4 the actual underlying service plus layers of private actors and data collectors, each of whom requires its own  
5 profit. Second, the SIB by definition focuses on metrics – numerical indicators of outcomes. Thus, choosing  
6 the metric is the key to success, not success itself so the program design “teaches to the test.” Even worse, SIBs  
7 can distract from efforts to solve the actual problem. The existence and availability of SIB funding changes  
8 the question from “what is the best solution?” to “what can be funded by a SIB deal?” Options that are not  
9 interesting to investors or less amenable to simple measures are excluded from consideration. Yet complex  
10 problems cannot be reduced to simple metrics.

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## D. 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.

### 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

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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.

1 kindergarten—including the money to recruit and adequately compensate qualified teachers and educa-  
2 tion support professionals—should not be obtained at the expense of other educational priorities.  
3 NEA recognizes and respects the right of parents to send their children to private kindergarten—just as it  
4 does the right of parents to send their children to private elementary/secondary schools. The issue, howe-  
5 ver, is whether public funds should be used to pay for private kindergarten. Based upon the NEA Policy  
6 Statement Regarding Privatization and Subcontracting Programs, NEA’s answer to this question is “no.”  
7

## 8 **B. Prekindergarten**

### 9 **1. Availability**

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

17 There are specific advantages to public as opposed to private prekindergarten, and the public schools  
18 should be the primary provider. Criteria should be designed to ensure program quality (essentially the  
19 same requirements that would apply to public school prekindergarten) and preserve the principle of  
20 church/state separation.  
21

### 22 **2. Financing**

23 The existing pattern of financing for prekindergarten differs from K–12 education in that the federal  
24 contribution is substantially greater and exceeds that of the states. This difference derives from the fact  
25 that prekindergarten—including Head Start—has focused on children from disadvantaged families, and  
26 the federal government traditionally has played a special role in providing educational access and oppor-  
27 tunity for such children. Consistent with this tradition, the federal government should provide funds  
28 sufficient to make prekindergarten available for all three- and four-year-old children from disadvantaged  
29 families. State (including as appropriate local) governments should be responsible for providing the addi-  
30 tional funds necessary to make prekindergarten available to all three- and four-year-old children. Both  
31 the federal and state governments should use “new” money to fund prekindergarten—not money taken  
32 from other areas of education and childcare which also have important unmet needs.  
33

## 34 **Educational Quality**

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

40 A. NEA supports full-day—as opposed to half-day—kindergarten and prekindergarten.<sup>3</sup> There is ample  
41 evidence to demonstrate that the subsequent academic performance of children who attend full-day  
42 kindergarten and prekindergarten is better than that of similar children who attend half-day pro-  
43 grams, and that they also make significantly greater progress in learning social skills. This is true not  
44 just for children from low-income families, but for all children. Nor is it the mere increase in hours  
45 that leads to these positive effects, but rather what children experience during the day.  
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48 <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  
49 kindergarten. But this is the recommended minimum entrance age for kindergarten, and some children may not enter kindergarten  
50 until after they have reached that age. Such children should be eligible to attend the prekindergarten program.  
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52 <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  
53 rather that the starting and ending times for kindergarten and prekindergarten are keyed to the regular school day. Implicit in  
54 our support for full-day kindergarten and prekindergarten is support for “full-year” programs—i.e., programs that operate for the  
55 regular school year.



- 1 B. The curriculum and pedagogy in kindergarten and prekindergarten should foster all areas of a child’s  
2 development—thinking, problem solving, and the development of social and physical skills, as well as  
3 basic academic skills. Toward this end, the curriculum and pedagogy should incorporate components  
4 of both the “child-centered” and “didactic” approaches. In an effort to avoid “curriculum shovedown”  
5 in kindergarten— i.e., an attempt to push expectations from the primary grades down into kinder-  
6 garten—academic skills should be properly integrated into the overall kindergarten curriculum, and  
7 taught in a manner that is developmentally appropriate for the children involved. The curriculum and  
8 pedagogy for prekindergarten should not be identical to that in kindergarten, but should reflect the  
9 fact that there are developmental differences between three- and four-year-old children and five-year-  
10 old children that may tip the balance in prekindergarten even further away from didactic academic  
11 instruction.
- 12 C. NEA’s basic position with regard to size is set forth in Resolution B-11. After opining “that excellence  
13 in the classroom can best be attained by small class size,” the Resolution states that “[c]lass size maxi-  
14 mums must be based on the type of students, grade level, subject area content, and physical facilities.”  
15 Consistent with this statement, NEA does not recommend any specific number as the optimum size  
16 for kindergarten and prekindergarten. The reference in Resolution B-11 to “optimal class sizes” is  
17 intended to apply to classes at all educational levels, and is not tailored to kindergarten and prekin-  
18 dergarten. As regards kindergarten and prekindergarten, it is relevant to note the research consensus  
19 that, in order to achieve the greatest academic gains, children should be taught in small classes at the  
20 earliest possible point in their school careers.
- 21 D. Resolution F-28 provides that all “classroom teachers should be provided with support staff to assist  
22 in the educational process.” When dealing with kindergarten and prekindergarten children—who  
23 because of their age require assistance in performing various life skills, pose unique health and safety  
24 concerns, etc.—the primary need is for additional adult supervision in the classroom. Accordingly,  
25 kindergarten and prekindergarten teachers should have the assistance of a full-time classroom aide.  
26 The purpose of this classroom aide should be to assist the classroom teacher—and, as indicated in  
27 Resolution F-28, NEA “believes that the employment of education support professionals should not  
28 be a rationale for increasing class size.”
- 29 E. Assessment of kindergarten and prekindergarten students should be holistic, and involve all deve-  
30 lopmental domains (i.e., physical, social, emotional, and cognitive). Multiple sources of information  
31 should be used (for example, obtaining parent information as well as direct observation of the child),  
32 and children should be given an opportunity to demonstrate their skills in different ways, allowing  
33 for variability in learning pace and for different cultural backgrounds. For this reason, the use of large  
34 scale, standardized tests is inappropriate. And, because the development of young children is uneven  
35 and greatly impacted by environmental factors, assessment results for some children may not be reli-  
36 able until they are in the third grade or beyond.
- 37 The purpose of any assessment of kindergarten and prekindergarten students should be to imp-  
38 rove the quality of education, by (1) providing information that will enable kindergarten and prekin-  
39 dergarten teachers to work more effectively with the children, and first grade or kindergarten teachers,  
40 as the case may be, to individualize the curriculum to facilitate learning, (2) identifying children with  
41 special needs, developmental delays, and health problems (i.e., vision and hearing), and (3) developing  
42 baseline data against which future data can be compared.
- 43 F. Teachers, education support professionals, and administrators who work in kindergarten and prekin-  
44 dergarten should be qualified to perform their functions effectively. These employees should be consi-  
45 dered qualified if they hold the license and/or certificate that the state requires for their employment.
- 46 Although this same basic rule should apply with regard to kindergarten and prekindergarten  
47 teachers, the two situations are somewhat different. Because “a teaching license should signify that an  
48 individual entering the teaching profession is competent to teach,” Resolution G-3, and because all sta-  
49 tes require public school kindergarten teachers to be licensed, any concerns regarding the qualifications  
50 of teachers at the kindergarten level are adequately addressed. In many states, however, public school  
51 prekindergarten teachers are not required to have a state license, but can be employed if they have some  
52 type of training in child development and obtain some type of certification in early childhood educa-  
53 tion. There should be appropriate mechanisms to ensure that prekindergarten teachers who do not hold  
54 a state license possess the requisite knowledge and skills and are working towards full prekindergarten  
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1 licensure in states where such licensure exists.

2 Consistent with Resolution D-15, it is NEA's belief that "continuous professional development is  
3 required for education professionals to achieve and maintain the highest standards of student learning  
4 and professional practice." And, consistent with Resolution D-16, NEA believes that "continuous profes-  
5 sional development is required for education support professionals to achieve and maintain the highest  
6 standards of professional practice in order to meet the needs of the whole student." This professional  
7 development should be provided at school district expense.

- 8 G. Resolution A-5 expresses NEA's belief that "parents/guardians who are active participants in the edu-  
9 cation of their children increase the likelihood of the achievement of educational excellence." Because  
10 kindergarten and prekindergarten are critical transition points for children—prekindergarten is gene-  
11 rally a child's first organized educational experience, and kindergarten is the bridge to the more structu-  
12 red environment of first and subsequent grades—such parental involvement is particularly important at  
13 these levels. Training programs should be made available to parents/guardians to prepare them to take  
14 an active role in the education of their kindergarten and prekindergarten children, and provide them  
15 with an understanding of the expectations that will be placed on their children, and the new policies  
16 and procedures that their children will experience, in kindergarten and prekindergarten.

17 This Policy Statement refers simply to kindergarten and prekindergarten children and makes  
18 no special mention of children with disabilities or other exceptional needs. In Resolution B-1, NEA  
19 "advocates the establishment of fully funded early childhood special education programs," and states  
20 that "[t]hese programs and necessary services should be readily accessible for children with disabilities  
21 and staffed by certified/licensed teachers, qualified support staff, and therapists." Implicit in this Policy  
22 Statement is the unqualified endorsement of the foregoing positions with regard to kindergarten and  
23 prekindergarten.  
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# E. 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

1 developed jointly by the teacher and principal/evaluator; teacher-selected assessments; student work  
2 (papers, portfolios, projects, presentations); and/or teacher defined student development objectives.  
3 High quality, developmentally appropriate teacher-selected assessments that provide valid, reliable,  
4 timely, and meaningful information regarding student learning, growth, and/or development may be  
5 used for quality, formative evaluation. Standardized tests, even if deemed valid and reliable, may not  
6 determine any part of an educator's evaluation or be used to support any employment action against a  
7 teacher.

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- 10 c. Evaluations must be meaningful, providing all teachers with clear and actionable feedback linked to tai-  
11 lored professional development. Such feedback should include regular non-evaluative formative feedback  
12 – meaning feedback that serves only to inform practice and that does not contribute to formal evaluation  
13 results – as such feedback is often the most effective way to improve teacher practice. Such non-evaluative  
14 feedback may include self-reflection, peer observation and/or teacher approved surveys of students to  
15 assess engagement and learning behaviors.  
16
  - 17 d. Evaluations must be fair, conducted by highly trained and objective supervisors or other evaluators as  
18 agreed to by the local affiliate, whose work is regularly reviewed to ensure the validity and reliability of  
19 evaluation results. If an evaluation will be the basis for any action relating to a teacher's employment,  
20 ratings by more than one evaluator must be provided in support of the action. Where a teacher believes  
21 an evaluation does not accurately reflect the respective level of practice, the teacher must have the right to  
22 contest the evaluation, and have access to the information necessary to do so.  
23
  - 24 e. To satisfy these requirements, evaluation systems must be adequately funded and staffed, and fully deve-  
25 loped and validated, including by training all teachers on the new systems, before they are used to make  
26 any high stakes employment decisions. NEA recognizes that our schools do not currently have enough  
27 staff trained to provide meaningful evaluative and non-evaluative feedback to teachers. To expand the  
28 number of people who can do so, the Representative Assembly directs NEA to examine existing men-  
29 torship, peer assistance, and peer assistance and review programs, and report back to the October 2011  
30 NEA Board meeting regarding those programs, their compliance with the requirements set forth in D-10  
31 (Mentor Programs) and D-12 (Peer Assistance Programs and Peer Assistance & Review Programs), and  
32 to make programmatic recommendations as to whether to expand such programs or develop others in  
33 partnership with state and local Associations.  
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## 36 **II. High Quality Teacher Accountability Systems**

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38 NEA believes that teachers are accountable for high quality instruction that advances student learning.  
39 High quality teacher accountability systems, developed and implemented with teachers and their represen-  
40 tatives either through collective bargaining where available, or in partnership with the affiliate representing  
41 teachers at the state and local level, should be based on the following principles.  
42

- 43 a. All teachers are responsible for providing a high quality education to students and supporting the efforts  
44 of colleagues and their school as a whole to do the same. To fulfill that responsibility, teachers have the  
45 right to a safe and supportive working environment including ongoing non-evaluative feedback on their  
46 practice that supports teachers' efforts to innovate and the right to regular, confidential evaluations.  
47
- 48 b. All teachers have the responsibility to continually enhance their practice and to stay current in subject  
49 matter and pedagogical approaches by reflecting and acting on feedback received, accessing professional  
50 development opportunities provided, and collaborating with colleagues to enhance instruction. To fulfill  
51 that responsibility, teachers have the right to increased autonomy over instructional practices, time during  
52 the school day for collaboration with colleagues, a decisionmaking role in professional development, the  
53 right to have such development tailored to enhancing skills identified as needing improvement in both  
54 non-evaluative feedback and in evaluations, as well as the ability to pursue advanced coursework and  
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- 1 degrees as part of professional development.
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- 3 c. If, through a high quality evaluation system, a teacher’s practice fails to meet performance standards, a  
4 teacher should be provided with clear notice of the deficiencies and an improvement plan should be deve-  
5 loped by the teacher, local Association, and employer. The improvement plan should provide the teacher  
6 with a reasonable opportunity – including time, high quality professional development, and support – to  
7 meet expectations. In addition, the teacher should receive regular and frequent feedback from the district  
8 and the local Association regarding progress during the support program period. What constitutes a  
9 reasonable opportunity will depend on the nature of the deficiencies identified, but in no event should an  
10 improvement plan exceed one school year. During the period in which a teacher is implementing an imp-  
11 rovement plan, the district shall provide a support program mutually agreed upon by the district and the  
12 local Association, which shall include the assignment of an accomplished teacher to assist the teacher not  
13 meeting performance standards in improving practice and to ensure a quality education for that teacher’s  
14 students.
- 15
- 16 d. If a teacher fails to improve despite being given a reasonable opportunity to do so, or otherwise fails to  
17 meet expectations, the teacher may be counseled to leave the profession or be subject to fair, transpa-  
18 rent, and efficient dismissal process that provides due process. Such a process should include: notice to  
19 a teacher of the basis for the dismissal; early disclosure of all evidence on which the dismissal is based;  
20 an early mandatory meeting between the teacher, employer, and the teacher’s representative to discuss  
21 possible resolution; and, failing such resolution, a prompt hearing before an impartial decisionmaker on  
22 the charges.
- 23
- 24 e. NEA believes that it is appropriate and fitting for accountability systems to continue to differentiate  
25 between the rights and responsibilities of probationary teachers, meaning those teachers in their initial  
26 years of employment who may be nonrenewed upon notice at the end of a school year, and career teach-  
27 ers, meaning those teachers who have successfully served through the probationary period and may be  
28 dismissed only for cause as defined by state law or local agreement or policy.
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- 31 • Probationary teachers should receive ongoing support for at least the first two years of their emplo-  
32 yment from locally developed and fully supported induction programs. The focus of such induction  
33 programs should be supportive and non-evaluative, designed to provide beginning teachers with the  
34 support they need to learn and thrive in the teaching profession. Districts should be encouraged to  
35 partner with colleges and universities to develop joint induction programs. No beginning teacher  
36 should go for weeks, much less years, without receiving any feedback on their practice.
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  - 38 • Probationary teachers should become career teachers if they meet or exceed expectations at the conclu-  
39 sion of their probationary employment period as defined by state law. A probationary teacher should  
40 have the right to require that the school district conduct the necessary evaluations within this time  
41 period, so that an appropriate determination can be made as to career status.
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  - 43 • Probationary teachers who meet or exceed expectations at the conclusion of their probationary emp-  
44 loyment period as defined by state law, and who are not granted career status, should have the right to  
45 contest that denial before an impartial decisionmaker.
  - 46
  - 47 • Once a probationary teacher has attained career status, that status should not be lost and should be  
48 portable from one school district to another within a state. If a career teacher’s performance fails to  
49 meet expectations, the teacher may be counseled out of the profession or dismissed pursuant to a fair,  
50 transparent, and efficient dismissal procedure that provides due process.
  - 51
  - 52 • Career teachers have the responsibility to reflect upon and enhance their own practice and to support  
53 and enhance the practice of their colleagues, particularly probationary teachers. NEA encourages local  
54 affiliates to institutionalize opportunities for career teachers to provide such support and enhance the  
55

1 practice of their colleagues by way of including in collective bargaining agreements or local policies  
2 provisions supporting professional learning communities, partnerships with local/regional institutions  
3 of higher education, and mentorship and peer assistance programs.  
4

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

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

*Adopted by the 2013 Representative Assembly, amended 2018*

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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 preschools, 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, educators (including teachers, librarians/media specialists, faculty, and ESP 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 educators 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 are essential to student learning and should have access to relevant, high-quality, interactive

1 professional development in the integration of digital learning and the use of technology into their instruc-  
2 tion and practice. Teachers need access to relevant training on how to use technology and incorporate its use  
3 into their instruction, ESPs need access to training on how best to support the use of technology in class-  
4 rooms, and administrators need training to make informed decisions about purchasing equipment, techno-  
5 logy use, course assignments, and personnel assignments. School districts and postsecondary institutions need  
6 to ensure that they provide interactive professional development on an ongoing basis, and to provide time for  
7 all educators to take advantage of those opportunities. The training needs to address both the basic prepa-  
8 ration on how to make the technology work, and how to most effectively incorporate it into the educational  
9 program.

10 Educator candidates need problem-solving and creativity experiences and should have the opportunity to  
11 learn different strategies throughout their pre-service education and regular professional development so they  
12 are prepared for using not only the technology of today, but of tomorrow.

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

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

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

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

26 The ownership rights of education employees who create copyrightable materials should not prevent  
27 education employees from making appropriate use of such materials in providing educational services to their  
28 students.

29

### 30 **Enhance and Enrich Student Learning**

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

35 NEA believes there is no one perfect integration of technology and traditional forms of delivering educa-  
36 tion for all students. Every class will need to be differentiated, and at some level

37 every student needs a different approach. Professional educators are in the best position and must be  
38 directly involved in determining what combination works best in particular classes and with particular  
39 students.

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

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

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

51

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

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

6 The Representative Assembly also directs NEA to encourage its members and utilize their expertise to  
7 engage in professional learning that enhances their understanding of how to creatively and appropriately  
8 integrate digital tools and high quality digital learning into their instruction. Such professional learning  
9 should include sharing of expertise by members who can serve as valuable mentors and professional partners  
10 for other members who are new to digital instruction.

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

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## 17 **Addendum**

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

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

26

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

28 The term “educator” includes teachers, librarians/media specialists, and education support professionals  
29 in preK–12 public schools, and faculty and staff of higher education institutions. Educators should be fully  
30 qualified, certified, and/or licensed to teach the subjects they are teaching, including in online instructional  
31 settings.

32

### 33 **Technology as a Tool**

34 Technology is a tool to enhance and enrich instruction for students, and should not be used to replace  
35 educational employees who work with students or limit their employment.

36

### 37 **Special Education Services**

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

41

### 42 **Data Privacy**

43 Safeguarding personal data must also be a top priority of NEA and its affiliates. NEA needs to  
44 demonstrate its commitment to protecting data privacy. Educators need to be informed about FERPA and  
45 state data privacy laws, regulations, and policies. NEA believes that professional development needs to  
46 include instruction about data privacy, including responsibilities and the rights of whistleblowers in the event  
47 of reporting a violation.

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# G. Discipline and the School-To-Prison Pipeline

*Adopted by the 2016 Representative Assembly*

*NOTE: If the 2022 Representative Assembly Adopts the Proposed Policy Statement on Safe, Just, and Equitable Schools, that statement will supercede and replace this Policy Statement on Discipline and the School-To-Prison Pipeline*

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## 1. 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-5. Dropout Prevention; B-14. Racism, Sexism, Sexual Orientation, Gender Identity, and Gender Expression Discrimination (f - h, k); C-9. Student Mental Health and Wellness, C-13. Safe Schools and Communities, C-15. Discipline, C-42. Student Rights and Responsibilities). NEA's Resolutions also reflect NEA's belief "that all education employees, including those not typically involved in direct instruction, must be provided ongoing, relevant professional development in trauma-informed practices, behavior management, progressive discipline, conflict resolution, restorative practices, bullying prevention techniques, safety plans and emergency procedures, emergency lifesaving techniques, and crisis management" (D-18) and that both education employees and parents need training/guidance "to help and support student mental health and wellness." (C-9). 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 predetermined 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

1 values.

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3 Restorative practices allow individuals who may have committed harm to take full responsibility for  
4 their behavior by addressing the individual(s) affected by the behavior. Taking responsibility requi-  
5 res understanding how the behavior affected others, acknowledging that the behavior was harmful to  
6 others, taking action to repair the harm, and making changes necessary to avoid such behavior in the  
7 future. Restorative practices also represent a mindset that can help guide adult and youth behavior and  
8 relationship management in schools, not another program. They are not intended to replace current ini-  
9 tiatives and evidence based programs like Positive Behavior Interventions and Supports (PBIS) or social  
10 and emotional learning models that assist in building a foundation and culture of caring. Programs and  
11 initiatives like PBIS complement restorative practices.

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

18

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

21

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

26

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

28 The school-to-prison pipeline deprives students of color of their futures by pushing them out of school and its  
29 pathway to college and careers, and into the juvenile and criminal justice systems. The pipeline is the result  
30 of an array of policies and practices, fed by institutional racism, that disproportionately affect students of  
31 color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners. The  
32 policies and practices include harsh school discipline policies that overuse suspension and expulsion, “zero-  
33 tolerance” policies that criminalize minor infractions of school rules, increased policing and surveillance in  
34 schools that create prison-like environments in schools, and overreliance on exclusionary disciplinary refer-  
35 rals to law enforcement and juvenile justice authorities. Students who are suspended or expelled not only fall  
36 behind academically but are significantly more likely to drop out of school altogether, fail to secure a job, rely  
37 on social welfare programs, and end up in prison.

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

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

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

49

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

51 NEA will promote awareness of, and support the development of, effective school disciplinary procedures  
52 that support high expectations for quality instruction and learning, treat students respectfully, and provide all  
53 students with a supportive and nurturing school environment. NEA recognizes that educators play an essen-  
54 tial role in developing such procedures and creating a school community that promotes respectful, caring,

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1 and trusting positive relationships among students and adults. NEA also recognizes that other stakeholders  
2 must also be fully engaged in that effort including local affiliates, local school boards, community organiza-  
3 tions, and members as well as family members.

### 4 5 **Guiding Principle 3: Professional Training and Development**

6 NEA believes that educators must be better prepared to respond to the social and emotional needs of each  
7 student. All school staff must understand what it means to be culturally competent and responsive. Educators  
8 must be given the tools to develop the skills needed to interact with students from different racial, ethnic, and  
9 economic backgrounds. NEA must encourage stakeholders to work together to develop and implement, with  
10 fidelity, training that is proven, substantial, and ongoing, and professional development tools that are respon-  
11 sive to the needs of students and educators and that build and increase educators' cultural competence over  
12 the course of their careers.

13  
14 At a minimum, such training and professional development shall include: (1) developing communications  
15 skills including strategies for peer-to-peer, educator-to-parent, educator-to-student, and student-to-educator  
16 communication; (2) developing cultural competence including awareness of one's own implicit biases, under-  
17 standing culturally competent pedagogy, and becoming culturally responsive in one's approach to education  
18 and discipline; (3) training developed for, and delivered to, pre-service, early career, and experienced educa-  
19 tors; and (4) an understanding of educational trauma and its impact on a student's education.

### 20 21 **Guiding Principle 4: Partnerships and Community Engagement**

22 NEA will use its existing partnerships with education partners, students, parents, community-based organiza-  
23 tions, and social justice advocacy groups to: (A) raise awareness of the school-to-prison pipeline, (B) eliminate  
24 disparate discipline policies and practices, (C) develop and implement the necessary professional develop-  
25 ment and training for school staff, and (D) build respectful and supportive school environments. NEA will  
26 also participate in, and build upon, existing coalitions by bringing together diverse groups of education and  
27 social justice stakeholders for the purpose of identifying and sharing policies, practices, and activities to end  
28 the school-to-prison pipeline. To that end, NEA will foster relationships with community-based nonprofits,  
29 school districts, peer mentoring groups, mental health organizations, churches, professional associations,  
30 alternative schools/juvenile correctional institutions, law enforcement, and national and state advocacy  
31 groups.

### 32 33 **Guiding Principle 5: Student and Family Engagement**

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

## 41 42 **IV. Advocacy and Action**

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

47  
48 **Awareness.** NEA believes that there must be increased awareness among its members and the public about  
49 the school-to-prison pipeline and the ongoing, widespread disparate outcomes in discipline practices. NEA  
50 should raise awareness of the benefits of professional development and training in cultural competency,  
51 implicit bias, and restorative practices. NEA and its affiliates must continually examine and highlight data to  
52 illustrate the problems with the school-to-prison pipeline and the impact on students of color. NEA encour-  
53 ages schools and districts to provide educators with intensive training and professional development, along  
54 with access to tools on classroom management and model discipline practices.

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

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# H. Charter Schools

*Adopted by the 2017 Representative Assembly, amended 2021*

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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 well funded 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. Discrepancies between the existing collective bargaining agreement and the newly authorized charter bargaining agreement need to be reported to the members. Those basic safeguards and standards protect public education as a public good that is not to be commodified for profit.

1 In addition, charter schools may be authorized or expanded only after a district has assessed the impact  
2 of the proposed charter school on local public school resources, programs, and services, including the  
3 district's operating and capital expenses, appropriate facility availability, the likelihood that the charter  
4 will prompt cutbacks or closures in local public schools, and consideration of whether other improve-  
5 ments in either educational program or school management (ranging from reduced class sizes to commu-  
6 nity or magnet schools) would better serve the district's needs. The district must also consider the impact  
7 of the charter on the racial, ethnic and socio-economic composition of schools and neighborhoods and  
8 on equitable access to quality services for all district students, including students with special needs and  
9 English language learners. The impact analysis must be independent, developed with community input,  
10 and be written and publicly available.

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

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16 Maintaining local democratic control over decisions as to whether to authorize charters at all, and if so,  
17 under what conditions, safeguards community engagement in local public schools. A single local autho-  
18 rizing entity also ensures comprehensive consideration of whether each option, and the mix of options  
19 offered in a district, meets the needs of students and the community as a whole given the resources and  
20 facilities in the district. A single entity also permits effective integrated oversight of all schools, including  
21 charter schools, and a central mechanism for identifying and sharing successful innovations throughout  
22 local public schools.

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

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

33

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

44

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

48

## 49 **II. NEA opposes as a failed and damaging experiment unaccountable privately managed charters.**

50

51 Charters that do not comply with the basic safeguards and standards detailed above and that are not au-  
52 thorized by the local school board (or its equivalent) necessarily undermine local public schools and harm the  
53 public education system.

54

55

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

6  
7 In fact, at their worst, charters inflict significant harms on both students and communities. Of the charter  
8 schools that opened in 2000, a full fifth had closed within five years of opening and a full third had closed  
9 by 2010. Because the very opening of charters often prompts cutbacks and/or closures in local public schools,  
10 these alarmingly high charter closure rates subject students and communities to cycles of damaging interrup-  
11 tion. Such disruption can leave students stranded mid-year. Even closures that occur at the year's end disrupt  
12 students' education and unmoors communities that previously had been anchored by the local public school.

13  
14 Charters that are not subject to the basic safeguards and standards detailed above also open up the local  
15 public schools to profiteers. Such charters operate without any effective oversight, draining public school  
16 resources and thereby further harming local public schools and the students and communities they serve.

17  
18 Finally, one particular form of unaccountable privately managed charters deserves specific discussion.  
19 Fully virtual, online, or non-classroom based charter schools cannot, by their nature, provide students with a  
20 well-rounded, complete educational experience, including optimal kinesthetic, physical, social, and emotional  
21 development. Accordingly, they should not be authorized as charter schools.

### 22 23 **III. Organizing Communities for Quality Public Education**

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25 NEA stands for our students wherever they are educated. Relegating students and communities to una-  
26 countable privately managed schools that do not comply with the basic safeguards and standards detailed  
27 above has created separate systems of charters that are inherently unequal. To counter the threat to public  
28 education of such charters, NEA supports both communities organizing for quality public education and  
29 educators working together to improve charter schools.

- 30  
31 a. NEA supports communities that are working to hold charters accountable whether that work takes the  
32 form of state legislative initiatives, local school board resolutions and actions, or efforts to raise local  
33 awareness of the need for charters to comply with the basic safeguards and standards detailed above.  
34 NEA also will support state and local efforts to preserve public school funding and services by elimina-  
35 ting such funding and services from unaccountable privately managed charters that do not comply with  
36 those basic safeguards and standards.
- 37  
38 b. NEA believes that all educators deserve the right to collective voice and representation, and that an  
39 organized workforce is a better guardian of quality standards for students and educators alike. For that  
40 reason, state affiliates that seek to organize charter schools may continue to seek NEA's assistance in  
41 those organizing efforts.
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# I. Community Schools

*Adopted by the 2018 Representative Assembly*

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## Introduction

Consistent with NEA’s core values that “public education is the gateway to opportunity,” and that “all students have the human and civil right to a quality public education that develops their potential, independence, and character,”<sup>1</sup> and recognizing that opportunity gaps in our society have resulted in an uneven and unjust public education system where some communities have public schools that provide “individuals with the skills and opportunities to be involved, informed, and engaged in our representative democracy”<sup>2</sup> and some do not, NEA believes all schools should use research-backed school improvement strategies designed to support a racially just education system that ensures that all students and their families have the support needed to thrive and grow. The Community School Model (CSM) has a strong track record of closing opportunity gaps, supporting a culturally relevant and responsive climate, and causing significant and sustained school improvement. NEA supports the use of the Community Schools Model in public schools where the local staff and community are supportive.

## Definitions

**Public Community Schools:** Public community schools are both places and partnerships that bring together the school and community to provide a rigorous and engaging academic experience for students, enrichment activities to help students see positive futures, and services designed to remove barriers to learning. Students engage in real-world problem solving as part of their curriculum. Community schools involve and support families and residents in the public school community and organize the wealth of assets that all communities have to focus on our youth and strengthen families and communities. Public schools become centers of the community and are open to everyone.

**Community School Model:** Any public school can use the community school model, which is intended to be tailored to the specific needs of an individual school’s students, staff, families, and community members. The community school model advanced by NEA is based on Six Pillars of Practice as implemented through four key mechanisms.

**Stakeholder:** Stakeholder refers to anyone who is invested in the welfare and success of a school and its students, including administrators, educators, students, parents, families, community members, local business leaders, and elected officials such as school board members, city councilors, and state representatives. Stakeholders may also be collective entities, such as local businesses, local unions, organizations, advocacy groups, committees, media outlets, and cultural institutions, in addition to organizations that represent specific groups, such as associations, parent-teacher organizations, and associations representing superintendents, principals, school boards, or educators in specific academic disciplines.<sup>3</sup>

**Partners:** Partner refers to external organizations and individuals that form informal and formal relationships with a school that is using the Community School Model to fill strategy needs. These organizations can include locally-owned businesses, local unions, advocacy groups, educator associations, parent-teacher organizations, religious organizations, schools, institutions of higher learning, nonprofit organizations, and other

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<sup>1</sup> NEA Core value on Equal Opportunity. “We believe public education is the gateway to opportunity. All students have the human and civil right to a quality public education that develops their potential, independence, and character.”

<sup>2</sup> NEA Core value on Democracy – “We believe public education is the cornerstone of our republic. Public education provides individuals with the skills to be involved, informed, and engaged in our representative democracy.”

<sup>3</sup> Great Schools Partnerships. Glossary of Education Reform. Stakeholders.

1 types of organizations that local stakeholders determine fill a strategic need and that align with NEA values.

2 The Six Pillars include:

3 ***Strong and Proven Culturally Relevant Curriculum:*** Educators provide a rich and varied academic  
4 program allowing students to acquire both foundational and advanced knowledge and skills in many  
5 content areas. Students learn with challenging, culturally relevant materials that address their learning  
6 needs and expand their experience. They also learn how to analyze and understand the unique experiences  
7 and perspectives of others. The curriculum embraces all content areas including the arts, second langu-  
8 ages, and physical education. Teachers and ESP are engaged in developing effective programs for language  
9 instruction for English learners and immigrant students. Rigorous courses such as Advanced Placement  
10 or International Baccalaureate are offered. Learning and enrichment activities are provided before and  
11 after the regular school day, including sports, the arts, and homework assistance. The needs of parents and  
12 families are addressed through programs like English-as-a-Second-Language classes, GED preparation,  
13 and job training programs. These supports are based on identified needs.

14  
15 ***High-quality Teaching and Learning:*** Consistent with NEA Resolutions, educators are fully licensed,  
16 knowledgeable about their content, and skillful in their practice. Instructional time focuses on learning  
17 and the use of authentic assessment rather than high-stakes testing. Individual student needs are identified  
18 and learning opportunities are designed to address them. Higher-order thinking skills are at the core of  
19 instruction so that all students acquire problem solving, critical thinking, and reasoning skills. Educators  
20 work collaboratively to plan lessons, analyze student work, and adjust curriculum as required. Experienced  
21 educators work closely with novices as mentors, coaches, and “guides on the side,” sharing their knowledge  
22 and expertise. ESP members take part in professional learning experiences and are consulted and colla-  
23 borate when plans to improve instruction are developed. Together, educators identify the methods and  
24 approaches that work and change those that do not meet student needs.

25  
26 ***Inclusive Leadership:*** Leadership teams with educators, the community school coordinator, and other  
27 school staff share the responsibility of school operations with administrators. This leadership team ensures  
28 that the community school strategy remains central in the decision-making process.

29  
30 ***Positive Behavior Practices (including restorative justice):*** Community school educators emphasize  
31 positive relationships and interactions and model these through their own behavior. Negative behaviors  
32 are acknowledged and addressed in ways that hold students accountable while showing them they are still  
33 valued members of the school community. All members of the faculty and staff are responsible for ensur-  
34 ing a climate where all students can learn. Restorative behavior practices such as peer mediation, com-  
35 munity service, and post-conflict resolution help students learn from their mistakes and foster positive,  
36 healthy school climates where respect and compassion are core principles. Zero-tolerance practices leading  
37 to suspension and expulsion are avoided.

38  
39 ***Family and Community Partnerships:*** Families, parents, caregivers, and community members are  
40 partners in creating dynamic, flexible community schools. Their engagement is not limited to a specific  
41 project or program, but is on-going and extends beyond volunteerism to roles in decision making, gover-  
42 nance, and advocacy. Both ESP and teachers are part of developing family engagement strategies, and they  
43 are supported through professional learning opportunities. Their voices are critical to articulating and  
44 achieving the school’s overall mission and goals. When families and educators work together, students are  
45 more engaged learners who earn higher grades and enroll in more challenging classes; student attendance  
46 and grade and school completion rates improve.

47  
48 ***Coordinated and Integrated Wraparound Supports (community support services):*** Community  
49 school educators recognize that students often come to school with challenges that impact their ability to  
50 learn, explore, and develop in the classroom. Because learning does not happen in isolation, community  
51 schools provide meals, health care, mental health counseling, and other services before, during, and after  
52

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53 <sup>4</sup>A **whole child** approach, which ensures that each student is healthy, safe, engaged, supported, and challenged, sets the standard for  
54 comprehensive, sustainable school improvement and provides for long-term student success.

1 school. Staff members support the identification of services that children need. These wraparound services  
2 are integrated into the fabric of the school that follows the Whole Child tenets. Connections to the com-  
3 munity are critically important, so support services and referrals are available for families and other com-  
4 munity members.

5 *Public Community School Implementation:* Implementation of the Community Schools Model requires that  
6 dedicated staff and structures use proven implementation mechanisms and should ensure that decisions  
7 made by collaborative bodies do not abrogate the contractual protections of any union member.  
8

9 ***Community School Coordinator:*** Every community school should have a community school coordinator  
10 that plays a leadership role at the school, is a member of the school leadership team, and is a full-time staff  
11 member. The CSC has training and specialized skills that supports building and managing partnerships  
12 in diverse communities, creating and coordinating an integrated network of services for students and their  
13 families, and optimizing both internal and external resources. The CSC connects students and their fami-  
14 lies with services in the community.  
15

16 ***Needs and Asset Assessment:*** The foundation for the community school model is a school-based needs  
17 and asset assessment that assesses academic, social, and emotional needs and assets (including staff exper-  
18 tise and community supports of the school and surrounding community). The needs and asset assessment,  
19 facilitated by the CSC, is an inclusive process in which families, students, community members, partners,  
20 teachers, ESP, administrators, and other school staff define their needs and assets. Problem-solving teams  
21 are established based on the needs determined in the needs and asset assessment.  
22

23 ***School Stakeholder Problem-solving Teams:*** Every community school should have teams of school staff  
24 and other stakeholders (families, parents) dedicated to solving problems that are identified in the needs and  
25 asset assessment. The solutions identified by the stakeholder problem-solving teams change the way things  
26 are done in and outside of school hours and, at times, involve partnerships with outside organizations and  
27 individuals.  
28

29 ***Community School Stakeholder Committee:*** The community school stakeholder committee (CSSC)  
30 coordinates between school staff, partners (organizations, businesses, town and city service providers), and  
31 stakeholders to ensure goals are achieved and obstacles are surmounted. The CSSC, which includes fami-  
32 lies, community partners, school staff, students, and other stakeholders from the school's various constitu-  
33 encies, works in collaboration with the school leadership team and supports coordination across and among  
34 community schools within a school district.  
35

### 36 **The Role of the Association in Advancing the Community School Model**

37

38 **Awareness.** NEA believes that there must be increased awareness among its members and the public about  
39 the large body of evidence that demonstrates the efficacy of the Community School Model in supporting  
40 racial justice in education and closing opportunity gaps to achieve measurable school improvement gains.  
41 NEA encourages schools and districts to use the community school model.  
42

43 **Advocacy.** NEA has a responsibility to advocate for community school policies and procedures, legislation,  
44 and practices that will result in school improvement gains. As educators, NEA is in the best position to  
45 advance the adoption of community school policies.  
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