



# A MODEL CODE on Education and Dignity

## CHAPTER I: EDUCATION

### 1.1 Education for the Full Potential of Children and Youth

#### Human Rights Goal

To guarantee the human right to education, schools shall provide all children and youth with the learning tools and content necessary to reach their full potential, to participate fully and effectively in a free society, to live and work in dignity, to improve the quality of their lives, to make informed decisions and to continue learning throughout life.<sup>17</sup>

#### Recommended Language

**A. All children and youth from birth to age 21<sup>18</sup> shall have a fundamental right to education that shall develop each child's mental and physical abilities, personality and talents to their fullest potential<sup>19</sup> and that guarantees equal educational opportunity to all.<sup>20</sup>**

1. This right to education is guaranteed regardless of immigration status (see also Section 4.4 Immigrant and Undocumented Students), or homelessness<sup>21</sup> experienced by a student or their family.<sup>22</sup>
2. Schools and districts shall not delay<sup>23</sup> or block enrollment due to a lack of specific documents,<sup>24</sup> or place undue burdens on students and their families such as "re-registration"<sup>25</sup> or other procedural barriers to accessing their right to an education.

**B. The aims of the fundamental right to an education shall be to:**

1. Prepare young people for a meaningful life, which includes participating actively in society, attaining employment for a living wage to support themselves and their families, developing understanding, peace and respect among all people, and the opportunity to reach their full potential.
2. Provide a high-quality education that:
  - a. Addresses the mental, physical, social and emotional needs of children and youth, including adequate access to nutrition and exercise;
  - b. Adapts to different learning needs and styles of individual students;
  - c. Provides appropriate instruction, experiences and discipline for each age and grade level;
  - d. Is relevant to the changing social, cultural, environmental and economic context of different young people; and
  - e. Involves youth as active and effective participants in the educational process.

**C. States, districts and schools shall specify a set of core program elements of a high quality education to which every student is entitled in areas that include learning goals and standards, curriculum, instruction, individual attention, student assessment, rights and responsibilities of each stakeholder, placement and promotion decisions, and participatory decision-making<sup>26</sup> to ensure that every student has a right to:<sup>27</sup>**

1. A school-wide commitment to a clear and specific set of challenging learning goals for all students, consistent with state and district academic standards, and designed to prepare all children and youth to use their minds well—so as to be able to participate in activities characteristic of authentic adult achievement.
2. An enriched and culturally relevant curriculum that is aligned with the school's learning goals (see Section 1.3 Culturally Relevant Curriculum and Teaching) and includes:
  - a. Core subject areas in English language arts, history, social studies, math and science;
  - b. Students' rights as individuals and the skills to be agents of change in their communities;

- c. Critical thinking, problem solving, respect for oneself and others, and effective communication skills;
  - d. History and culture of the students attending that school and political education about the history and culture of the broader community;
  - e. Knowledge and skills to be able to succeed in entry-level, credit-bearing academic college courses and in workforce training programs;
  - f. Art, music and other creative and engaging subjects that foster academic achievement, school engagement, mental and physical health and creative thinking; and
  - g. Access to recess and physical education, and for elementary and middle school students, access to free play activities.<sup>28</sup>
3. An emphasis on the social and emotional development of students, utilizing culturally affirming social and emotional learning (SEL) (see Section 3.1 for detailed information on SEL).
  4. Effective instructional methods that enable all students to achieve the learning goals, provided by staff who are highly qualified and who in turn regularly participate in ongoing, high quality, intensive professional development. These methods must include:
    - a. Training teachers to have diversified teaching methods in their classroom for students with different learning styles and at different readiness levels;
    - b. Engaging students in the learning process to mentor one another and engage in group and peer-to-peer learning;
    - c. Empowering students to develop independent learning skills through taking individual responsibility for learning and completing necessary tasks; and
    - d. Incorporating youth culture into teaching and learning through art, music, dancing, physical education and the written and spoken word.
  5. Individual attention needed to fully achieve the learning goals, including effective methods for addressing the student's particular learning needs and timely and effective intervention whenever the student is experiencing difficulty in mastering any of the learning goals, including:
    - a. An individualized educational assessment and academic intervention plan that is flexible to meet the needs of each individual student;
    - b. Social and emotional supports and interventions; and
    - c. Access to mentoring, support and counseling to ensure that each student has a relationship with at least one adult in the school.
  6. Regular, ongoing, accurate assessment of the student's progress and mastery of the learning goals, that uses multiple methods for allowing students to fully demonstrate what they know and can do; is an integral part of the classroom instruction; is shared with the student, their parents or guardians and appropriate school staff; and is used to improve the instruction and achievement of the student.
  7. Valid, reliable and fair decisions concerning program placement, promotion, graduation and other actions that may affect the child's access to post-school options, including valid use of assessment information, and full and adequate opportunity to learn any skills and knowledge being assessed.
  8. Resources and materials needed for students to fully avail themselves of the rights set forth in this section, provided in a safe and healthy learning environment conducive to achieving the learning goals.

**D. States, districts and schools shall create a continuous improvement model for education whereby:**

1. Teachers, principals and superintendents are in a position to consistently improve teaching and student outcomes through a cycle of goal setting and resource alignment, instruction, assessment, analysis and adaptation;<sup>29</sup> and
2. Each and every student's progress is tracked and interventions with targeted supports quickly provided so that all students have the opportunity to master challenging curricula.<sup>30</sup>

**E. Youth placed in juvenile or adult correctional settings and youth placed in alternative settings (as described in Section 3.5 and 3.6), are entitled to the same standard and quality of education as every student in a traditional education setting.<sup>31</sup>**

<sup>17</sup> U.N. Convention on the Rights of the Child art. 29 cmt. 1.

<sup>18</sup> Colo. Const., art. IX, § 2.

<sup>19</sup> Mont. Const., art X § 1, cl. 1.

<sup>20</sup> Id.

<sup>21</sup> McKinney Vento Homeless Education Improvement Act of 2001 available at: <https://www2.ed.gov/policy/elsec/leg/esea02/pg116.html>.

<sup>22</sup> UD Department of Health and Human Services Information on the Rights of Unaccompanied Children to Enroll in School and Participate Meaningfully in Educational Programs (2014) available at: <https://www2.ed.gov/about/overview/focus/rights-unaccompanied-children-enroll-school.pdf>.

<sup>23</sup> NCHE-Enrolling Children and Youth Experiencing Homelessness available at: <https://nche.ed.gov/downloads/briefs/enrollment.pdf>; see also 42 U.S.C. §11432(g)(3)(C).

<sup>24</sup> US Department of Education Dear Colleague Letter on School Enrollment Processes (2014); 42 U.S.C. §11432(g)(3)(C).

<sup>25</sup> NYCLU Warns New Rochelle School District Against Plans to Re-register Students (2018). Available at: <https://www.nyclu.org/en/press-releases/nyclu-warns-new-rochelle-school-district-against-plan-re-register-students>; Jhone M. Ebert, Residency Guidance, July 19, 2018, available at <https://echalk-slate-prod.s3.amazonaws.com/private/districts/360/resources/89196290-7837-4056-99c9-3da650534e68?AWSAccessKeyId=AKIAJSZKIBPXGFLSZTYQ&Expires=1847738006&response-cache-control=private%2C%20max-age%3D31536000&response-content-disposition=%3Bfilename%3D%22ResidencyGuidance%25207-19-18.pdf%22&response-content-type=application%2Fpdf&Signature=EdTSaR2hPIUUMWHz2%2B76mTBoTSo%3D>.

<sup>26</sup> Am. Bar Ass'n Comm'n On Youth At Risk & Am. Bar Ass'n Comm'n On Homelessness And Poverty, Resolution 118A, available at <http://www.abanow.org/wordpress/wp-content/themes/ABANow/wp-content/uploads/resolution-pdfs/118A.pdf> [hereinafter RESOLUTION 118A] (calling on local, state, and national legislative bodies and educational agencies to implement policies the set out the core program elements of the right to high quality education).

<sup>27</sup> See generally CTR. FOR LAW & EDUC., EDUCATIONAL QUALITY BILL OF RIGHTS (2009), available at <http://www.cleweb.org/sites/default/files/EQBR.FullVersion.pdf>.

<sup>28</sup> COFI/POWERPAC, WBEZ "Recess is Back in Chicago" (2012). Available at: <http://www.cofionline.org/COFI/wp-content/uploads/2015/06/Recess-is-back-at-Chicago-Public-Schools-WBEZ-8-12.pdf>.

<sup>29</sup> See generally Nat'l Working Grp. on Funding Student Learning, Funding Student Learning: How to Align Education Resources with Student Learning Goals 11-12 (2008), available at [http://www.crpe.org/cs/crpe/download/csr\\_files/pub\\_sfrp\\_wrkgrp\\_oct08.pdf](http://www.crpe.org/cs/crpe/download/csr_files/pub_sfrp_wrkgrp_oct08.pdf).

<sup>30</sup> See generally Carol Ascher & Cindy Maquire, Beating the Odds: How Thirteen New York City Schools Bring Low-Performing Ninth Graders to Timely Graduation and College Enrollment (2007), available at <http://annenberginstitute.org/publication/college-pathways-tool-series>.

<sup>31</sup> See Deborah Gordon Klehr, Addressing the Unintended Consequences of No Child Left Behind and Zero Tolerance: Better Strategies for Safe Schools and Successful Students, 16 GEO. J. On Poverty L. & POL'Y 585, 589 (2010).