



A MODEL CODE on Education and Dignity

CHAPTER I: EDUCATION

1.2 Equity in Education

Human Rights Goal

Schools must ensure equitable access to and implementation of high-quality educational services without discrimination based on race/ethnicity, gender, ability, sexual orientation, gender identity, or any other aspect of their identity. In order to assure equitable access to the right to education, schools shall set high goals and expectations for all children and youth, and ensure that resources, services and instruction are allocated and aligned so that children and youth with the greatest needs have the same opportunity to reach the goals and meet the expectations as their peers.³²

Recommended Language

- A. States, districts and schools shall provide the resources, services and supports necessary to ensure equitable access to education and to achieve equitable outcomes in education for all students.**
1. States, districts and schools shall identify and address particular areas of policy and practice where inequities exist, including but not limited to access to early education, high quality instruction and curriculum, funding and alignment of resources, and teacher distribution and training.
- B. High Quality Early Education and Assessment**
1. All students shall have access to a universal pre-k program that is geared toward age-appropriate development, creative thinking, identity development and school readiness preparation that goes beyond preparation for testing.
 2. In all pre-k classes, Early Intervention Assessments must be conducted to identify and address learning disabilities using proven research-based interventions.
- C. High Quality Instruction and Curriculum (see Section 1.3 for model language on Culturally Relevant Curriculum and Teaching)**
1. All students shall have access to high quality instruction and curriculum, including advanced placement and college preparatory classes.
 2. In order to place students in a less rigorous or non-college preparatory curriculum, schools must provide parents or guardians with notice including a reason for the change in curriculum, and must obtain written approval for the change from the parent or guardian.
- D. Equitable Funding and Alignment of Resources to Standards**
1. States shall conduct a needs assessment of every district and school to establish the amount of educational resources needed for every student to meet the prescribed learning goals. Resources should be aligned with goals so that all students have a meaningful opportunity to learn.³³
 - a. At the district level, districts, openly and with community input, shall investigate whether adequate funds are available to schools to:
 - i. Support instructional goals;
 - ii. Provide guidance on practices that best support staff, such as prioritizing resources towards professional development, realigning staffing structures to accommodate strengths and weaknesses of existing staff, and finding ways to recruit and retain quality staff through compensation and support systems; and
 - iii. Collect timely, detailed fiscal and performance data and train local decision makers in the use of this data for tracking spending and analyzing effectiveness of spending (data on resources shall be tied directly to

³² U.N. Comm. On Econ., Soc., & Cultural Rights, International Covenant on Economic, Social and Cultural Rights art. XIII (1976), available at <http://www2.ohchr.org/english/law/cescr.htm>.

³³ NESRI, What is Human Rights Budgeting? Available at: <https://www.nesri.org/programs/what-is-human-rights-budgeting>.

specific educational programs, staffing configurations and other improvement strategies so that cost-benefit and other analyses can be conducted).

- b. School and student needs shall be established using input and collaboration from parents or guardians, teachers and administrators who have access to data, including on academic achievement, school climate, disciplinary responses, graduation rates and other relevant information. Once clear goals and objectives for student success are identified, they must be clearly communicated so that appropriate district resources can be allocated to support them at the classroom, school and district levels.
2. A secure and reliable funding source shall be provided to meet identified costs per student, tied to the actual resources a student needs to master the State's prescribed education program.
3. State and local governments shall deliver funding to schools using a formula based on a range of factors that includes but is not limited to: 1) the number of students attending school on a daily basis; and 2) the counts of economically disadvantaged students, students with disabilities, English Language Learners, students experiencing homelessness or in temporary housing situations, students in the foster care system and other indicators at a given school site.

E. Equitable Distribution of High-Quality Teachers

1. To eliminate teacher shortages and ensure a consistent supply of high quality teachers, states shall raise standards for teacher education and licensing, initiate scholarships and forgivable loans to recruit high-need teachers into the profession (including teachers in shortage fields, those who are from and would teach in high-need locations and teachers of color³⁴), create a mentoring and assessment program for all beginning teachers, and invest money in high quality professional development (with special aid to low-achieving districts and schools).³⁵
2. States shall provide targeted incentives for highly skilled and specially trained teachers to work in historically underperforming districts and schools.
3. Schools shall invest significant time and money in quality professional development, using the best practices in professional development, including ongoing mentor teacher programs, overstaffing of teaching staff to allow for planning and professional development meetings, and additional paid days for professional development and evaluation. Culturally relevant professional development shall be provided in:
 - a. Subject area knowledge and pedagogy;
 - b. Skills to provide social-emotional support and mentoring to students;
 - c. Building democratic classrooms and participatory approaches to teaching, classroom management and discipline;
 - d. Positive approaches to discipline, including Restorative Justice Practices and School-wide Positive Behavior Interventions and Supports (SWPBIS and
 - e. Understanding structural racism and other economic and social factors in society that impact the educational system, including inequality and the criminalization of youth.
4. Specialists in high quality instruction and research-based services for special needs students shall be available on a regular basis to all school sites with significant numbers of students from socioeconomically disadvantaged backgrounds and students with disabilities in order to attract and retain highly skilled teachers.
5. States and districts shall actively recruit and retain teachers from the communities where schools are located and who reflect the demographics of the student population.³⁶
6. States and districts shall review and revise all policies and procedures to eliminate any policies, practices, or systems that discourage or create disincentives for quality teachers to teach at historically underperforming schools or at schools with high percentages of socioeconomically disadvantaged students or students of color and:
 - a. Establish mechanisms that include participation of students and parents or guardians in ensuring equitable distribution of teachers within districts; and
 - b. Review and revise all policies and procedures that may cause or result in disproportionate teacher disruption or teacher turnover, including processes for school closure or turnaround that arbitrarily dismiss all staff and/or force all staff to reapply for their jobs.

³⁴ Teachers Unite. The Disappearance of Black and Latino Teachers in NYC (2017). Available at: <https://teachersunite.org/wp-content/uploads/2017/10/Disappearance-report-October-17-2014-1.pdf>.

³⁵ See generally Darling-Hammond, supra note 14. Darling-Hammond also cites research that such programs are highly effective. In North Carolina, for example, "the Teaching Fellows Program has encouraged thousands of high-ability college students—a disproportionate number of them male and minority—to enter teaching by underwriting their entire teacher preparation program in state universities. More than 75 percent have stayed in teaching and a large share has gone on to leadership in the public education system." Id.

³⁶ NBER. The Long-Run Impacts of Same-Race Teachers (2018). Available at: <https://www.nber.org/papers/w25254>.

F. Charter Schools and Equitable Education – In addition to following all of the above, states, districts and charter schools shall:

1. Ensure that across both traditional public and charter schools all students, including students with disabilities, English Language Learners, students receiving free or reduced price lunch, homeless students, students in temporary housing situations or students in the foster care system, have equitable access to high quality education, qualified, certified teachers and a full complement of educational and enrichment programs, including in the arts, athletics, music, advanced coursework, Culturally-affirming social and emotional learning (SEL) and school-wide positive approaches to discipline;
2. Ensure that across both traditional public and charter schools' resources are distributed equitably. This means more resources go to schools with student populations that have greater needs and require more services, including students with disabilities, English Language Learners, students receiving free or reduced-price lunch, homeless students or students in temporary housing situations and students in the foster care system;
3. Ensure that the distribution of resources avoids competition between schools or the underfunding of traditional public schools; and
4. Develop a transparent district-wide assessment plan—with participation of communities—which documents the impact of charters on demographic changes, public school closings and geographic distribution of schools and students. The plan should also outline protections to ensure that schools with the highest-need student populations receive more resources and that all students have access to high quality education, in particular addressing inequities in funding that result from students starting at charter schools in the beginning of the year and transferring to public schools later in the year.