



A MODEL CODE on Education and Dignity

CHAPTER I: EDUCATION

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Background

Children and youth have a fundamental right to a public education that develops their full potential and guarantees equal educational opportunities for all. Guaranteeing a comprehensive human right to education is a necessary prerequisite to increasing achievement, ensuring college readiness and ending school pushout. While state constitutions afford protections for specific aspects of the right to education, and with a few exceptions attempt to establish some minimum standards,¹¹ there is no fundamental right to education in the U.S. Constitution.¹² Our current legal and policy framework falls significantly short of ensuring equal access to high quality education for all our children and young people. Consequently, our school systems are failing entire communities.

Despite a high level of wealth, the U.S. sends millions of children and youth to schools with insufficient textbooks, high rates of teacher turnover, disproportionately high numbers of teachers without appropriate credentials or training, a low-quality curriculum and crumbling facilities.¹³ Schools serving low-income students, students of color, English Language Learners, students experiencing homelessness or in temporary housing situations, and students in the foster care system in particular, have the lowest percentages of highly qualified and experienced teachers.¹⁴ In addition, students of color are disproportionately deprived of high-level courses and challenging curriculum, factors which are strongly related to achievement and educational opportunity.¹⁵ These students are tracked early on towards a lesser education, and afforded “[d]ramatically different learning opportunities—especially disparities in access to well-qualified teachers, high quality curriculum and small schools and classes—[which] are strongly related to differences in student achievement.”¹⁶

A Guide to Chapter 1

This chapter of the Model Code describes a human rights vision for education aimed at the full academic, social and emotional development of all children and youth. This chapter does not attempt to provide a comprehensive set of recommended policies or implementation guidelines, but rather to identify key principles and standards for federal, state and local governments to adopt, with the aim of ensuring a high-quality education for all young people and an equitable system of education. This chapter lays the groundwork for the rest of the Code. It is divided into three sections.

Section 1.1 on Education for the Full Potential of Children and Youth lays out the core program elements of a right to education, including challenging learning goals for all students, an enriched and culturally relevant curriculum, effective instruction tailored to students’ needs, individual attention for students experiencing difficulty, ongoing and accurate assessment of student progress, fair decisions about student promotion and graduation, and the necessary resources and

¹¹ Global Rights, *The Justiciability of Economic, Social, and Cultural Rights in The U.S.: Domestic Implementation of The Right to Equal Education: A Plan for Action 13-15* (2004), available at http://www.globalrights.org/site/DocServer/Final_Right_to_Education_11.12.pdf?docID=1363; Roni R. Reed, Note, *Education and the State Constitutions: Alternatives for Suspended and Expelled Students*, 81 CORNELL L. REV. 582, 94 (1996).

¹² *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1, 4-5 (1973).

¹³ For example, in California, “five out of every six schools serving 90-100% Latino, African American, and American Indian students are high poverty schools. By contrast, almost two in three schools serving 0-49% Latino, African American, and American Indian students are low-poverty schools.” John Rogers Et Al., *California Educational Opportunity Report 2010: Educational Opportunities In Hard Times: The Impact Of The Economic Crisis On Public Schools And Working Families 10* (2010), available at <http://idea.gseis.ucla.edu/publications/eor-10/files-and-documents/EOR-2010-CA-Report.pdf>.

¹⁴ See generally John Rogers Et Al., *California Educational Opportunity Report 2006: Roadblocks to College* (2006), available at <http://idea.gseis.ucla.edu/publications/eor-06/EOR-2006.pdf>; Jennifer Imazeki & Laura Goe, *The Distribution of Highly Qualified, Experienced Teachers: Challenges and Opportunities* (2009), available at <http://www.tqsource.org/publications/August2009Brief.pdf>; Linda Darling-Hammond, *The Color Line in American Education: Race, Resources, and Student Achievement*, 1 W.E.B. DuBois Rev. (2004), available at http://www.google.com/url?sa=t&src=ig&q=&resrc=s&source=web&cd=1&ved=OCFIOFjAA&url=http%3A%2F%2Fwww.stanford.edu%2F%2Fpublications%2FLDH%2520-The-Color-Line.doc&ei=BO_MT4PIFq6E0QGb5LB5&usq=AFOjCNGIn4sovo90Dn4bnbj8SvFAfLz6VWw&sig2=b-P4b0Lq7I5nu23x4rn-jg.

¹⁵ Darling-Hammond, supra note 14.

¹⁶ In this regard, several studies have shown that class size, at the critical point of a 1 to 18 teacher/student ratio, was a statistically significant determinant of student outcomes, as was small school size. Darling-Hammond, supra note 14. Researchers have found that 31% of the predicted difference in mathematics achievement between districts in the top and bottom quartiles was explained by teacher qualifications and class sizes, while 29.5% was explained by poverty, race, and parent education. Id.

materials to fulfill the right to education. It also calls on school systems to continuously evaluate and adjust educational policies and practices to improve teaching methods and educational outcomes.

Section 1.2 on Equity in Education identifies areas of policy and practice where inequities exist that school systems must address in order to level the playing field and ensure that each student reaches their full potential. These include providing access to early education, high quality instruction and culturally relevant curriculum, allocation and distribution of funding to target resources to those students who need additional supports, and equitable teacher distribution and training. Particular concerns related to education equity in charter schools are highlighted as well.

Section 1.3 on Culturally Relevant Curriculum and Teaching explains how to ensure that the curriculum, teaching methods and school environment are responsive to all the cultures and communities represented in the school. The policy calls for an assessment of what those cultures are, an assessment of how much each culture is represented in the current curriculum, and methods for integrating examples of each student's culture into the curriculum and school community.