



# A MODEL CODE on Education and Dignity

## CHAPTER 2: PARTICIPATION

### 2.1 Stakeholder Participation

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#### Human Rights Goal

Schools and communities must work together to create the methods, procedures and structures to guarantee the rights of students, parents and families, educators, communities and other stakeholders to meaningfully participate in decisions that affect their schools and the right to education.<sup>64</sup>

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#### Definitions

1. **Stakeholder** – Any person/group with a vested interest in the educational outcomes at public schools, with such interests including but not limited to: the life success and potential of students and their families; the quality of working conditions for those who are employed at or rendering services to public schools; and the credibility and reputation of those who are charged with the responsibility of producing educational outcomes, paid or unpaid. This includes students, parents or guardians, community members (including the religious community), teachers, school staff and administrators.
2. **Participation** – Any and all forms of involvement in decision-making that produces, impacts or ensures educational outcomes.
3. **Procedural protections** – Procedures defined as fundamental and necessary by law and/or to protect human rights standards.

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#### Recommended Language

- A. **Schools shall ensure effective participation of all stakeholders in the school community in developing, implementing and maintaining school systems, educational policies and practices (see Section 3.1 Key Elements of School Climate and Positive Discipline and Section 5.2 Monitoring and Community Analysis).**
- B. **All school and community stakeholders shall have a right to be included in state, district and school-level decision-making processes.**
  1. Schools and stakeholders shall develop clear procedures for shaping, evaluating and revising the process and nature of stakeholder participation.<sup>65</sup>
    - a. A Stakeholder Advisory Committee comprised of a representative of each key stakeholder group—at a minimum, school administration, teachers, parents or guardians and students—shall be formed to oversee the development and enforcement of inclusive decision-making processes and bodies and to disseminate information to stakeholders.
    - b. The Advisory Committee and other bodies for stakeholder participation shall have representation of the demographic groups served by the school system (including race and ethnicity, socio-economic background, nationality, language, ability and other demographic categories).
  2. All methods and procedures for participation shall be available to all stakeholders without discrimination.
    - a. Schools and the Stakeholder Advisory Committee shall establish clear lines of responsibility and a consistent process for airing and remedying grievances of intentional or unintentional exclusion of any stakeholder, with particular communication tactics for ensuring that historically underrepresented stakeholders such as low-income families, communities of color, immigrants and non-English speakers are aware of and understand how to redress any such grievances.

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<sup>64</sup> The right to participation is a cross-cutting human rights principle found in many human rights documents, including the International Covenant on Civil and Political Rights (art. XXV), the Dakar Framework for Action on Education for All, and the International Covenant on Economic, Social, and Cultural Rights (art. XIII).

<sup>65</sup> Teachers Unite. Schools Are Us (2012) Available at: <https://teachersunite.org/publications/schools-are-us/>.

3. Procedures that are designed to ensure stakeholder participation must allow for the ability to go beyond minimum procedures required by federal, state or local laws and statutes.
  4. Stakeholders shall be informed of their right to participate. Schools shall utilize multiple methods of notification, as appropriate, to ensure all stakeholders are aware of existing processes, decision-making bodies or persons and the decisions made.
  5. All stakeholders shall have equal responsibility for adhering to, and rectifying any breaches of, the principles and procedures guiding decision-making processes.
- C. Representatives of all stakeholders shall participate in decisions affecting all relevant aspects of education and be accountable to ensure that every student has access to a high-quality education.**
1. The Stakeholder Advisory Committee shall develop transparent, structured opportunities for multiple levels and areas of influence within the educational process and school environment, including but not limited to:
    - a. Needs assessment;
    - b. Program planning;
    - c. Prevention and intervention strategies;
    - d. Training;
    - e. Monitoring; and
    - f. Accountability for the fundamental components of a high quality, highly functioning educational system.
  2. The Advisory Committee shall develop and implement a process in which all stakeholders are involved in the early identification of systemic and/or school conditions and practices that impede the fulfillment of a right to quality education, before their consequences are exacerbated.
  3. Stakeholders shall be consulted and involved in developing problem-solving and intervention strategies that are designed to involve all stakeholders in protecting and fulfilling students' rights to remain in and/or return to school in the event high quality standards are not met, or circumstances lead to some form of disengagement and re-entry.
- D. States and districts shall provide local schools with control over critical decisions ensuring that principals, teachers, parents or guardians, students and other stakeholders have ownership over critical decisions—paired with adequate monitoring and oversight—related to budgeting, classroom size, hiring and curriculum customization so that instruction can be individualized and tailored to meet students' needs.<sup>66</sup>**
- E. Schools shall build the capacity of all stakeholders to participate in decision-making bodies and processes.**
1. Schools shall create and promote opportunities for all stakeholders to acquire the information and training needed to effectively participate in decision-making bodies and processes, including information and training on:
    - a. All legally binding procedural protections;
    - b. All rights and standards defining a high-quality public education system;
    - c. Skills needed for effective leadership and problem-solving to prepare stakeholders to develop, amend and monitor educational policies and practices;<sup>67</sup> and
    - d. Restorative Justice-based principles and procedures for input gathering, decision-making and addressing post-decision concerns.
  2. The Stakeholder Advisory Committee shall develop and oversee distribution of information about such opportunities.
  3. Resources for information and training shall be targeted to ensure the equitable representation of all stakeholders.
- F. Processes for stakeholder participation shall be clearly documented and evaluated.**
1. Results of stakeholder participation shall be documented, archived and made available to the public wherever possible, including, but not limited to, multiple perspectives, areas of agreement/disagreement, decision-making processes/persons that led to decisions made, decisions made, concerns raised as a result of decisions made and how concerns are addressed.

<sup>66</sup> See The Boston Pilot Schools Network Principles, <http://www.ccebos.org/pilotschools/principles.html> (last visited June 4, 2012).

<sup>67</sup> See Paul Abowd, Tired of Teacher-Bashing, Union Educators Grow Their Own Schools, Labor Notes, Nov. 26, 2009, available at <http://labornotes.org/2009/12/tired-teacher-bashing-union-educators-grow-their-own-schools>. Examples of community-run and other alternative models for school governance, both in traditional public schools and in charter and privatized schools, are plentiful.

2. Clear roles and responsibilities shall be developed for all stakeholders and stakeholder groups, with frequent opportunities for stakeholder groups to engage their representatives and/or submit feedback, input and/or grievances, and for representatives to respond to their stakeholder groups.

### **G. Stakeholder Participation in Charter Schools**

1. All publicly funded schools, including charter schools shall support the full participation of stakeholders in the school community to make decisions that impact them. Even where state and district rules do not mandate this participation, charter management organizations and charter schools shall proactively engage their communities in shaping their schools through meaningful decision-making processes.
2. States, districts and charter management organizations and charter schools shall:
  - a. Require that decisions on when to open, when to renew and where to locate charter schools be made with community input and approval, assessments of educational impact and need, and with the collective needs of the district's parents and students in mind.
  - b. Require that the governance of charter schools, as publicly funded institutions, be local, transparent, responsive and accessible to parents, students and the general public.
  - c. Require that any state boards established to review and approve new charters, and renew and monitor existing charters, include representation of all stakeholders, including parents, students and community leaders.
  - d. Require that any district-level boards or committees overseeing charters include community stakeholder representation, such as parents, students, teachers and other members of the broader community that are impacted by those schools.
  - e. Ensure that both parents and the broader school community are part of a democratic and transparent process to elect the governing boards of charters, and ensure that parents and other stakeholders from each school have majority representation on those boards.
  - f. Require all charter schools to be fully compliant with state open meetings/open records laws, including requiring that board meetings to be well publicized and held at times that are convenient for parents, and include designated opportunities for public comment, testimony and input.
  - g. Ensure that all charter schools create welcoming and transparent environments for parents and students to participate in decision-making processes.
  - h. Ensure that all charter school policies, information about staff, instructional strategies, curriculum, school rules, behavior codes and data on educational outcomes and disciplinary practices be accessible and available online and in hard copy by request and in a timely manner.