

**National Education Association  
Policy Statements  
2016–2017**

**2017 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. 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 Charter Schools to replace existing Policy Statement on Charter Schools**

In April 2017, the NEA Board of Directors voted to approve the submission of the proposed Policy Statement on Charter Schools to the 2017 Representative Assembly for consideration and action. If adopted, this new Policy Statement will supersede the existing Policy Statement on Charter Schools.

### **\*\*Proposed Amendments to Policy Statement on Privatization and Subcontracting Programs**

In April 2017, the NEA Board of Directors reviewed policy statements in accordance with Standing Rule 9. The Board recommends that the 2017 Representative Assembly consider and take action on the following amendments to the Policy Statement on Privatization and Subcontracting Programs:

- Amend by addition, page 10, lines 41-42: a new definition reading, 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.
- Amend by addition, page 12, lines 23-24 and 26-28:  
NEA will oppose specific subcontracting programs under which private-sector entities are used to provide education support or professional services for public schools and higher education institutions if it determines that the programs have a negative impact on public education and the whole student approach to education, or if—because sectarian entities are used to provide the services—they weaken the wall of separation between church and state. NEA’s position with regard to programs of this type will depend in most cases on two issues. First, is a contractor capable of providing employees who have the professional development, commitment, character, and workplace stability to participate in the whole student approach. Second, whether they place the economic security of public education employees at risk, without regard to individual job performance, so that the services in question can be performed by private-sector employees.

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Underlined text indicates proposed new language.

Proposed language changes are indicated within the Policy Statement on Privatization and Subcontracting Programs provided in this document.



# A. Proposed Policy Statement on Charter Schools

*To be considered and acted on by the 2017 Representative Assembly*

*If adopted, this new policy statement will supersede the existing Policy Statement on Charter Schools*

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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, employment, health, labor, safety, staff qualification and certification requirements as other public schools. Those basic safeguards and standards protect public education as a public good that is not to be commodified for profit.

In addition, charter schools may be authorized or expanded only after a district has assessed the impact of the proposed charter school on local public school resources, programs and services, including the district's operating and capital expenses, appropriate facility availability, the likelihood that the charter will prompt cutbacks or closures in local public schools, and consideration of whether other improvements in either educational program or school management (ranging

1 from reduced class sizes to community or magnet schools) would better serve the district's needs.  
2 The district must also consider the impact of the charter on the racial, ethnic and socio-economic  
3 composition of schools and neighborhoods and on equitable access to quality services for all  
4 district students, including students with special needs and English language learners. The impact  
5 analysis must be developed with community input, and be written and publicly available.

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

9 Maintaining local democratic control over decisions as to whether to authorize charters at all,  
10 and if so, under what conditions, safeguards community engagement in local public schools. A  
11 single local authorizing entity also ensures comprehensive consideration of whether each option,  
12 and the mix of options offered in a district, meets the needs of students and the community as a  
13 whole given the resources and facilities in the district. A single entity also permits effective integ-  
14 rated oversight of all schools, including charter schools, and a central mechanism for identifying  
15 and sharing successful innovations throughout local public schools.

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

20 The local authorizer also must ensure that parents are provided with the same information  
21 about charters that is provided to parents about other district schools, as well as information about  
22 any significant respects in which the charter departs from district norms in its operations inclu-  
23 ding the actual charter of the school.

24 The state's role in charter authorization and oversight should be limited to ensuring that local  
25 school districts only authorize charters that meet the criteria in (a) above and do so by way of a  
26 procedure that complies with (b). To that end, the state should both monitor the performance  
27 of districts as charter authorizers and hold districts accountable for providing effective oversight  
28 and reporting regarding the quality, finances and performance of any charters authorized by the  
29 district. In addition, the state must provide adequate resources and training to support high qua-  
30 lity district charter authorization practices and compliance work, and to share best authorization  
31 practices across a state. States should entertain appeals from denials of charters only on the narrow  
32 grounds that the local process for approving a charter was not properly followed or that the denial  
33 of a charter was arbitrary or illegal.

## 34 35 **II. NEA opposes as a failed and damaging experiment unaccountable privately managed charters.**

36 Charters that do not comply with the basic safeguards and standards detailed above and that are not  
37 authorized by the local school board (or its equivalent) necessarily undermine local public schools and  
38 harm the public education system.

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

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

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

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

**III. Organizing Communities for Quality Public Education**

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

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

## 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.\**

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### 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 employer’s workforce, or a particular segment of an educational 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 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 employee” means a person employed in a professional or education support position by an educational employer.
5. The term “educational employer” means a public school district, a college or university, or any other public entity which employs education employees.
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 employer, the term “underrepresented” means that the percentage of ethnic minorities or women in an educational 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 employer’s workforce, the term “underrepresented” means that the percentage of ethnic minorities or women in an educational 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**

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1. NEA reaffirms its strong support for the use of affirmative action in educational employment (a) to cure the effects of past ethnic or gender discrimination by the particular educational employer involved, and (b) to achieve or maintain ethnic or gender diversity in an educational employer’s workforce.
2. When necessary for the above purposes, affirmative action should be used with regard to recruitment, training, employment, assignments, transfers, promotions, layoff, recall, and other aspects of the educational employment relationship.
3. The employment of a non-ethnic minority or male education employee should not be terminated solely for the purpose of curing the effects of past discrimination by the particular employer involved, or achieving or maintaining diversity in an educational employer’s workforce. When a fiscal exigency, a reduction in student enrollment, or other bona fide factor requires a reduction in an educational employer’s workforce, affirmative action may be appropriate to maintain—but not to increase—the pre-existing percentage of ethnic-minority or female employees in the workforce.
4. Affirmative action should be used, in certain circumstances, to make choices among qualified individuals. An ethnic-minority or woman applicant who is not qualified for the position in question should not, on the basis of ethnicity or gender, be given preference over a qualified non-minority or male applicant. An educational employer should be allowed to use affirmative action training programs and take other ethnic- or gender-conscious actions in order to expand the pool of qualified ethnic-minority or female applicants for educational employment positions.
5. The use of affirmative action is appropriate when ethnic minorities or women are underrepresented in an educational employer’s workforce as a whole, or when they are underrepresented in the professional educator, education support, or administrator/supervisor categories of an educational employer’s workforce. Whether the use of affirmative action is appropriate to deal with the underrepresentation of ethnic minorities or women at a school building, in an operational department, or in some other segment of an educational employer’s workforce should be determined on a case-by-case basis after assessing all of the relevant factors.
6. (a) Decisions as to the use of affirmative action in educational employment—including decisions as to the relationship between affirmative action and seniority—should be made voluntarily by the educational employer and the local employee organization through collective bargaining or other form of bilateral decisionmaking.  
(b) Although NEA urges its affiliates to support the use of affirmative action in educational employment as recommended in this Statement of Policy, affiliates are free to decide for themselves what positions to take in this regard. Accordingly, the NEA will not deny support to an affiliate that is seeking to enforce contractual or statutory employment rights solely because those rights are contrary to positions recommended in this Statement of Policy.
7. (a) Whether NEA participates in litigation involving affirmative action will be determined on a case-by-case basis after considering all of the relevant factors, including, among others, the NEA policy on the issue presented, the position (if any) taken by NEA affiliates, and the precedential effect of the litigation.  
(b) NEA will participate in litigation involving the relationship between affirmative action and seniority only with the approval of an NEA governing body (i.e., Representative Assembly, Board of Directors, or Executive Committee).  
(c) A court should have the power to impose an affirmative action remedy that is contrary to the seniority rights of education employees only when there has been a judicial finding that the underrepresentation of ethnic minorities or women in the workforce is attributable to unlawful discrimination by the particular educational employer involved, and then only to the extent that the remedy is necessary to cure the effects of the unlawful discrimination.

## C. Privatization and Subcontracting Programs

*Adopted by the 2000 Representative Assembly, amended 2015*

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### Preamble

*Certain forms of private sector involvement have the potential to adversely affect public education 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>*

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### 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 and public higher education 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; and
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.

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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 2001 Representative Assembly.

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

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3 **A. Criteria**

4 NEA reaffirms its strong and historical commitments to (1) promoting the cause of public education,  
5 (2) preserving the principle of separation of church and state, (3) protecting the economic security of public  
6 education 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 education employees at risk, without regard to individual job  
14 performance, 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 in the public schools.

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17 **B. Application of Criteria**

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

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

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

29 To the extent that sectarian private schools participate in voucher programs of this type, pub-  
30 lic funds are used to pay for religious education and other religious activities. NEA opposes such  
31 participation 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  
33 that pay for students to attend private schools *in order to obtain educational services that are not*  
34 *available to them in public schools to which they have reasonable access*—such as, for example, secon-  
35 dary schools for students who reside in school districts that operate only elementary schools, or  
36 specialized services for 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 reli-  
39 gious activities.

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

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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  
54 in the May 2000 Report of the NEA Special Committee on Educational Privatization.

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

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

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

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

19 **4. Subcontracting Programs Pursuant to Which Private-Sector Entities Are Used to Provide  
20 Services for Public Schools**

21 NEA will oppose specific subcontracting programs under which private-sector entities are used to  
22 provide education support or professional services for public schools and higher education institutions  
23 if it determines that the programs have a negative impact on public education and the whole student  
24 approach to education, or if—because sectarian entities are used to provide the services—they weaken  
25 the wall of separation between church and state. NEA’s position with regard to programs of this type  
26 will depend in most cases on two issues. First, is a contractor capable of providing employees who  
27 have the professional development, commitment, character, and workplace stability to participate in  
28 the whole student approach. Second, whether they place the economic security of public education  
29 employees at risk, without regard to individual job performance, so that the services in question can be  
30 performed by private-sector employees.

31 On this latter basis, NEA opposes the use of private-sector transportation companies if it results in  
32 the displacement of publicly-employed school bus drivers, the use of private-sector food service com-  
33 panies if it results in the displacement of publicly-employed school cafeteria workers, and any other  
34 program that simply replaces public education employees with private-sector employees. NEA opposes  
35 the use of private-sector companies that are hostile to labor unions or that interfere with employees in  
36 the exercise of their right to organize and bargain collectively.

37 NEA’s position with regard to subcontracting programs under which the use of private-sector  
38 entities do not result in the displacement of public education employees because the services in ques-  
39 tion have not traditionally been performed by public education employees cannot be determined in  
40 the abstract. The acceptability of such programs can best be determined in context—after considering  
41 such factors as the economic and programmatic feasibility of using public education employees to  
42 provide the services, related actions of the school district, the nature and track record of the particular  
43 private-sector entity involved, and whether the local Association has been consulted. NEA does not  
44 take a categorical position for or against programs of this type, but defers to the judgment of the rele-  
45 vant state and local affiliates.

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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  
54 student might attend a private as opposed to a public school if publicly funded transportation were available.  
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## D. Charter Schools

*Adopted by the 2001 Representative Assembly, amended 2015*

*Note: The proposed new Policy Statement on Charter Schools, if adopted by the Representative Assembly, will supersede this Policy Statement*

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### Introduction

NEA Resolution A-1 expresses NEA's strong belief "that public educational opportunities for every American must be preserved and strengthened." Consistent with NEA Resolution A-32, NEA "supports innovation in public education," shared decisionmaking, and diverse educational offerings. The core assumptions that inform the charter school<sup>1</sup> concept—i.e., innovation, autonomy, and accountability—indicate that charter schools have the potential to facilitate positive change and should be qualitatively different from what is available in mainstream public schools.

This Policy Statement sets forth certain criteria that NEA believes should be used to determine whether a charter school law—and the charter schools that are established pursuant to that law—are acceptable.<sup>2</sup> For purposes of discussion, these criteria are grouped into three categories, relating to (1) the granting of charters, (2) the design and operation of the charter schools themselves, and (3) certain core organizational values of NEA that apply to all educational programs in all contexts.<sup>3</sup>

### Criteria

#### 1. The Granting of Charters

- a. In order for charter schools to fulfill their intended purposes, they should be designed to (1) serve as laboratories for field-testing curricular and instructional innovations, with an eye to whether those innovations can be incorporated into "mainstream" public schools, or (2) provide educational alternatives for students who cannot adequately be served in mainstream public schools. It follows from these purposes that a charter should be granted only if the proposed charter school intends to offer students an educational experience that is qualitatively different from what is available to them in mainstream public schools, and not simply to provide a "choice" for parents who may be dissatisfied with the education that their children are receiving in mainstream public schools.
- b. Local school boards are in the best position to evaluate charter school applications for educational management capacity and related purposes, determine how a charter school will impact mainstream public schools, establish procedures to maximize the cross-pollination of ideas, and monitor the operation of charter schools on an ongoing basis. Accordingly, applications for charters should be made to the relevant local school board, which in the first instance should have the sole authority to grant or deny the application. The procedure that a school board follows must include a public hearing allowing teachers, school employees, and the community the opportunity to testify to the positive and negative impact of the charter on the authorizing school district. School boards must be authorized to deny applications that do financial harm to the authorizing school districts.

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<sup>1</sup> As used in this Policy Statement, the term "charter school" means a publicly funded elementary or secondary school that has been freed from some of the rules, regulations, and statutes that apply to other public schools in exchange for some type of accountability for producing certain results.

<sup>2</sup> It would be preferable if all of the criteria were included in a charter school law, but that is not essential. As long as the law does not provide otherwise, a requirement could be imposed by the implementing regulations or the chartering agency itself. In the final analysis, the determinative question is whether a particular charter school meets the criteria.

<sup>3</sup> These criteria are set forth in summary terms. The underlying analysis, and a more complete statement of the rationale for the positions taken, are contained in the accompanying Report of the NEA Special Committee on Charter Schools. The Report also discusses many of the subsidiary points that are relevant in applying the criteria.

1           The decision of the local school board to grant or deny a charter school application should  
2 be subject to appeal to a state education agency, but the purpose of the appeal should not simply  
3 be to second-guess the educational judgment of the local school board. The burden should be on  
4 the appellant to demonstrate that the local school board did not have reasonable grounds for its  
5 decision, and acted in an arbitrary or capricious manner.

6           The process outlined above also should be used with regard to decisions involving the renewal  
7 or revocation of an existing charter.

- 8       c. Because a charter school application should be judged more on the basis of what it says than on  
9 the basis of who says it, there should be few a priori restrictions on eligibility to receive a charter.  
10 The chartering agency should have broad discretion to grant a charter to any responsible group  
11 or entity that meets the relevant prerequisites, including a group of parents, a team of teachers, a  
12 community organization, a college or university, a union, etc. There should, however, be certain  
13 categorical prohibitions:
- 14       1. Private for-profit entities should not be eligible to receive a charter. Because for-profit entities  
15       have a financial obligation to their shareholders, which requires them to build a profit margin  
16       into their calculations, and because they typically lack roots in the local community, such  
17       entities should not have independent authority over the operation of a public school. Charter  
18       schools should have a limited right to contract with for-profit entities to provide manage-  
19       ment and other services—but only to the same extent, and under the same circumstances, as  
20       mainstream public schools.
  - 21       2. There also should be an absolute prohibition against the granting of charters for the purpose  
22       of home-schooling, including online charter schools that seek to provide home-schooling over  
23       the Internet.<sup>4</sup> Charter schools whose students are in fact home schoolers, and who may rarely  
24       if ever convene in an actual school building, disregard the important socialization aspect of  
25       public education, do not serve the public purpose of promoting a sense of community, and  
26       lend themselves too easily to the misuse of public funds and the abuse of public trust.
  - 27       3. Although mainstream public schools should be eligible to convert to charter schools if they  
28       meet the relevant prerequisites, private school conversions should be prohibited. The net effect  
29       of such conversions is all too often simply the use of public money to pay for private school  
30       education. In those instances where private school conversions are allowed, there should be  
31       rigorous safeguards to ensure that the conversion to a charter school is done in more than  
32       name only. The chartering agency should direct its attention to the student body, the govern-  
33       ing board, and the educational program of the proposed charter school, and determine the  
34       extent to which they will differ from their counterparts in the pre-conversion private school.  
35       This is a fact specific inquiry that must take place on a case-by-case basis, but a private school  
36       that converts to a charter school at the very least should not be permitted to give a preference  
37       to its former students in admission. Particularly careful scrutiny should be given to the app-  
38       lication of any private school with a prior religious affiliation to be sure that the principle of  
39       church/state separation is not violated.<sup>5</sup>
- 40       d. Consistent with the purpose of charter schools as field testing laboratories, charters should be of  
41 limited duration so that the results of the curricular and instructional innovations can be assessed.  
42       The charter holder should not be immune from scrutiny for the period of the charter. Charter  
43 schools must be held to the same accountability standards as all other public schools.  
44       School districts under state receivership should be ineligible for a charter.

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49 <sup>4</sup> The latter point is intended as an interim position. Online charter schools cannot be viewed in isolation, but are part of a broader  
50 question involving distance learning in general. NEA intends to establish a special committee to address this broader question, and the  
51 position taken in this Policy Statement regarding online charter schools will be revisited by the special committee on distance learning  
52

53 <sup>5</sup> If private school conversions are allowed, there should be an additional categorical prohibition against granting charters to sectarian  
54 private schools. See discussion below.  
55

1 **2. The Design and Operation of Charter Schools**

- 2 a. In order to achieve their intended educational outcomes, it may be necessary for charter schools  
3 to be freed from some of the requirements that apply to mainstream public schools, and have  
4 increased autonomy in regard to such matters as curriculum, instruction, staffing, budget, internal  
5 organization, calendar, and schedule. In other areas, however, the status of charter schools as pub-  
6 lic schools and the strictures of accountability should predominate, and in these areas they should  
7 be subject to the same local and state statutory and administrative requirements as mainstream  
8 public schools. This would include, among other things, requirements dealing with health and  
9 safety, public records and meetings, licensure/certification of teachers and other employees,  
10 finance and auditing, remittance of employee and employer contributions to retirement systems,  
11 student assessment, civil rights, and labor relations. Prior to employment at a charter school,  
12 educators must be given full disclosure with regard to working conditions, right of return, transfer  
13 rights, and financial implications.

14 A related consequence of the fact that charter schools are public schools is that the teachers  
15 and education support professionals who work in those schools should be public employees—and,  
16 as such, should have the same constitutional and statutory rights as other similarly situated public  
17 employees. This should be the case regardless of who holds the charter or manages the school on a  
18 day-to-day basis, although a private for-profit entity that has a management contract with a char-  
19 ter school should be allowed to use its own employees to provide the management services called  
20 for under the contract.

- 21 b. According to the definition of a “public school” contained in the “NEA Policy Statement  
22 Regarding Privatization and Subcontracting Programs” that was adopted by the 2000 NEA  
23 Representative Assembly, one of the essential characteristics of a public school is “that, subject to  
24 reasonable pedagogically-based distinctions, [it] provides access to all resident students.” It follows  
25 from this definition that students should not be charged tuition or required to pay a fee in order to  
26 attend charter schools. Moreover, because all students must be afforded an opportunity to attend a  
27 mainstream public school, students should not involuntarily be assigned to attend charter schools.

28 Charter schools should have some discretion in selecting or rejecting students. They should be  
29 allowed to serve an identified target population. Like mainstream public schools, there should be  
30 no screening of students on the basis of race, religion, gender, sexual orientation, English-language  
31 proficiency, family income, athletic ability, special needs, parental participation in school affairs,  
32 intellectual potential, academic achievement, or what it costs to educate particular students.  
33 Furthermore, charter schools should not be allowed to screen students indirectly, and no potential  
34 student should be denied the opportunity to attend a charter school because the school is unwill-  
35 ing to make adequate arrangements for his or her transportation. At no time shall charter schools  
36 create a disparate impact on students and their communities.

- 37 c. A charter school is unlikely to be successful unless the participants in the educational experiment  
38 are committed to its goals and objectives—and this is true for employees as well as students. For  
39 this reason—and because no employee should be required to work in an environment that he or  
40 she finds unacceptable—employment at charter schools should be voluntary. In the case of public  
41 school conversions, any employees at the public school who do not support the conversion should  
42 be afforded an opportunity to transfer to a comparable position at another mainstream public  
43 school.

- 44 d. Charter schools should not disproportionately divert resources from mainstream public schools.  
45 The funding formula should provide a charter school with the same amount of money for its stu-  
46 dents that would be required to educate the same mix of students in a mainstream public school.  
47 Inherent in this formula would be adjustments to reflect cost differences between elementary and  
48 secondary school students, students with disabilities and other special needs, at-risk students, etc.

49 Applicants who seek a charter to start a new school—as opposed to a mainstream public  
50 school or an existing private school that seeks to convert to a charter school—may need to acquire  
51 a building and make other capital expenditures. A charter should not be granted unless the charte-  
52 ring agency is satisfied that adequate start-up resources will be available. The host school districts  
53 should not be required to provide additional money from their regular budgets to fund these  
54 capital expenditures, inasmuch as this would mean that the charter schools are disproportionately  
55

1 diverting resources from mainstream public schools. Nor is it particularly desirable for the addition-  
2 nal money to come from the regular budgets of the charter schools, since this might result in their  
3 day-to-day operations being underfunded. An attempt should be made to obtain money to cover  
4 these start-up costs from some outside funding source (e.g., private non-profit foundations or the  
5 federal government).

6 NEA opposes state legislatures requiring school districts to sell/lease their surplus property.  
7 Where districts choose to make such sales, they must be at or above market value.  
8

### 9 **3. NEA's Core Organizational Values**

- 10 a. NEA Resolution F-4 provides that “the attainment and exercise of collective bargaining rights are  
11 essential to the promotion of education employee and student needs in society.” Consistent with  
12 this fundamental principle, charter schools should be subject to the same public sector labor rela-  
13 tions statutes as mainstream public schools, and charter school employees should have the same  
14 collective bargaining rights—under both state law and local practice—as their counterparts in  
15 mainstream public schools.

16 There is no single “best” answer to the question of how charter school employees should  
17 relate to mainstream public school employees in terms of bargaining unit structure and collective  
18 bargaining agreement coverage—i.e., whether charter school employees automatically should  
19 be included in the same bargaining unit as other employees in the relevant school district and  
20 be covered by the same collective bargaining agreement, with the right to request “waivers” that  
21 could be agreed to by the union and the school district to address the charter school’s site-specific  
22 issues, or whether they should have the right to form separate bargaining units and negotiate their  
23 own collective bargaining agreements. This determination should be made on a case-by-case basis  
24 in the same manner that other decisions as to bargaining unit structure are made under the rele-  
25 vant labor relations statute.

- 26 b. NEA traditionally—and vigorously—has supported the principle of separation of church and  
27 state. If public funds are made available for unrestricted use by sectarian private schools—i.e.,  
28 private schools that are affiliated with a religious group, institution, or organization, and that  
29 include a religious component in their educational programs—the wall of separation is breached.  
30 Sectarian private schools, therefore, should be ineligible to become charter schools, and particu-  
31 larly careful scrutiny should be given to charter school applications from purportedly “secular”  
32 private schools with a prior religious affiliation. This prohibition should not prevent a religiously  
33 affiliated institution—such as a college or university—from obtaining a charter for a school that is  
34 housed in a separate facility that has no religious trappings and that offers an educational program  
35 that is purely secular in nature.

- 36 c. NEA believes charter schools must not destabilize the funding or strategic planning efforts of  
37 school districts. Charter schools must supplement and not supplant existing public schools and  
38 their funding nor jeopardize a district’s ability to provide for the needs of all students in the  
39 district. All public dollars spent on charter schools shall be spent transparently with accountability  
40 to stakeholders. NEA also supports funding school districts’ mandated costs, such as processing  
41 charter petitions; oversight responsibility, such as responding to appeals; and costs of defending  
42 lawsuits by charter schools through state or nondistrict funds.  
43

## 44 **Conclusion**

45  
46 As indicated at the outset of this Policy Statement, charter schools have the potential to impact posi-  
47 tively, or negatively, on public education—and this in turn will depend on how such schools are designed and  
48 operated. In the final analysis, whether any particular charter school law—and the charter schools that are  
49 established pursuant to that law—passes muster must be determined on a case-by-case basis after considering  
50 all of the relevant factors. The criteria set forth in this Policy Statement are designed to provide an analytical  
51 framework that can be used in making that determination.  
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# E. 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

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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 mandatory full-day kindergarten—including the money to recruit and adequately compensate  
2 qualified teachers and education support professionals—should not be obtained at the expense of  
3 other educational priorities.

4 NEA recognizes and respects the right of parents to send their children to private kindergar-  
5 ten—just as it does the right of parents to send their children to private elementary/secondary  
6 schools. The issue, however, is whether public funds should be used to pay for private kindergar-  
7 ten. Based upon the NEA Policy Statement Regarding Privatization and Subcontracting  
8 Programs, NEA’s answer to this question is “no.”

## 9 **B. Prekindergarten**

### 10 **1. Availability**

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

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

### 23 **2. Financing**

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

## 35 **Educational Quality**

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

41 A. NEA supports full-day—as opposed to half-day—kindergarten and prekindergarten.<sup>3</sup> There is  
42 ample evidence to demonstrate that the subsequent academic performance of children who attend  
43 full-day kindergarten and prekindergarten is better than that of similar children who attend half-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.

51  
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 programs, and that they also make significantly greater progress in learning social skills. This is true  
2 not just for children from low-income families, but for all children. Nor is it the mere increase in  
3 hours that leads to these positive effects, but rather what children experience during the day.
- 4 B. The curriculum and pedagogy in kindergarten and prekindergarten should foster all areas of a child’s  
5 development—thinking, problem solving, and the development of social and physical skills, as well as  
6 basic academic skills. Toward this end, the curriculum and pedagogy should incorporate components  
7 of both the “child-centered” and “didactic” approaches. In an effort to avoid “curriculum shovedown”  
8 in kindergarten— i.e., an attempt to push expectations from the primary grades down into kinder-  
9 garten—academic skills should be properly integrated into the overall kindergarten curriculum, and  
10 taught in a manner that is developmentally appropriate for the children involved. The curriculum and  
11 pedagogy for prekindergarten should not be identical to that in kindergarten, but should reflect the  
12 fact that there are developmental differences between three- and four-year-old children and five-year-  
13 old children that may tip the balance in prekindergarten even further away from didactic academic  
14 instruction.
- 15 C. NEA’s basic position with regard to size is set forth in Resolution B-11. After opining “that excellence  
16 in the classroom can best be attained by small class size,” the Resolution states that “[c]lass size maxi-  
17 mums must be based on the type of students, grade level, subject area content, and physical facilities.”  
18 Consistent with this statement, NEA does not recommend any specific number as the optimum size  
19 for kindergarten and prekindergarten. The reference in Resolution B-11 to “optimal class sizes” is  
20 intended to apply to classes at all educational levels, and is not tailored to kindergarten and prekin-  
21 dergarten. As regards kindergarten and prekindergarten, it is relevant to note the research consensus  
22 that, in order to achieve the greatest academic gains, children should be taught in small classes at the  
23 earliest possible point in their school careers.
- 24 D. Resolution F-27 provides that all “classroom teachers should be provided with support staff to assist  
25 in the educational process.” When dealing with kindergarten and prekindergarten children—who  
26 because of their age require assistance in performing various life skills, pose unique health and safety  
27 concerns, etc.—the primary need is for additional adult supervision in the classroom. Accordingly,  
28 kindergarten and prekindergarten teachers should have the assistance of a full-time classroom aide.  
29 The purpose of this classroom aide should be to assist the classroom teacher—and, as indicated in  
30 Resolution F-27, NEA “believes that the employment of education support professionals should not be  
31 a rationale for increasing class size.”
- 32 E. Assessment of kindergarten and prekindergarten students should be holistic, and involve all deve-  
33 lopmental domains (i.e., physical, social, emotional, and cognitive). Multiple sources of information  
34 should be used (for example, obtaining parent information as well as direct observation of the child),  
35 and children should be given an opportunity to demonstrate their skills in different ways, allowing  
36 for variability in learning pace and for different cultural backgrounds. For this reason, the use of large  
37 scale, standardized tests is inappropriate. And, because the development of young children is uneven  
38 and greatly impacted by environmental factors, assessment results for some children may not be reli-  
39 able until they are in the third grade or beyond.
- 40 The purpose of any assessment of kindergarten and prekindergarten students should be to imp-  
41 rove the quality of education, by (1) providing information that will enable kindergarten and prekin-  
42 dergarten teachers to work more effectively with the children, and first grade or kindergarten teachers,  
43 as the case may be, to individualize the curriculum to facilitate learning, (2) identifying children with  
44 special needs, developmental delays, and health problems (i.e., vision and hearing), and (3) developing  
45 baseline data against which future data can be compared.
- 46 F. Teachers, education support professionals, and administrators who work in kindergarten and prekin-  
47 dergarten should be qualified to perform their functions effectively. These employees should be consi-  
48 dered qualified if they hold the license and/or certificate that the state requires for their employment.
- 49 Although this same basic rule should apply with regard to kindergarten and prekindergarten  
50 teachers, the two situations are somewhat different. Because “a teaching license should signify that an  
51 individual entering the teaching profession is competent to teach,” Resolution G-3, and because all  
52 states require public school kindergarten teachers to be licensed, any concerns regarding the qualifi-  
53 cations of teachers at the kindergarten level are adequately addressed. In many states, however, public  
54 school prekindergarten teachers are not required to have a state license, but can be employed if they  
55

1 have some type of training in child development and obtain some type of certification in early child-  
2 hood education. There should be appropriate mechanisms to ensure that prekindergarten teachers  
3 who do not hold a state license possess the requisite knowledge and skills and are working towards full  
4 prekindergarten licensure in states where such licensure exists.

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

- 11 G. Resolution A-6 expresses NEA's belief that "parents/guardians who are active participants in the  
12 education of their children increase the likelihood of the achievement of educational excellence."  
13 Because kindergarten and prekindergarten are critical transition points for children—prekindergarten  
14 is generally a child's first organized educational experience, and kindergarten is the bridge to the more  
15 structured environment of first and subsequent grades—such parental involvement is particularly  
16 important at these levels. Training programs should be made available to parents/guardians to prepare  
17 them to take an active role in the education of their kindergarten and prekindergarten children, and  
18 provide them with an understanding of the expectations that will be placed on their children, and the  
19 new policies and procedures that their children will experience, in kindergarten and prekindergarten.

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

## F. Teacher Evaluation and Accountability

*Adopted by the 2011 Representative Assembly, amended 2016*

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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 and Growth** demonstrating a teacher's impact on student learning and growth. Such indicators must be authentic, reflect that there are multiple factors that impact a student's learning beyond a teacher's control (which must include, but are not limited to, learning challenges and poor attendance), and may include the following indicators or others chosen by a local or state affiliate: student learning objectives developed jointly by the teacher and principal/evaluator; teacher-created assessments; district or school assessments; student work (papers, portfolios, projects, presentations); and teacher defined objectives for individual student growth. High quality, developmentally appropriate

- 1 standardized tests that provide valid, reliable, timely, and meaningful information regarding  
2 student learning and growth may be used for quality, formative evaluation. Standardized  
3 tests, even if deemed valid and reliable, may not determine any part of an educator's evalua-  
4 tion or be used to support any employment action against a teacher.
- 5 c. Evaluations must be meaningful, providing all teachers with clear and actionable feedback linked  
6 to tailored professional development. Such feedback should include regular non-evaluative forma-  
7 tive feedback—meaning feedback that serves only to inform practice and that does not contribute  
8 to formal evaluation results—as such feedback is often the most effective way to improve teacher  
9 practice. Such non-evaluative feedback may include self-reflection, peer observation and/or teacher  
10 approved surveys of students to assess engagement and learning behaviors.
- 11 d. Evaluations must be fair, conducted by highly trained and objective supervisors or other evalu-  
12 ators as agreed to by the local affiliate, whose work is regularly reviewed to ensure the validity and  
13 reliability of evaluation results. If an evaluation will be the basis for any action relating to a teacher's  
14 employment, ratings by more than one evaluator must be provided in support of the action. Where  
15 a teacher believes an evaluation does not accurately reflect his or her level of practice, the teacher  
16 must have the right to contest the evaluation, and have access to the information necessary to do so.
- 17 e. To satisfy these requirements, evaluation systems must be adequately funded and staffed, and fully  
18 developed and validated, including by training all teachers on the new systems, before they are used  
19 to make any high stakes employment decisions. NEA recognizes that our schools do not currently  
20 have enough staff trained to provide meaningful evaluative and non-evaluative feedback to teach-  
21 ers. To expand the number of people who can do so, the Representative Assembly directs NEA to  
22 examine existing mentorship, peer assistance and peer assistance and review programs, and report  
23 back to the October 2011 NEA Board meeting regarding those programs, their compliance with  
24 the requirements set forth in D-10 (Mentor Programs) and D-12 (Peer Assistance Programs and  
25 Peer Assistance & Review Programs), and to make programmatic recommendations as to whether  
26 to expand such programs or develop others in partnership with state and local Associations.

## 27 28 **II. High Quality Teacher Accountability Systems**

29 NEA believes that teachers are accountable for high quality instruction that advances student learn-  
30 ing. High quality teacher accountability systems, developed and implemented with teachers and their  
31 representatives either through collective bargaining where available, or in partnership with the affiliate  
32 representing teachers at the state and local level, should be based on the following principles.

- 33 a. All teachers are responsible for providing a high quality education to students and supporting  
34 the efforts of colleagues and their school as a whole to do the same. To fulfill that responsibility,  
35 teachers have the right to a safe and supportive working environment including ongoing non-  
36 evaluative feedback on their practice that supports teachers' efforts to innovate and the right to  
37 regular, confidential evaluations.
- 38 b. All teachers have the responsibility to continually enhance their practice and to stay current  
39 in subject matter and pedagogical approaches by reflecting and acting on feedback received,  
40 accessing professional development opportunities provided and collaborating with colleagues to  
41 enhance instruction. To fulfill that responsibility, teachers have the right to increased autonomy  
42 over instructional practices, time during the school day for collaboration with colleagues, a deci-  
43 sionmaking role in professional development, and the right to have such development tailored to  
44 enhancing skills identified as needing improvement in both non-evaluative feedback and in eval-  
45 uations, as well as the ability to pursue advanced coursework and degrees as part of professional  
46 development.
- 47 c. If, through a high quality evaluation system, a teacher's practice fails to meet performance stan-  
48 dards, a teacher should be provided with clear notice of the deficiencies and an improvement  
49 plan should be developed by the teacher, local Association and employer. The improvement plan  
50 should provide the teacher with a reasonable opportunity—including time, high quality profes-  
51 sional development, and support—to meet expectations. In addition, the teacher should receive  
52 regular and frequent feedback from the district and the local Association regarding his or her  
53 progress during the support program period. What constitutes a reasonable opportunity will  
54 depend on the nature of the deficiencies identified, but in no event should an improvement plan  
55

1 exceed one school year. During the period in which a teacher is implementing an improvement  
2 plan, the district shall provide a support program mutually agreed upon by the district and the  
3 local Association, which shall include the assignment of an accomplished teacher to assist the  
4 teacher not meeting performance standards in improving his or her practice and to ensure a qua-  
5 lity education for that teacher's students.

- 6 d. If a teacher fails to improve despite being given a reasonable opportunity to do so, or otherwise  
7 fails to meet expectations, the teacher may be counseled to leave the profession or be subject to  
8 fair, transparent, and efficient dismissal process that provides due process. Such a process should  
9 include: notice to a teacher of the basis for the dismissal; early disclosure of all evidence on  
10 which the dismissal is based; an early mandatory meeting between the teacher, employer, and  
11 the teacher's representative to discuss possible resolution; and, failing such resolution, a prompt  
12 hearing before an impartial decisionmaker on the charges.
- 13 e. NEA believes that it is appropriate and fitting for accountability systems to continue to differen-  
14 tiate between the rights and responsibilities of probationary teachers, meaning those teachers in  
15 their initial years of employment who may be nonrenewed upon notice at the end of a school year,  
16 and career teachers, meaning those teachers who have successfully served through the probationary  
17 period and may be dismissed only for cause as defined by state law or local agreement or policy.
- 18 • Probationary teachers should receive ongoing support for at least the first two years of their  
19 employment from locally developed and fully supported induction programs. The focus  
20 of such induction programs should be supportive and non-evaluative, designed to provide  
21 beginning teachers with the support they need to learn and thrive in the teaching profession.  
22 Districts should be encouraged to partner with colleges and universities to develop joint  
23 induction programs. No beginning teacher should go for weeks, much less years, without  
24 receiving any feedback on their practice.
  - 25 • Probationary teachers should become career teachers if they meet or exceed expectations at the  
26 conclusion of their probationary employment period as defined by state law. A probationary  
27 teacher should have the right to require that the school district conduct the necessary evalua-  
28 tions within this time period, so that an appropriate determination can be made as to career  
29 status.
  - 30 • Probationary teachers who meet or exceed expectations at the conclusion of their probationary  
31 employment period as defined by state law, and who are not granted career status, should have  
32 the right to contest that denial before an impartial decisionmaker.
  - 33 • Once a probationary teacher has attained career status, that status should not be lost and  
34 should be portable from one school district to another within a state. If a career teacher's  
35 performance fails to meet expectations, the teacher may be counseled out of the profession or  
36 dismissed pursuant to a fair, transparent, and efficient dismissal procedure that provides due  
37 process.
  - 38 • Career teachers have the responsibility to reflect upon and enhance their own practice and to  
39 support and enhance the practice of their colleagues, particularly probationary teachers. NEA  
40 encourages local affiliates to institutionalize opportunities for career teachers to provide such  
41 support and enhance the practice of their colleagues by way of including in collective bargain-  
42 ing agreements or local policies provisions supporting professional learning communities,  
43 partnerships with local/regional institutions of higher education, and mentorship and peer  
44 assistance programs.

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

47 The development, implementation, and enforcement of high quality evaluation and accountabi-  
48 lity systems are top priorities of NEA and its affiliates, presenting new opportunities and work for the  
49 Association and its affiliates. The Representative Assembly therefore directs that NEA support that  
50 work by providing the training and resources (including model fair dismissal procedures and other  
51 model language) needed to develop, implement, and enforce high quality evaluation and accountabi-  
52 lity systems that enhance instruction and improve student learning.

## G. Digital Learning

*Adopted by the 2013 Representative Assembly, amended 2014*

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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, teachers, librarians/media specialists, faculty, and 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 certified teachers, qualified education support professionals, faculty and staff, 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



1 working in the best interests of their students, will continue to adjust and adapt their instructional practice  
2 and use of digital technology/tools to meet the needs and enhance the learning of their students.

3 All educators—preK–12 and postsecondary teachers, librarians/media specialists, ESPs, and administra-  
4 tors—are essential to student learning and should have access to relevant, high-quality, interactive professio-  
5 nal development in the integration of digital learning and the use of technology into their instruction and  
6 practice. Teachers need access to relevant training on how to use technology and incorporate its use into their  
7 instruction, ESPs need access to training on how best to support the use of technology in classrooms, and  
8 administrators need training to make informed decisions about purchasing equipment, technology use, course  
9 assignments, and personnel assignments. School districts and postsecondary institutions need to ensure that  
10 they provide interactive professional development on an ongoing basis, and to provide time for all educators  
11 to take advantage of those opportunities. The training needs to address both the basic preparation on how to  
12 make the technology work, and how to most effectively incorporate it into the educational program.

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

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

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

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

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

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

## 32 **Enhance and Enrich Student Learning**

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

39 NEA believes there is no one perfect integration of technology and traditional forms of delivering educa-  
40 tion for all students. Every class will need to be differentiated, and at some level every student needs a diffe-  
41 rent approach. Professional educators are in the best position and must be directly involved in determining  
42 what combination works best in particular classes and with particular students.

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

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

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

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

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

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

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

20

21 **Addendum**

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23 **Blended and/or Hybrid Learning**

24 Blended and/or hybrid learning is an integrated instructional approach in which a student learns, at least  
25 in part, at a supervised physical location away from home and through online delivery where the student has  
26 control over at least some aspects of the time and place of accessing the curriculum. The Policy Statement  
27 supports maximizing student learning by

28 using both technology and real life educators in the process. It rejects the idea that effective learning can  
29 take place completely online and without interaction with certified teachers and  
30 fully qualified faculty.

31

32 **The Definition of Fully Qualified Educators**

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

37

38 **Technology as a Tool**

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

41

42 **Special Education Services**

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

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

*Adopted by the 2016 Representative Assembly*

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### I. 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-6, B-14 (f - h, k) B-71, C-7, C-29, C-41). NEA's Resolutions also reflect NEA's belief "that all education employees must be provided professional development in behavior management, discipline, [and] conflict resolution," (D-18) and that both education employees and parents need training "to help students deal with stress and anger." (C-7). 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 values.

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

5. Cultural Competence means the capacity to interact effectively and respectfully with people from different racial, ethnic, and/or economic backgrounds. Such competence includes understanding that different cultures have different communication codes and styles, being open to learning from others,

1 to shift out of one’s own cultural paradigm, and to refrain from judging people before honestly exploring what motivates their behavior.

2  
3 6. Implicit Bias means the deep-seated attitudes or stereotypes that affect our understanding, actions,  
4 and decisions in an unconscious manner.

5 7. To educate the Whole Child means to use all available resources to maximize the achievement, skills,  
6 opportunities, and potential of each student by building upon his or her strengths and addressing his  
7 or her needs. A Whole Child approach prepares students to thrive in a democratic and diverse society  
8 and changing world as knowledgeable, creative, engaged citizens and lifelong learners.

### 9 10 **III. Ending the School-to-Prison Pipeline**

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

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

#### 24 25 **Guiding Principle 1: Eliminating Disparities in Discipline Practices**

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

#### 31 32 **Guiding Principle 2: Creating a Supportive and Nurturing School Climate**

33 NEA will promote awareness of, and support the development of, effective school disciplinary procedures  
34 that support high expectations for quality instruction and learning, treat students respectfully, and provide all  
35 students with a supportive and nurturing school environment. NEA recognizes that educators play an essen-  
36 tial role in developing such procedures and creating a school community that promotes respectful, caring,  
37 and trusting positive relationships among students and adults. NEA also recognizes that other stakeholders  
38 must also be fully engaged in that effort including local affiliates, local school boards, community organiza-  
39 tions, and members as well as family members.

#### 40 41 **Guiding Principle 3: Professional Training and Development**

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

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

1 **Guiding Principle 4: Partnerships and Community Engagement**

2 NEA will use its existing partnerships with education partners, students, parents, community-based  
3 organizations, and social justice advocacy groups to: (A) raise awareness of the school-to-prison pipeline, (B)  
4 eliminate disparate discipline policies and practices, (C) develop and implement the necessary professional  
5 development and training for school staff, and (D) build respectful and supportive school environments.  
6 NEA will also participate in, and build upon, existing coalitions by bringing together diverse groups of  
7 education and social justice stakeholders for the purpose of identifying and sharing policies, practices, and  
8 activities to end the school-to-prison pipeline. To that end, NEA will foster relationships with community-  
9 based nonprofits, school districts, peer mentoring groups, mental health organizations, churches, professional  
10 associations, alternative schools/juvenile correctional institutions, law enforcement, and national and state  
11 advocacy groups.

12  
13 **Guiding Principle 5: Student and Family Engagement**

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

21  
22 **IV. Advocacy and Action**

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

27  
28 **Awareness.** NEA believes that there must be increased awareness among its members and the public about  
29 the school-to-prison pipeline and the ongoing, widespread disparate outcomes in discipline practices. NEA  
30 should raise awareness of the benefits of professional development and training in cultural competency,  
31 implicit bias, and restorative practices. NEA and its affiliates must continually examine and highlight data to  
32 illustrate the problems with the school-to-prison pipeline and the impact on students of color. NEA encour-  
33 ages schools and districts to provide educators with intensive training and professional development, along  
34 with access to tools on classroom management and model discipline practices.

35  
36 **Advocacy.** NEA has a responsibility to advocate for discipline policies and procedures, legislation, and  
37 practices that will end the school-to-prison pipeline. Advocacy must include the continual identification of  
38 model school districts that have enacted fair and effective discipline policies. As educators, NEA is in the best  
39 position to develop model discipline policies that encourage the use of fair and effective discipline practices,  
40 and discourage the use of school-based arrests and referrals to law enforcement, before educators attempt  
41 corrective action. NEA must continuously advocate for the elimination of unjust policies and practices that  
42 fuel the school-to-prison pipeline.

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*Great Public Schools for Every Student*

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