



# **A Model Code on Education and Dignity**

## ***Presenting a Human Rights Framework for Schools***

### **Executive Summary**

All children and youth have a human right to quality public education in safe and supportive environments, providing a foundation for access to higher education, meaningful employment and full participation in society. Yet current educational policies and practices are pushing millions of young people out of school. This “pushout” crisis is fueled by many factors, including zero-tolerance and other punitive discipline policies, one-size-fits-all educational models, a lack of adequate resources and support for teachers, and a lack of meaningful participation of students, parents and the larger community.

Each year, over 3 million students across the country are suspended and over 100,000 are expelled.<sup>i</sup> These punitive practices do not improve student behavior, but rather increase the likelihood that students will fall behind academically and drop out, contributing to an unhealthy atmosphere affecting the entire school community. Students of color, low-income students, students with disabilities and other marginalized communities are impacted the most by these barriers to education, resulting in millions of children and young people being pushed out of school and into poverty, unemployment and often prison. If we are to end this pushout crisis and improve educational outcomes for all our young people, educators, policy-makers, students, parents and communities must work together towards a new bold vision for education.

#### ***A Vision for Education and Dignity in the Model Code***

This Model Code articulates a positive vision for ensuring a fundamental right to education based on the best practices, research and experiences of communities around the country, and on a human rights framework for schools grounded in principles of equity, dignity and community participation.<sup>ii</sup> The Code is the culmination of several years of research and dialogue with students, parents, educators, advocates and researchers who came together to envision a school system that supports all children and young people in reaching their full potential.

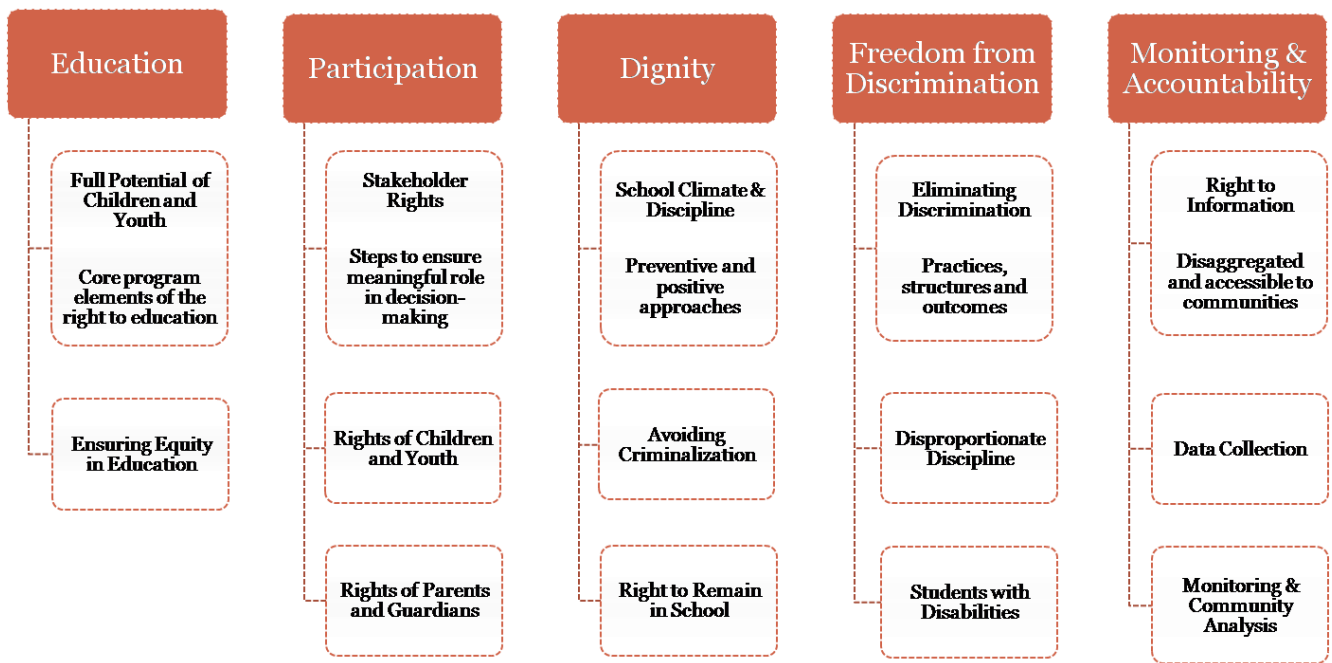
The Model Code presents policy-makers and communities with recommended language for alternatives to pushout and zero-tolerance practices. The recommendations are in the form of concrete guidelines, procedures, criteria and standards that can be used in developing laws and policies at the state, district and school levels. The different chapters and sections of the Model Code are designed so that communities and policy-makers can identify individual topic areas that are most relevant to them and implement the Code to meet the needs and characteristics of their particular schools.

#### ***Structure of the Model Code***

The Model Code is organized into five chapters: 1) Education, 2) Participation, 3) Dignity, 4) Freedom from Discrimination, and 5) Data, Monitoring and Accountability. Each of these chapters addresses a different key component of providing a high quality education and reflects core human rights principles and values. Each chapter includes recommended policies for states, districts and schools.

Because the primary focus of the Code is on providing alternatives to school pushout and zero-tolerance discipline policies, Chapter 3 on Dignity is the most robust section in the Code, laying out detailed policies, practices and implementation guidelines for transforming school climate and discipline models and de-criminalizing our schools. However, because all of the policies in this Model Code are part of a broader focus on students’ human right to an education, we begin with Chapters 1 and 2 on Education and Participation. These outline broad principles and standards for ensuring high quality education and meaningful stakeholder participation, which are a necessary foundation for positive school discipline. Chapters 4 and 5 on Discrimination and Data, Monitoring and Accountability provide recommended policies and practices for addressing the disproportionate impact of punitive discipline, and ensuring that quality data is collected and implementation is monitored.

## 5 Chapters of the Model Code



Each Chapter of the Model Code contains the following elements:

**Background:** Describes current educational policies and practices that contribute to school pushout, as well as the research and best practices to support the positive solutions presented in the Code.

**Sections and sub-sections:** Each chapter is divided up into sections and sub-sections that address particular topic areas to help readers navigate the Model Code.

**Human Rights Goal:** Each individual sub-section identifies a Human Rights Goal reflecting the shift in values necessary to achieve not only a change in policy, but also create a culture that ensures the rights and meets the needs of students and other stakeholders.

**Recommended Language:** Each sub-section then includes the actual recommended language for policy-makers at the school, district or state level to adopt as law or regulation. This includes definitions, recommended policies and procedures, guidelines for creating stakeholder committees and planning teams, and requirements for trainings and evaluation processes.

# Overview of the Model Code Chapters

## Chapter 1: Education

In order to increase educational achievement, ensure college readiness and end school pushout, we must guarantee a fundamental right to a public education that prepares children to reach their fullest potential. While state constitutions afford protections for specific aspects of the right to education, and with a few exceptions attempt to establish some minimum standards,<sup>iii</sup> our current legal and policy framework falls significantly short of ensuring equal access to high quality education for all our children and young people. Consequently, our school systems are failing entire communities, particularly students of color, low-income students, English Language Learners and members of other marginalized communities.

This chapter of the Model Code describes a human rights vision for education aimed at the full academic, social and emotional development of all children and youth. This chapter does not attempt to provide a comprehensive set of recommended policies or implementation guidelines, but rather to identify key principles and standards for federal, state and local governments to adopt that lay the groundwork for the rest of the Code. Chapter 1 is divided into two sections:

**Section 1.1 on Fulfilling the Full Potential of Children and Youth** lays out the core program elements of a right to education and calls on school systems to continuously evaluate and adjust their policies and practices to improve educational outcomes. The recommended language requires states, districts and schools to:

- Establish a right to education for all children and youth from birth to age 21;
- Empower young people to be critical participants in society and to achieve what they want to achieve;
- Implement curriculum that teaches critical thinking, the history and culture of the communities students come from, core subject areas and college-level courses, art, music, physical education and other creative and engaging subjects;
- Ensure access to recess and free play activities;
- Use diversified instructional methods for students with different learning styles;
- Create individualized educational assessment and academic intervention plans;
- Conduct assessments of students' progress that use multiple methods;
- Make fair decisions concerning program placement, promotion, and graduation; and
- Provide necessary resources and materials to fulfill the right to education

**Section 1.2 on Ensuring Equity in Education** identifies areas of policy and practice that school systems must address in order to level the playing field and create more equitable educational outcomes. The recommended language requires states, districts and schools to:

- Ensure access to a universal pre-k program geared toward creative thinking, identity development and school readiness preparation;
- Provide high quality instruction and curriculum, including advanced placement and college preparatory classes;
- Conduct needs assessments of districts and schools to establish the amount of educational resources needed for every student to meet the prescribed learning goals;
- Allocate and distribute funding to target resources to those students who need additional supports;
- Equitably distribute teachers, including creating incentives for recruiting highly skilled and specially trained teachers to work in historically underperforming districts and schools;
- Provide quality professional development, including ongoing mentor teacher programs; and
- Use strategies to recruit and retain teachers from the communities where schools are located and who reflect the demographics of the student population.

## Chapter 2: Participation

Public education systems must be built on and bound by high quality stakeholder participation, evidenced by authentic buy-in, trust and mutual accountability among all of the people who comprise the school community. Ensuring that students, parents and other stakeholders have a voice in the vast range of school decisions enhances preparation for citizenship, improves schools, and leads to a well-supported educational system.<sup>iv</sup> Creating democratic institutions in schools also gives teachers and other educational staff a voice in decisions that affect their employment, builds their investment in schools, and helps improve teacher retention.

Chapter 2 focuses on policies and practices for ensuring the participation of all stakeholders in designing, implementing and monitoring the educational system. The processes for stakeholder participation described should be used in implementing the other chapters of the code, especially where stakeholder committees and implementation teams are described. The chapter is divided into three sections:

**Section 2.1 on Stakeholder Participation** identifies students, parents or guardians, community members, teachers, school staff, administrators and all other members of the school community as stakeholders with a right to participate in decision-making. The recommended language requires states, districts and schools to:

- Establish an advisory committee to design and monitor effective processes for stakeholder participation;
- Ensure representation of each key stakeholder group on the advisory committee – at a minimum, school administration, teachers, parents or guardians, and students;
- Inform stakeholders of their rights and all methods of participation;
- Ensure participation in decisions affecting needs assessments, program planning, prevention and intervention strategies, training and monitoring;
- Give schools control over critical decisions on budgeting, class size, hiring and curriculum;
- Provide training for stakeholders in their rights and procedural protections, leadership and problem-solving skills, and restorative processes for gathering input and decision-making; and
- Conduct regular evaluations and surveys to assess and monitor stakeholder participation.

**Section 2.2 on the Rights of Children and Youth to Participation** describes the processes schools must create to ensure student participation in decisions affecting their right to education. The recommended language requires states, districts and schools to:

- Provide access to age-appropriate student councils and advisory bodies;
- Ensure student representation on school-wide decision-making bodies, and age-appropriate participation in hiring and training of school staff;
- Hold school-wide forums, such as town hall meetings, for students to voice opinions;
- Create peer-led disciplinary processes, such as peer mediation and restorative discipline;
- Engage students in developing A Students' Bill of Rights; and
- Use instructional techniques that encourage participation and leadership in the classroom.

**Section 2.3 on the Rights of Parents and Guardians to Participation** calls on schools to ensure their participation in decision-making. The recommended language requires states, districts and schools to:

- Create welcoming environments for parents and guardians;
- Ensure representation on school, district and state-level decision-making bodies;
- Hold regular, parent or guardian-led school forums;
- Ensure a right to visit schools and classrooms and to monitor schools without retaliation;
- Ensure participation in decisions affecting their individual child's education including, an "early warning" system for academic or behavioral challenges; and
- Pass legislation on the right to take reasonable leave from employment to participate in school activities.

## Chapter 3: Dignity

In schools across the country, degrading school environments and exclusionary discipline practices are undermining teaching and learning and pushing young people out of school. Exclusionary discipline practices like suspension and expulsion result in a loss of valuable learning time and do not typically change student behavior or deter it from occurring again. To create safer more supportive school climates, states, districts and schools must adopt preventive and positive approaches to discipline that support students in building social and behavioral skills, resolving conflicts in a non-violent manner, and creating productive learning environments. Research has shown that positive approaches to discipline such as Restorative Practices and School-Wide Positive Behavior Interventions and Supports (SWPBIS) can reduce suspensions by up to 50%, improve school climate, increase teacher effectiveness and support better educational outcomes for all students.<sup>v</sup>

Chapter 3 on Dignity is the most comprehensive and detailed chapter of the Model Code focused on transforming our school systems' approach to discipline to end the exclusion and criminalization of youth and create safe and supportive learning environments. The chapter is divided into three different sections:

### Section 3.1 School Climate and Discipline

**Sub-Section 3.1.a on Key Elements of Preventive and Positive Discipline** outlines the essential elements needed for any discipline policy to be effective, including creating a positive school climate and an approach to discipline that responds to misbehavior in constructive ways. It also calls for the elimination of zero-tolerance policies and strict limits on the use of exclusion. The recommended language requires states, districts and schools to:

- Create a positive physical environment in schools, displaying positive visuals and avoiding bars on windows, gates in hallways or fences with barbed wire;
- Build a participatory and supportive school community through school-wide conversations in town hall meetings and advisory classes;
- Integrate the social and emotional development of students classroom and school-wide practices;
- Implement early intervention for students at risk of being pushed out of school;
- Adopt discipline policies aimed at:
  - Understanding and addressing the causes of behavior;
  - Resolving conflicts and repairing the harm done;
  - Restoring relationships; and
  - Reintegrating students into the school community;
- Create clear expectations and graduated levels of consequences for misbehavior that are individualized, consistent, reasonable, fair, age appropriate, and match the severity of the student's behavior;
- Use non-exclusionary discipline responses and alternatives to suspension, like mediation, restorative circles, counseling, and tiered support team interventions;
- Prohibit corporal punishment, restraints, seclusion or physical abuse;
- Eliminate zero-tolerance laws and policies which mandate suspension or expulsion for one or more listed offenses;
- Limit exclusion in the form of suspension and expulsion to only the most serious misbehaviors, and only after alternatives have been considered, tried and documented and it is determined that exclusion is absolutely necessary to protect the safety of the school community;
- Prevent and respond to bullying behavior through disciplinary methods that reflect a commitment to restorative practices and that do not criminalize student behavior; and
- Provide training, resources and monitoring to ensure implementation of positive discipline practices and policies, like SWPBIS and restorative practices.

After outlining the key elements described above, **Sub-Section 3.1.b. on Implementing Two Models for Preventive and Positive Discipline** provides detailed guidelines for implementing two proven approaches to discipline--School-wide Positive Behavior Interventions and Supports (SWPBIS) and Restorative Practices.

**Sub-Section 3.1.c on Guidelines for Exclusion** provides additional detailed policies for when and how to use exclusion in the form of suspensions and expulsions, what factors to consider before excluding a student, and what educational services students must receive during the period of exclusion. The recommended language requires states, districts and schools to:

- Define suspension as temporary exclusion from the student’s daily class schedule, not to exceed 5 consecutive days or 10 total days per school year;
- Define expulsion as any long-term exclusion from school attendance and school privileges for a period of more than 5 consecutive days or 10 cumulative days over the school year;
- Allow exclusion in the form of suspension and expulsion only when a student commits the most serious offenses and then:
  - Only after non-exclusionary alternatives have been considered, tried and documented;
  - Only after it is determined that exclusion is absolutely necessary to protect the safety of the school community; and
  - Only after schools consider whether factors outside of the student’s control contributed to the problem behavior and whether such behavior could be alleviated by helping the student deal with the factors causing the behavior;
- Limit exclusion (except for emergency removals as defined Section 3.1.d) in the following ways:
  - No student may be excluded from school for a first-time offense;
  - No student under the age of 10 may be excluded from school for disciplinary reasons;
  - No student under the age of 15 may receive a suspension of more than 3 days;
  - No student may be suspended for more than 5 consecutive days or 10 cumulative days during an academic year;
  - No student may receive an involuntary transfer for more than one school term and without a full hearing;
  - Suspension is prohibited for:
    - Being late to school or class or being absent;
    - Violating school dress code or uniform rules;
    - Minor behavior infractions, including but not limited to insubordinate behavior, defiance, disobedience, disrespect, or disruptive or rowdy behavior, classroom disruption or other disruption of school activity; and
    - Behavior that happens off school grounds and not as part of a school-sponsored activity; and
  - Schools shall not withhold recess as a punishment;
- Ensure that during exclusion, students have a right to remain in school and continue education, including a right to:
  - Complete regular academic work during the exclusion;
  - Earn credit towards promotion or graduation; and
  - Receive quality instruction in an alternative classroom or an alternative school by a certified teacher with grade and class appropriate material that allows the student to receive parallel education as if they had been in their regular class and to join their regular class on pace with their classroom peers.

**Sub-Section 3.1.d on Due Process for Exclusion** outlines standards for guaranteeing full due process rights for students facing suspension or expulsion. The recommended language requires states, districts and schools to:

- In the case of suspension, ensure that students and parents or guardians have a right to:
  - Written notice;

- An exclusion conference with a neutral decision-maker; and
- An appeal; and
- In the case of expulsion or involuntary transfer, ensure that students and parents or guardians have a right to a hearing and to:
  - Legal counsel at public expense;
  - Notice, including information on the charges the student is facing;
  - A hearing by a neutral hearing officer or panel;
  - Access to all evidence and to call and question witnesses;
  - Notice of the hearing decision within 48 hours; and
  - An appeal which shall be heard by a neutral hearing officer designated by the district or school board.

## Section 3.2 Avoiding Criminalization

**Sub-section 3.2.a on Law Enforcement** calls on states, districts and schools to minimize the role of law enforcement in schools, including School Resources Officers, police, security guards and other law enforcement personnel, and to work towards eliminating their role in the future. The recommended language requires states, districts, schools and law enforcement agencies to:

- Reduce the presence of law enforcement in schools and replace them with community intervention workers, school aides, counselors, social workers and other support staff;
- Prohibit the permanent assignment of police officers in schools;
- Adopt clear and consistent rules of governance that recognize the principal as the primary authority responsible for school safety;
- Prohibit involvement of law enforcement in school disciplinary matters, including for disorderly conduct; insubordination, vandalism and/or graffiti and other listed behaviors;
- Prohibit arrests unless there is a finding of probable cause that a student has committed or is attempting to commit a serious crime—not a school discipline matter—supported by a real and immediate threat to the physical safety of a member of the school community;
- Consult the school principal before conducting an arrest, except in emergency circumstances;
- Conduct searches only if there is probable cause to suspect that a student has committed or is attempting to commit a criminal offense, and only after obtaining the permission of the school principal;
- Refrain from utilizing metal detectors, including by consulting stakeholders before installing a new metal detector, and conducting annual reviews on the impact of existing metal detectors to determine whether other positive approaches to safety can be used;
- Provide a clear, transparent and independent civilian complaint process; and
- Provide every School Resource Officer, police officer, security guard, other law enforcement personnel or community intervention worker with at least 60 hours of training before being assigned to schools, covering topics listed in the code, and at least 10 hours of annual professional development in the topics listed.

**Sub-section 3.2.b on Drug Policy** focuses on prevention and intervention for drug use rather than punishment and criminalization. The recommended language requires states, districts and schools to:

- Implement drug education programs that are age-appropriate, evidence-based and take a balanced, interactive approach that emphasizes safety and harm reduction;
- Prohibit unreasonable searches and seizures, random drug raids and random drug testing;
- Adopt a health-based approach to student drug use and abuse, using referrals to counseling and services rather than punishment; and
- In cases where students are suspected of selling or distributing drugs, encourage schools and law enforcement to work together to use school-based disciplinary interventions, whenever possible, to minimize arrests, and where arrests occur, to refer students to alternatives to incarceration.

**Sub-section 3.2.c on Immigration Policy and Protection of Vulnerable Students** provides guidelines for protecting the rights and preventing criminalization of undocumented and other vulnerable students.

**Sub-section 3.2.d. on Reforming Status Offense Laws** calls on school systems and juvenile and criminal justice systems to end the criminalization of students for status offenses, including for truancy. The recommended language states that:

- Schools shall not track or punish students based on previously criminalized status offenses;
- Juvenile and criminal justice authorities shall not impose criminal penalties (including ticketing, citations, fines, detention, probation violation, incarceration or deportation) on any student for any status offense; and
- Such matters shall be treated as issues in need of prevention, intervention and student and family outreach and supports.

### **Section 3.3 Right to Remain in School**

**Sub-Section 3.3.a on Truancy Prevention and Correction** directs schools to respond to truancy and improve attendance rates through prevention and intervention strategies. The recommended language requires states, districts and schools to:

- Handle all responses to and consequences for truancy within the school setting;
- Upon five days of unexcused absences, initiate meaningful communications with the student and parent or guardian to determine the underlying cause of the absences and to develop a plan to prevent further absences;
- Upon ten days of unexcused absences, meet in person with the student and parent or guardian, conduct appropriate evaluations, and provide necessary supports and services;
- Prohibit exclusion as a response to truancy;
- Only after all school-based interventions have been exhausted and student and parent meetings have occurred, consider voluntary transfer of students to another school setting (involuntary transfers are not permitted for truancy);
- Ensure the rights of students with disabilities, homeless students and other vulnerable student populations are protected; and
- Prohibit court proceedings against a student for truancy.

**Sub-Section 3.3.b on Alternative Schools** sets out guidelines for voluntary transfer or placement for students who would benefit from an alternate learning environment. The recommended language requires states, districts and schools to:

- Ensure that alternative schools meet the same requirements and standards as any traditional public school and operate for a full school day of equal length to that provided to other students;
- Allow voluntary placement or transfer to an alternative school, including for students who are struggling in traditional school environments or returning to school after a period of absence;
- Prohibit involuntary transfer or placement for academic purposes only;
- Consider involuntary transfer or placement for disciplinary reasons only after a full hearing is conducted;
- Adopt proven academic and behavioral practices, such as individualized academic plans, experiential and service-based learning, counseling and mentoring;
- Ensure that alternative schools guarantee the rights and address the needs of students with disabilities and English Language Learners; and
- Monitor alternative schools frequently and ensure that reviews of student progress and length of stay occur at least once every semester.



**Sub-Section 3.3.c on Right to Education for System-Involved Youth** describes students' right to attend school during periods of detention or incarceration and to return immediately to school after the period of incarceration with the necessary transition plans and supports. The recommended language requires states, districts, schools, juvenile detention facilities, prisons and other "lock-ups" to:

- Provide all youth in custody with a quality, full-day educational program in a classroom setting;
- Ensure that lock-ups contain schools that meet state educational standards;
- Ensure that credits obtained in lock-ups are fully transferable to other schools and recognized by all institutions of higher learning;
- Identify a school district liaison, a transitional coordinator from the facility, and a transitional team to ensure a smooth transition to a new school setting after the period of detention or incarceration;
- Ensure that all necessary information, documents and credits are transferred to the students new school; and
- Provide wrap-around services and supports at the new school for a minimum of six months.

**Sub-Section 3.3.d on Right to Resume Education after Expulsion** describes the steps schools must take to ensure a smooth transition for students following the period of expulsion. The recommended language requires states, districts and schools to:

- Ensure students' right to re-integrate into school following expulsion;
- Create a transition team to develop an educational plan, set academic and behavioral goals, address any special education needs, and provide support to assist the student in completing school; and
- Maintain continuous contact with the parent or guardian and encourage parental involvement during every stage of the re-integration process.

## Chapter 4: Freedom from Discrimination

In the United States, disparities in both access to educational opportunities and in educational outcomes are denying millions of students their right to quality education based on race, poverty, sexual orientation, gender and other factors. In particular, there is extensive research showing that students of color, students with disabilities, and other vulnerable populations, face disproportionately harsh and exclusionary discipline. Such discrimination may take the form of either policies that intentionally discriminate or policies that are not intentionally discriminatory but nevertheless have a disparate and negative impact on particular groups. Chapter 4 lays out key policies and practices for addressing discrimination in education with a focus on disparities in discipline and the rights of students with disabilities. It is divided into three sections:

**Section 4.1 on the Right to Freedom from Discrimination** defines discrimination to include policies that are intentionally discriminatory, as well as policies that are not intentionally discriminatory but have a disparate impact on educational services or outcomes. The recommended language requires states, districts and schools to:

- Eliminate discriminatory policies, practices and structures;
- Ensure equitable distribution of resources to address disparities;
- Address language and other barriers to effective communication and learning;
- Eliminate the segregation and tracking of students based on distinctions such as gifted or non-gifted, learning patterns or modes, disability, or other status;
- Provide training to any educators or staff who are identified as demonstrating discriminatory behavior and hold them accountable following those trainings; and
- Create a stakeholder team to identify, design and implement strategies for preventing and eliminating discrimination, including facilitating dialogues about race, class, sexuality and other identities to examine biases and how they impact the school community.

**Section 4.2 on Eliminating Disproportionate Use of Discipline** provides guidelines to eliminate disparities in disciplinary responses. The recommended language requires states, districts and schools to:

- Take steps to eliminate racial and other disparities in discipline, and to monitor for such disparities;
- Adopt preventive school-wide practices that build community, strengthen relationships, promote inclusiveness, and enhance communication and problem solving skills;
- Hold community dialogue sessions to combat bias that contributes to disproportionate discipline;
- Provide professional development for teachers and staff on cross-cultural understanding, culturally responsive positive behavior supports, classroom management and understanding disciplinary policies;
- Create student grievance procedures regarding biased or disproportionate disciplinary tactics; and
- Avoid subjective definitions of behavior in Discipline Codes, such as “disrespect” or “classroom disruption” that can be understood differently and allow for more bias.

**Section 4.3 on Students with Disabilities** describes guidelines for disciplinary processes to protect the rights of students with disabilities. The recommended language requires states, districts and schools to:

- Establish proactive systems that prevent problem behavior, reinforce appropriate behavior and have organized responses to misconduct;
- Prohibit any behavioral intervention that causes physical or psychological injury or harm;
- Strengthen procedural protections to ensure that students and parents are meaningful partners in the provision of special education services, particularly when addressing behavior problems;
- Strengthen requirements for evidence-based interventions as part of Individualized Education Programs;
- Prohibit referrals to law enforcement except when there is a real and immediate threat to physical safety;
- Strengthen limits on exclusion for behavior that is a manifestation of a student’s disability; and
- Ensure a right to counsel at public expense in all proceedings resulting from manifestation hearings.

## Chapter 5: Data, Monitoring and Accountability

Parents, youth, educators and all stakeholders in the educational process have a right to know what is happening in the educational system, and a right to help shape school policies and practices with that knowledge. Therefore, substantive and detailed information must be collected for all key aspects of the educational process. In order for the data to be analyzed in an efficient and thorough manner, definitions of basic categories must be consistent across schools, districts and states, and data collection methods must be standardized. Once data is collected, it must be put to work. It is critical for institutional actors and stakeholders at the federal, state, district and school levels to use data in making decisions to guide educational policies and practices.

Chapter 5 includes guidelines for collecting and making data available in a readable and consistent way, as well as creating intentional structures that allow institutional actors and stakeholders to continuously monitor, evaluate and improve educational policies and practices. It is divided into three sections:

**Section 5.1 on the Right to Information** focuses on access for policy-makers and stakeholders to all relevant information on education. The recommended language requires states, districts and schools to:

- Ensure access to information on educational programs and services, assessments, school discipline, funding sources, budget allocations and educational outcomes;
- Provide information and data that is easily accessible and easy to understand and that allows stakeholders to assess the impact of education policies and practices, including disproportionate impacts on certain groups; and
- Ensure students, parents or guardians have access to personal student records upon request.

### Section 5.2 Data Collection

**Section 5.2.a on Standardized Data Collection** requires that in order to accurately assess the effect of educational policies and practices, standardized data must be collected on all students broken down by demographic characteristics. The recommended language requires states, districts and schools to:

- Collect and disaggregate all data by age, race and ethnicity, gender, income level, disability and special education status, English Language Learners, court-involved youth, homeless youth and youth in foster care; and
- Standardize common terms and definitions for the graduation rate, attendance rate, dropout, voluntary transfer, involuntary transfer, expulsion, suspension, disparate impact and disparity.

**Section 5.2.b on Required Categories for Data Collection** lists the information and data that states, districts and schools must collect and make available. The recommended language requires states, districts and schools to:

- Collect and make available information and data on:
  - State and district learning goals;
  - State and district teaching standards;
  - Educational programs and services;
  - Assessment measures;
  - Policies and practices related to school climate and discipline;
  - Funding streams;
  - Grievance procedures and processes for assistance with school-related concerns;
  - Mechanisms for reviewing school-related data; and
  - Methods for developing and implementing education reforms;
- Collect and make available data on:
  - Graduation rates;
  - Test scores and other assessments;

- Enrollment;
- Attendance for students and teachers;
- Dropouts;
- Discharges;
- Transfers to alternative schools, remedial programs and GED programs;
- Disciplinary incidents and responses;
- Interactions with police and school resource officers;
- Reenrollment statistics of students returning from alternative schools and juvenile justice facilities; and
- Student, parent and teacher surveys.

**Section 5.3 on Community Monitoring and Analysis** describes processes for all stakeholders to monitor and improve education. The recommended language requires states, districts and schools to:

- Use data to frequently and effectively measure, monitor and analyze progress towards learning goals and to improve educational programs and services;
- Ensure that a formal audit of data occurs at least once a month;
- Provide training and support on data interpretation for school staff, administrators, parents, students, and communities; and
- Establish community-based, independent structures to ensure that parents, students, and the broader community are actively involved in the collection and use of data, can submit concerns or complaints regarding educational policies or outcomes, and can seek recourse.



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*The Dignity in Schools Campaign (DSC) challenges the systemic problem of pushout in our nation's schools and advocates for the human right of every child to a quality education and to be treated with dignity. The DSC unites parents, youth, educators and advocates to promote local and national alternatives to a culture of zero-tolerance, punishment and removal.*

## Endnotes

<sup>i</sup> OFFICE FOR CIVIL RIGHTS, DEPT. OF EDUC., CIVIL RIGHTS DATA COLLECTION 2006, [ocrdata.ed.gov/ocr2006rv30](http://ocrdata.ed.gov/ocr2006rv30).

<sup>ii</sup> Foundational human rights provisions for the right to education can be found in: Universal Declaration of Human Rights (UDHR), Article 26; International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 13; Convention on the Rights of the Child (CRC), Articles 28 and 29.

<sup>iii</sup> GLOBAL RIGHTS, THE JUSTICIABILITY OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS IN THE U.S.: DOMESTIC IMPLEMENTATION OF THE RIGHT TO EQUAL EDUCATION: A PLAN FOR ACTION 13-15 (2004), available at [http://www.globalrights.org/site/DocServer/Final\\_Right\\_to\\_Education\\_\\_11.12.pdf?docID=1363](http://www.globalrights.org/site/DocServer/Final_Right_to_Education__11.12.pdf?docID=1363); Roni R. Reed, Note, *Education and the State Constitutions: Alternatives for Suspended and Expelled Students*, 81 CORNELL L. REV. 582, 94 (1996).

<sup>iv</sup> Neville Harris, *Playing Catch-Up in the Schoolyard? Children and Young People's 'Voice' and Education Rights in the U.K.*, 23 INT'L J. L. POL'Y & FAM. 331, 338 (2009).

<sup>v</sup> SOUTHERN POVERTY LAW CENTER, EFFECTIVE DISCIPLINE FOR STUDENT SUCCESS: REDUCING STUDENT AND TEACHER DROPOUT RATES IN ALABAMA 11 (2008), available at [http://cdna.splcenter.org/sites/default/files/downloads/Effective\\_Discipline\\_ALA.pdf](http://cdna.splcenter.org/sites/default/files/downloads/Effective_Discipline_ALA.pdf).