

**National Education Association
Policy Statements
2024-2025**

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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.

Affirmative Action Policy for Ethnic Minorities and Women

Adopted by the 1997 Representative Assembly

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.**

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

* 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.

(b) When affirmative action is used to achieve or maintain diversity in an educational or other public employer's workforce, the term "underrepresented" means that the percentage of ethnic minorities or women in an educational or other public employer's workforce is significantly below the percentage that is necessary to achieve the educational and societal benefits of ethnic or sexual diversity.

Principles

1. NEA reaffirms its strong support for the use of affirmative action in employment (a) to cure the effects of past ethnic or gender discrimination by the particular employer involved, and (b) to achieve or maintain ethnic or gender diversity in an 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 employment relationship.
3. The employment of a non-ethnic minority or male 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 employer's workforce. When a fiscal exigency, a reduction in student enrollment, or other bona fide factor requires a reduction in an 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 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 employment positions.
5. The use of affirmative action is appropriate when ethnic minorities or women are underrepresented in an 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 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 employment including decisions as to the relationship between affirmative action and seniority—should be made voluntarily by the 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 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 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 employer involved, and then only to the extent that the remedy is necessary to cure the effects of the unlawful discrimination.

Privatization and Subcontracting Programs

Adopted by the 2000 Representative Assembly, amended 2023

Preamble

Certain forms of private sector involvement have the potential to adversely affect public education and other public services 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.¹

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, public higher education employees, or other public 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;
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;

¹ 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 2017 Representative Assembly.

9. The term “public-private partnership” means an arrangement between private investors and a public entity regarding the financing and/or operation of public projects;
10. The term “social impact bond” means an arrangement between private investors and a public entity in which the private investors pay the up-front cost of providing the service and the government repays the costs—with interest—only if goals are met.

Principles²

A. Criteria

NEA reaffirms its strong and historical commitments to (1) promoting the cause of public education, (2) preserving the principle of separation of church and state, (3) protecting the economic security of public employees, and (4) achieving racial integration in the public schools and preventing resegregation. Consistent with these commitments, NEA is opposed to any privatization or subcontracting program that:

1. Has the potential to reduce the resources that otherwise would be available to achieve and/or maintain a system of quality public education, or the potential to otherwise negatively impact on public education;
2. Allows public funds to be used for religious education or other religious purposes, or otherwise weakens the wall of separation between church and state;
3. Places the economic security of public employees at risk, without regard to individual job performance, so that the services in question can be performed by private sector employees; or
4. Has the purpose or effect of causing or maintaining racial segregation, including institutional or systemic racism, in the public schools.

B. Application of Criteria

1. Private School Tuition Voucher Programs

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

NEA also opposes the foregoing type of private school tuition voucher programs because they have the potential to reduce the student population in the affected school districts, which in turn could result in the displacement of public education employees. This places 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.

To the extent that sectarian private schools participate in voucher programs of this type, public funds are used to pay for religious education and other religious activities. NEA opposes such participation because it weakens the wall of separation between church and state.

- b. NEA does not take a categorical position for or against private school tuition voucher programs that pay for students to attend private schools *in order to obtain educational services that are not available to them in public schools to which they*

² These Principles are set forth in summary terms. The underlying analysis, and the rationale for the positions taken, are contained in the May 2000 Report of the NEA Special Committee on Educational Privatization.

have reasonable access—such as, for example, secondary schools for students who reside in school districts that operate only elementary schools, or specialized services for disabled students.

If the unavailable services are provided by sectarian private schools, NEA would oppose the program to the extent the public funds are used to pay for religious education and/or other religious activities.

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

2. Tuition Tax Credit/Deduction Programs

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

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

NEA does not oppose the use of public funds to provide services, materials, and/or other assistance to private schools or to students who attend private schools in all circumstances. Such assistance may be acceptable if the services, materials, and/or other assistance (a) are not part of the basic educational program that is provided by the private school, but are ancillary to that program, (b) as a general matter, do not in and of themselves provide an incentive for public school students to transfer to private schools,³ (c) do not negatively impact on the ability of public schools to implement their own educational programs, and (d) are secular in nature and are incapable of diversion to religious use—such as bus transportation or secular library books, as opposed to tape recorders, computers, etc. NEA’s position regarding programs of this type will be determined on a case-by-case basis, after considering the structure, financial implications, and operation of the program in question.

4. Subcontracting Programs Pursuant to Which Private-Sector Entities Are Used to Provide Public Services

NEA will oppose specific subcontracting programs under which private-sector entities are used to provide public services if it determines that the programs have a negative impact on public education, reduce or eliminate the number of staff employed that currently provide that educational service, reduce pay and/or benefits from existing staff providing that educational service, or have a negative impact on the whole student approach to education, or if—because sectarian entities are engaged to provide the services—faith-based discrimination is enabled by the contract. 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

³ The qualification “as a general matter” is necessary because the result might be otherwise in a particular case. Thus, for example, a student might attend a private as opposed to a public school if publicly funded transportation were available.

employees at risk, without regard to individual job performance, so that the services in question can be performed by private-sector employees.

On this latter basis, NEA opposes the use of private-sector transportation companies if it results in the displacement of publicly-employed school bus drivers, the use of private-sector food service companies if it results in the displacement of publicly-employed school cafeteria workers, and any other program that simply replaces public education employees with private-sector employees. NEA opposes the use of private-sector companies that are hostile to labor unions or that interfere with employees in the exercise of their right to organize and bargain collectively. NEA opposes no-bid contracts with private-sector companies. NEA opposes requests for proposals (RFPs) that do not affirmatively provide opportunities for female- and minority-owned businesses to compete. NEA opposes contracts with faith-based providers who discriminate against employees or program participants on the basis of religion.

NEA's position regarding subcontracting programs and pilot programs under which the use of private-sector entities does not result in the displacement of public employees because the services in question have not traditionally been performed by public employees cannot be determined in the abstract. The acceptability of such programs can best be determined in context—after considering such factors as the economic and programmatic feasibility of using public employees to provide the services, related actions of the school district or employer, the nature and track record of the particular private-sector entity involved, and whether the local Association has been consulted. Should pilot programs be deemed successful, the employees in said program shall be accreted into the appropriate bargaining unit. NEA does not take a categorical position for or against programs of this type, but defers to the judgment of the relevant state and local affiliates.

Privatization by Attrition

NEA opposes the privatization of employees based on hire date in which employees with more seniority may remain employees of the district, and newer employees are employees of a private-sector entity. While this method mitigates the immediate damage of privatization, it creates an incentive for forcing older employees out, and ultimately ends with an entirely privatized group of employees and inferior services for our students.

Social Impact Bond

NEA generally opposes Social Impact Bonds (SIBs), also known as pay for success bonds, which allow private investors to finance government services. Investors receive a negotiated return rate when providers achieve contractually determined benchmarks. When SIBs are promoted to fund social services at little to no risk, promised cost savings are too often achieved by cutting personnel costs, either by employing non-union labor or understaffing services. SIBs may cost more than traditional funding due to the extra administrative and transaction costs. In evaluating whether to support a specific social impact bond funding proposal, local associations should require a comprehensive cost analysis that incorporates both short- and long-term expenses, as well as short- and long-term savings, and a plan for maintaining programming after the term of the contract. Proposals to achieve savings by displacing public employees should be rejected.

Social Impact Bond contracts frequently shield providers from public oversight and accountability, including the accountability measures inherent in the public bonding process. Contracts, which should be open for public review and comment prior to execution, should confirm that all documents related to a SIB-financed program are public records. All parties and

agents to SIB bidding and contracting should also be required to disclose conflicts of interest. Providers should be required to provide regular progress reports conducted by an external evaluator. Such reports should be publicly available. The government party to the contract should retain the right to audit the project. Providers should also be subjected to the same civil rights requirements as a public employer.

Furthermore, using social impact bonds to finance social services may displace innovative and experimental approaches to social problems. Investors will not fund projects for which returns may not be measurable within the term of the program and will not fund programs that target populations most in need of intervention, due to the risk of not meeting benchmarks. SIBs should not be used to maintain successful programs that have been eliminated due to budget cuts; instead, public funding should be restored. SIBs should be reserved for truly innovative programs, in which investors bear actual risk.

Kindergarten and Prekindergarten

Adopted by the 2003 Representative Assembly, amended 2013

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.¹ 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, high-quality, developmentally appropriate, culturally responsive 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,

¹ 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.

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

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

B. Prekindergarten

1. Availability

There is no longer any serious doubt about the value of prekindergarten. Children who participate in high-quality, developmentally appropriate, culturally responsive prekindergarten programs perform better academically and exhibit better cognitive and social skills—on both a short-term and long-term basis—than similar children who do not participate in such programs. And, this is true for all children, not just those from disadvantaged backgrounds. NEA supports the establishment in every state of a non-mandatory “universal” prekindergarten for all three- and four-year-old children—i.e., all such children whose parents want them to enroll should have access to, but not be required to attend, a publicly-funded, free, quality prekindergarten program

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

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

2. Financing

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

Educational Quality

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

- A. NEA supports full-day—as opposed to half-day—kindergarten and prekindergarten.² There is ample evidence to demonstrate that the subsequent academic performance of children who attend full-day kindergarten and prekindergarten is better than that of similar children who attend half-day programs, and that they also make significantly greater progress in learning social skills. This is true not just for children from low-income families, but for all children. Nor is it the mere increase in hours that leads to these positive effects, but rather what children experience during the day.
- B. The curriculum and pedagogy in kindergarten and prekindergarten should foster all areas of a child’s development—(i.e., cognitive, social/emotional, linguistic, approaches to learning and physical). Toward this end, the curriculum and pedagogy should incorporate components of both the “child-centered” and “didactic” approaches. In an effort to avoid “curriculum shovedown” in kindergarten— i.e., an attempt to push expectations from the primary grades down into kindergarten—academic skills should be properly integrated into the overall kindergarten curriculum, and taught in a manner that is developmentally appropriate for the children involved. The curriculum and pedagogy for prekindergarten should not be identical to that in kindergarten, but should reflect the developmental differences between three- and four-year-old children and five-year old children that may tip the balance in prekindergarten even further away from didactic academic instruction. NEA’s basic position with regard to size is set forth in Resolution B-12. After opining “that excellence in the classroom can best be attained by small class size,” the Resolution states that “[c]lass size maximums must be based on the type of students, grade level, subject area content, and physical facilities.” Consistent with this statement, NEA does not recommend any specific number as the optimum size for kindergarten and prekindergarten. The reference in Resolution B-12 to “optimal class sizes” is intended to apply to classes at all educational levels, and is not tailored to kindergarten and prekindergarten. As regards kindergarten and prekindergarten, it is relevant to note the research consensus that, in order to achieve the greatest academic gains, children should be taught in small classes at the earliest possible point in their school careers.
- C. Resolution F-28 provides that all “classroom teachers should be provided with support staff to assist in the educational process.” When dealing with kindergarten and prekindergarten children—who because of their age require assistance in performing various life skills, pose unique health and safety concerns, etc.—the primary need is for additional adult supervision in the classroom. Accordingly, kindergarten and prekindergarten teachers should have the assistance of a full-time classroom aide. The purpose of this classroom aide should be to assist the classroom teacher—and, as indicated in Resolution F-28, NEA “believes that the employment of education support professionals should not be a rationale for increasing class size.”

² 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 rather that the starting and ending times for kindergarten and prekindergarten are keyed to the regular school day. Implicit in our support for full-day kindergarten and prekindergarten is support for “full-year” programs—i.e., programs that operate for the regular school year.

- D. Assessment of kindergarten and prekindergarten students should be holistic, and involve all developmental domains (i.e., cognitive, social/emotional, linguistic, approaches to learning and physical.). Multiple sources of information should be used (i.e., information from families, direct observations, anecdotal notes, portfolios, and developmental screening tools), and children should be given an opportunity to demonstrate their skills in different ways, allowing for individualized variability in learning pace and for different cultural backgrounds. For this reason, the use of large scale, standardized tests is inappropriate. And, because the development of young children is uneven and greatly impacted by environmental factors, standardized assessment results are not reliable until they are in the third grade or beyond.

The purpose of any assessment of kindergarten and prekindergarten students should be to improve the quality of education, by (1) providing information that will enable kindergarten and prekindergarten teachers to work more effectively with the children, and first grade or kindergarten teachers, as the case may be, to individualize the curriculum to facilitate learning, (2) identifying children with disabilities, developmental delays, and health problems (i.e., vision and hearing), and (3) developing baseline data against which future data can be compared.

- E. Teachers, education support professionals, and administrators who work in kindergarten and prekindergarten should be qualified to perform their functions effectively. These employees should be considered qualified if they hold the license and/or certificate that the state requires for their employment.

Although this same basic rule should apply with regard to kindergarten and prekindergarten teachers, the two situations are somewhat different. Because “a teaching license should signify that an individual entering the teaching profession is competent to teach,” Resolution G-3, and because all states require public school kindergarten teachers to be licensed, any concerns regarding the qualifications of teachers at the kindergarten level are adequately addressed. In many states, however, public school prekindergarten teachers are not required to have a state license, but can be employed if they have some type of training in child development and obtain some type of certification in early childhood education. There should be appropriate mechanisms to ensure that prekindergarten teachers who do not hold a state license possess the requisite knowledge and skills and are working towards full prekindergarten licensure in states where such licensure exists.

Consistent with Resolution D-16, it is NEA’s belief that “continuous professional development is required for education professionals to achieve and maintain the highest standards of student learning and professional practice.” And, consistent with Resolution D-16, NEA believes that “continuous professional development is required for education support professionals to achieve and maintain the highest standards of professional practice in order to meet the needs of the whole student.” This professional development should be relevant to early childhood curriculum and pedagogy, support the elements of developmentally appropriate practice, and provided at school district expense.

- F. Resolution A-5 expresses NEA’s belief that “parents/guardians who are active participants in the education of their children increase the likelihood of the achievement of educational excellence.” Because kindergarten and prekindergarten are critical transition points for children—prekindergarten is generally a child’s first organized educational experience, and kindergarten is the bridge to the more structured environment of first and subsequent grades—such family involvement is particularly important at these levels. Training programs should be made available to families to prepare them to take an active role in the education of their kindergarten and

prekindergarten children, and provide them with an understanding of the expectations that will be placed on their children, and the new policies and procedures that their children will experience, in kindergarten and prekindergarten.

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

Teacher Evaluation and Accountability

Adopted by the 2011 Representative Assembly, amended 2022

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, Growth, and/or Development

demonstrating a teacher's impact on student learning, growth, and/or development. Such indicators must be authentic, recognize that there are multiple factors that impact a student's learning which are beyond a teacher's control (which must include, but not be limited to, learning challenges and poor attendance), and may include the following indicators chosen by a local or state affiliate: student learning objectives developed jointly by the teacher and principal/evaluator; teacher-selected assessments; student work (papers, portfolios, projects, presentations); and/or teacher defined student development objectives. High quality, developmentally appropriate teacher-selected assessments that provide valid, reliable, timely, and meaningful information regarding student learning, growth, and/or development may be used for quality, formative evaluation. Standardized tests, even if deemed valid and reliable, may not determine any part of an educator's evaluation or be used to support any employment action against a teacher.

c. Evaluations must be meaningful, providing all teachers with clear and actionable feedback linked to tailored professional development. Such feedback should include regular non-evaluative formative feedback – meaning feedback that serves only to inform practice and that does not contribute to formal evaluation results – as such feedback is often the most effective way to improve teacher practice. Such non-evaluative feedback may include self-reflection, peer observation and/or teacher approved surveys of students to assess engagement and learning behaviors.

d. Evaluations must be fair, conducted by highly trained and objective supervisors or other evaluators as agreed to by the local affiliate, whose work is regularly reviewed to ensure the validity and reliability of evaluation results. If an evaluation will be the basis for any action relating to a teacher's employment, ratings by more than one evaluator must be provided in support of the action. Where a teacher believes an evaluation does not accurately reflect the respective level of practice, the teacher must have the right to contest the evaluation, and have access to the information necessary to do so.

e. To satisfy these requirements, evaluation systems must be adequately funded and staffed, and fully developed and validated, including by training all teachers on the new systems, before they are used to make any high stakes employment decisions. NEA recognizes that our schools do not currently have enough staff trained to provide meaningful evaluative and non-evaluative feedback to teachers. To expand the number of people who can do so, the Representative Assembly directs NEA to examine existing mentorship, peer assistance, and peer assistance and review programs, and report back to the October 2011 NEA Board meeting regarding those programs, their compliance with the requirements set forth in D-11 (Mentor Programs) and D-13 (Peer Assistance Programs and Peer Assistance & Review Programs), and to make programmatic recommendations as to whether to expand such programs or develop others in partnership with state and local Associations.

II. High Quality Teacher Accountability Systems

NEA believes that teachers are accountable for high quality instruction that advances student learning. High quality teacher accountability systems, 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, should be based on the following principles.

a. All teachers are responsible for providing a high quality education to students and supporting the efforts of colleagues and their school as a whole to do the same. To fulfill that responsibility, teachers have the right to a safe and supportive working environment including ongoing non-evaluative feedback on their practice that supports teachers' efforts to innovate and the right to regular, confidential evaluations.

b. All teachers have the responsibility to continually enhance their practice and to stay current in subject matter and pedagogical approaches by reflecting and acting on feedback received, accessing professional development opportunities provided, and collaborating with colleagues to enhance instruction. To fulfill that responsibility, teachers have the right to increased autonomy over instructional practices, time during the school day for collaboration with colleagues, a decisionmaking role in professional development, the right to have such development tailored to enhancing skills identified as needing improvement in both non-evaluative feedback and in evaluations, as well as the ability to pursue advanced coursework and degrees as part of professional development.

c. If, through a high quality evaluation system, a teacher's practice fails to meet performance standards, a teacher should be provided with clear notice of the deficiencies and an improvement plan should be developed by the teacher, local Association, and employer. The improvement plan should provide the teacher with a reasonable opportunity – including time, high quality professional development, and support – to meet expectations. In addition, the teacher should receive regular and frequent feedback from the district and the local Association regarding progress during the support program period. What constitutes a reasonable opportunity will depend on the nature of the deficiencies identified, but in no event should an improvement plan exceed one school year. During the period in which a teacher is implementing an improvement plan, the district shall provide a support program mutually agreed upon by the district and the local Association, which shall include the assignment of an accomplished teacher to assist the teacher not meeting performance standards in improving practice and to ensure a quality education for that teacher's students.

d. If a teacher fails to improve despite being given a reasonable opportunity to do so, or otherwise fails to meet expectations, the teacher may be counseled to leave the profession or be subject to fair, transparent, and efficient dismissal process that provides due process. Such a process should include: notice to a teacher of the basis for the dismissal; early disclosure of all evidence on which the dismissal is based; an early mandatory meeting between the teacher, employer, and the teacher's representative to discuss possible resolution; and, failing such resolution, a prompt hearing before an impartial third party, such as an arbitrator, on the charges.

e. NEA believes that it is appropriate and fitting for accountability systems to continue to differentiate between the rights and responsibilities of probationary teachers, meaning those teachers in their initial years of employment who may be nonrenewed upon notice at the end of a school year, and career teachers, meaning those teachers who have successfully served through the probationary period and may be dismissed only for cause as defined by state law or local agreement or policy.

- Probationary teachers should receive ongoing support for at least the first two years of their employment from locally developed and fully supported induction programs. The focus of such induction programs should be supportive and non-evaluative, designed to provide beginning teachers with the support they need to learn and thrive in the teaching profession. Districts should be encouraged to partner with colleges and universities to develop joint induction programs. No beginning teacher should go for weeks, much less years, without receiving any feedback on their practice.
- Probationary teachers should become career teachers if they meet or exceed expectations at the conclusion of their probationary employment period as defined by state law. A probationary teacher should have the right to require that the school district conduct the necessary evaluations within this time period, so that an appropriate determination can be made as to career status.
- Probationary teachers who meet or exceed expectations at the conclusion of their probationary employment period as defined by state law, and who are not granted career status, should have the right to contest that denial before an impartial third party, such as an arbitrator.
- Once a probationary teacher has attained career status, that status should not be lost and should be portable from one school district to another within a state. If a career teacher's performance fails to meet expectations, the teacher may be counseled out of the profession or dismissed pursuant to a fair, transparent, and efficient dismissal procedure that provides due process before an impartial third party, such as an arbitrator.
- Career teachers have the responsibility to reflect upon and enhance their own practice and to support and enhance the practice of their colleagues, particularly probationary teachers. NEA encourages local affiliates to institutionalize opportunities for career teachers to provide such support and enhance the practice of their colleagues by way of including in collective bargaining agreements or local policies provisions supporting professional learning communities, partnerships with local/regional institutions of higher education, and mentorship and peer assistance programs.

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

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

Digital Learning

Adopted by the 2013 Representative Assembly, amended 2018

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, educators (including teachers, librarians/media specialists, faculty, and ESP 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 educators 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 working in the best interests of their students, will continue to adjust and adapt their instructional practice and use of digital technology/tools to meet the needs and enhance the learning of their students.

All educators are essential to student learning and should have access to relevant, high-quality, interactive professional development in the integration of digital learning and the use of technology into their instruction and practice. Teachers need access to relevant training on how to use technology and incorporate its use into their instruction, ESPs need access to training on how best to support the use of technology in classrooms, and administrators need training to make informed decisions about purchasing equipment, technology use, course assignments, and personnel assignments. School districts and postsecondary institutions need to ensure that they provide interactive professional development on an ongoing basis, and to provide time for all educators to take advantage of those opportunities. The training needs to address both the basic preparation on how to make the technology work, and how to most effectively incorporate it into the educational program.

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

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

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

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

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

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

Enhance and Enrich Student Learning

Optimal learning environments should neither be totally technology free, nor should they be totally online and devoid of educator and peer interaction. The Association believes that an

environment that maximizes student learning will use a “blended” and/or “hybrid” model situated somewhere along a continuum between these two extremes.

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

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

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

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

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

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

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

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

Addendum

Blended and/or Hybrid Learning

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

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

The Definition of Fully Qualified Educators

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

Technology as a Tool

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

Special Education Services

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

Data Privacy

Safeguarding personal data must also be a top priority of NEA and its affiliates. NEA needs to demonstrate its commitment to protecting data privacy. Educators need to be informed about FERPA and state data privacy laws, regulations, and policies. NEA believes that professional development needs to include instruction about data privacy, including responsibilities and the rights of whistleblowers in the event of reporting a violation.

Charter Schools

Adopted by the 2017 Representative Assembly, amended 2021

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, including federal and state laws and protections for students with disabilities, employment, health, labor, safety, staff qualification, and certification requirements as other public schools. When a charter is authorized in a public school district that has an existing collective bargaining agreement with its employees, the authorizer will ensure that the employees will be covered by a collective bargaining agreement. Discrepancies between the existing collective bargaining agreement and the newly authorized charter bargaining agreement need to be reported to the members. 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 from reduced class sizes to community or magnet schools) would better serve the district's needs. The district must also consider the impact of the charter on the racial, ethnic and socio-economic composition of schools and neighborhoods and on equitable access to quality services for all district students, including students with special needs and English language learners. The impact analysis must be independent, developed with community input, and be written and publicly available.

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

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

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

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

The state's role in charter authorization and oversight should be limited to ensuring that local school districts only authorize charters that meet the criteria in (a) above and do so by way of a procedure that complies with (b). To that end, the state should both monitor the performance of districts as charter authorizers and hold districts accountable for providing effective oversight and reporting regarding the quality, finances, and performance of any

charters authorized by the district. In addition, the state must provide adequate resources and training to support high quality district charter authorization practices and compliance work, and to share best authorization practices across a state. States should entertain appeals from approvals or denials of charters only on the narrow grounds that the local process for approving a charter was not properly followed or that the approval or denial of a charter was arbitrary or illegal.

c. Unless both the basic safeguards and process detailed above are met, no charter school should be authorized and NEA will support state and local moratoriums on further charter authorizations in the school district.

II. NEA opposes as a failed and damaging experiment unaccountable privately managed charters. Charters that do not comply with the basic safeguards and standards detailed above and that are not authorized by the local school board (or its equivalent) necessarily undermine local public schools and harm the public education system.

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

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

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

Finally, one particular form of unaccountable privately managed charters deserves specific discussion. Fully virtual, online, or non-classroom based charter schools cannot, by their nature, provide students with a well-rounded, complete educational experience, including optimal kinesthetic, physical, 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 may continue to seek NEA's assistance in those organizing efforts.

Community Schools

Adopted by the 2018 Representative Assembly

Introduction:

Consistent with NEA’s core values that “public education is the gateway to opportunity,” and that “all students have the human and civil right to a quality public education that develops their potential, independence, and character,”¹ and recognizing that opportunity gaps in our society have resulted in an uneven and unjust public education system where some communities have public schools that provide “individuals with the skills and opportunities to be involved, informed, and engaged in our representative democracy”² and some do not, NEA believes all schools should use research-backed school improvement strategies designed to support a racially just education system that ensures that all students and their families have the support needed to thrive and grow. The Community School Model (CSM) has a strong track record of closing opportunity gaps, supporting a culturally relevant and responsive climate, and causing significant and sustained school improvement. NEA supports the use of the Community Schools Model in public schools where the local staff and community are supportive.

Definitions:

Public Community Schools: Public community schools are both places and partnerships that bring together the school and community to provide a rigorous and engaging academic experience for students, enrichment activities to help students see positive futures, and services designed to remove barriers to learning. Students engage in real-world problem solving as part of their curriculum. Community schools involve and support families and residents in the public school community and organize the wealth of assets that all communities have to focus on our youth and strengthen families and communities. Public schools become centers of the community and are open to everyone.

Community School Model: Any public school can use the community school model, which is intended to be tailored to the specific needs of an individual school’s students, staff, families, and community members. The community school model advanced by NEA is based on Six Pillars of Practice as implemented through four key mechanisms.

Stakeholder: Stakeholder refers to anyone who is invested in the welfare and success of a school and its students, including administrators, educators, students, parents, families, community members, local business leaders, and elected officials such as school board members, city councilors, and state representatives. Stakeholders may also be collective entities, such as local businesses, local unions, organizations, advocacy groups, committees, media outlets, and cultural institutions, in addition to organizations that represent specific groups, such as associations, parent-teacher organizations, and associations representing superintendents, principals, school boards, or educators in specific academic disciplines.³

¹NEA Core value on Equal Opportunity. “We believe public education is the gateway to opportunity. All students have the human and civil right to a quality public education that develops their potential, independence, and character.”

² NEA Core value on Democracy – “We believe public education is the cornerstone of our republic. Public education provides individuals with the skills to be involved, informed, and engaged in our representative democracy.”

³ Great Schools Partnerships. Glossary of Education Reform. Stakeholders.

Partners: Partner refers to external organizations and individuals that form informal and formal relationships with a school that is using the Community School Model to fill strategy needs. These organizations can include locally-owned businesses, local unions, advocacy groups, educator associations, parent-teacher organizations, religious organizations, schools, institutions of higher learning, nonprofit organizations, and other types of organizations that local stakeholders determine fill a strategic need and that align with NEA values.

The Six Pillars include:

1. ***Strong and Proven Culturally Relevant Curriculum:*** Educators provide a rich and varied academic program allowing students to acquire both foundational and advanced knowledge and skills in many content areas. Students learn with challenging, culturally relevant materials that address their learning needs and expand their experience. They also learn how to analyze and understand the unique experiences and perspectives of others. The curriculum embraces all content areas including the arts, second languages, and physical education. Teachers and ESP are engaged in developing effective programs for language instruction for English learners and immigrant students. Rigorous courses such as Advanced Placement or International Baccalaureate are offered. Learning and enrichment activities are provided before and after the regular school day, including sports, the arts, and homework assistance. The needs of parents and families are addressed through programs like English-as-a-Second-Language classes, GED preparation, and job training programs. These supports are based on identified needs.
2. ***High-quality Teaching and Learning:*** Consistent with NEA Resolutions, educators are fully licensed, knowledgeable about their content, and skillful in their practice. Instructional time focuses on learning and the use of authentic assessment rather than high-stakes testing. Individual student needs are identified and learning opportunities are designed to address them. Higher-order thinking skills are at the core of instruction so that all students acquire problem solving, critical thinking, and reasoning skills. Educators work collaboratively to plan lessons, analyze student work, and adjust curriculum as required. Experienced educators work closely with novices as mentors, coaches, and “guides on the side,” sharing their knowledge and expertise. ESP members take part in professional learning experiences and are consulted and collaborate when plans to improve instruction are developed. Together, educators identify the methods and approaches that work and change those that do not meet student needs.
3. ***Inclusive Leadership:*** Leadership teams with educators, the community school coordinator, and other school staff share the responsibility of school operations with administrators. This leadership team ensures that the community school strategy remains central in the decision-making process.
4. ***Positive Behavior Practices (including restorative justice):*** Community school educators emphasize positive relationships and interactions and model these through their own behavior. Negative behaviors are acknowledged and addressed in ways that hold students accountable while showing them they are still valued members of the school community. All members of the faculty and staff are responsible for ensuring a climate where all students can learn. Restorative behavior practices such as peer mediation, community service, and post-conflict resolution help students learn from their mistakes and foster positive, healthy school climates where respect and compassion are core principles. Zero-tolerance practices leading to suspension and expulsion are avoided.
5. ***Family and Community Partnerships:*** Families, parents, caregivers, and community members are partners in creating dynamic, flexible community schools. Their engagement is not limited to a specific project or program, but is on-going and extends beyond volunteerism

to roles in decision making, governance, and advocacy. Both ESP and teachers are part of developing family engagement strategies, and they are supported through professional learning opportunities. Their voices are critical to articulating and achieving the school's overall mission and goals. When families and educators work together, students are more engaged learners who earn higher grades and enroll in more challenging classes; student attendance and grade and school completion rates improve.

6. ***Coordinated and Integrated Wraparound Supports (community support services):*** Community school educators recognize that students often come to school with challenges that impact their ability to learn, explore, and develop in the classroom. Because learning does not happen in isolation, community schools provide meals, health care, mental health counseling, and other services before, during, and after school. Staff members support the identification of services that children need. These wraparound services are integrated into the fabric of the school that follows the Whole Child tenets.⁴ Connections to the community are critically important, so support services and referrals are available for families and other community members.

Public Community School Implementation:

Implementation of the Community Schools Model requires that dedicated staff and structures use proven implementation mechanisms and should ensure that decisions made by collaborative bodies do not abrogate the contractual protections of any union member.

1. ***Community School Coordinator:*** Every community school should have a community school coordinator that plays a leadership role at the school, is a member of the school leadership team, and is a full-time staff member. The CSC has training and specialized skills that supports building and managing partnerships in diverse communities, creating and coordinating an integrated network of services for students and their families, and optimizing both internal and external resources. The CSC connects students and their families with services in the community.
2. ***Needs and Asset Assessment:*** The foundation for the community school model is a school-based needs and asset assessment that assesses academic, social, and emotional needs and assets (including staff expertise and community supports of the school and surrounding community). The needs and asset assessment, facilitated by the CSC, is an inclusive process in which families, students, community members, partners, teachers, ESP, administrators, and other school staff define their needs and assets. Problem-solving teams are established based on the needs determined in the needs and asset assessment.
3. ***School Stakeholder Problem-solving Teams:*** Every community school should have teams of school staff and other stakeholders (families, parents) dedicated to solving problems that are identified in the needs and asset assessment. The solutions identified by the stakeholder problem-solving teams change the way things are done in and outside of school hours and, at times, involve partnerships with outside organizations and individuals.
4. ***Community School Stakeholder Committee:*** The community school stakeholder committee (CSSC) coordinates between school staff, partners (organizations, businesses, town and city service providers), and stakeholders to ensure goals are achieved and obstacles are surmounted. The CSSC, which includes families, community partners, school staff, students, and other stakeholders from the school's various constituencies, works in collaboration with the school leadership team and supports coordination across and among community schools within a school district.

⁴ A **whole child** approach, which ensures that each student is healthy, safe, engaged, supported, and challenged, sets the standard for comprehensive, sustainable school improvement and provides for long-term student success.

The Role of the Association in Advancing the Community School Model

Awareness. NEA believes that there must be increased awareness among its members and the public about the large body of evidence that demonstrates the efficacy of the Community School Model in supporting racial justice in education and closing opportunity gaps to achieve measurable school improvement gains. NEA encourages schools and districts to use the community school model.

Advocacy. NEA has a responsibility to advocate for community school policies and procedures, legislation, and practices that will result in school improvement gains. As educators, NEA is in the best position to advance the adoption of community school policies.

Safe, Just, and Equitable Schools

Adopted by the 2022 NEA Representative Assembly

I. Our Vision for Safe, Just, and Equitable Schools

The National Education Association’s vision for safe, just, and equitable schools is of thriving spaces that are safe and welcoming for all students, discriminatory toward none, integrate the social, emotional, physical, mental, and spiritual needs of the whole student, and equitably and fully-fund the community school model with wraparound services and resources.

NEA’s vision is the recruitment and retention of educators who reflect the community, with relevant professional development and tools for cultural competence and responsiveness, prepared to center students’ needs and lived experiences, value all voices, and ensure voices that have been historically exploited, ignored, or silenced are empowered and heard.

NEA’s vision is to emphasize evidence-based behavioral practices centered in the philosophy of restorative justice over the criminalization and policing of students, and which dismantle and eliminate inequitable policies, practices, and systems that deprive many of our students of their futures and disproportionately harm Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners.

NEA believes all educators—which includes every adult working in our schools—are indispensable both for realizing our vision and for transforming our schools and the broader community so that we may end inequitable policies, practices, and systems to avert a crisis of criminalization of our youth and instead prepare every student to achieve their full potential and succeed in a diverse and interdependent world.

This Policy Statement sets forth principles to guide the beliefs, actions, advocacy, partnerships, and other organization-wide efforts to achieve and sustain NEA’s vision for safe, just, and equitable schools for every student, educator, parent/guardian, and community.

II. Guiding Principles to Achieve Our Vision

NEA is committed to changing the policies and practices of the schools in which we work to ensure thriving spaces that are safe, just, and equitable. The Association is committed to beliefs, actions, advocacy, and partnerships for the removal of impediments that are entirely incompatible with our vision, such as institutional racism, white supremacy culture, inadequate and inequitable school funding, and the criminalization and policing of students¹ in our schools—all of which perpetuate the school-to-prison and school-to-deportation pipelines.²

The Association demands a transformative investment in the physical and mental health of all students, including Native students and Asian, Black, Latin(o/a/x), Middle Eastern and North

¹ *Criminalization and policing of students* refer to practices and enforcement of school disciplinary policies that criminalize students’ behaviors, subjecting students to potential penalties imposed by law enforcement instead of consequences imposed by educators.

² *School-to-prison and school-to-deportation pipelines* refer to policies and practices that directly and indirectly push Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including immigrant and undocumented youth, out of school and on a pathway to prison and/or deportation 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, and overreliance by educators on referrals to law enforcement, the juvenile and criminal justice system, detention, and potentially deportation proceedings.

African, Multiracial, and Pacific Islander students,³ LGBTQ+ students, and students from all economic backgrounds and abilities. Policymaking that produces a frayed network of public services in our communities is incompatible with our vision. When equitably and fully-funded, this network—which includes public schools, libraries, parks, transportation, food security, access to health care and child care, affordable housing, and public service infrastructure—energizes students, families, and their entire communities. The adoption of racial and social equity principles at all levels of policymaking will encourage systemic solutions to these issues. Racial and social justice in education and throughout the United States will be realized when we ensure fair treatment resulting in equitable opportunities and outcomes for people of all races and backgrounds.

Our work to achieve our vision for safe, just, and equitable schools is guided by five principles:

Guiding Principle 1:

Adopting a Restorative Justice Philosophy to Create a Thriving School Climate

NEA’s vision integrates the social, emotional, physical, mental, and spiritual needs of the whole student,⁴ in which students’ identities and lived experiences are centered within a thriving and nurturing school climate.

Educators are critical to the development of evidence-based behavioral practices centered in a philosophy of restorative justice that promotes caring, trusting, and positive relationships among students and adults. Without the development of such practices, high quality teaching and learning cannot occur. The Association’s vision for a restorative justice philosophy is comprised of practices and processes that proactively build healthy relationships and a sense of community. Restorative practices to address conflict and wrongdoing, behavior, rule violations, and school climate can improve relationships between students, between students and educators, and 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 or individuals affected by the behavior. These practices represent a collective mindset that can help guide youth and adult behavior and relationship management in schools.

Restorative justice practices and processes do not replace but rather complement existing 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.

Guiding Principle 2:

Relevant Professional Development for Culturally Competent Educators

NEA believes that educators—which includes every adult working in our schools—must be fully supported so they are better prepared to respond to the social and emotional needs of

³ Identities and their usage here acknowledges the *Report and Recommendations of the Racial Equity Language Review Stakeholder Group* adopted by the NEA Board of Directors in May 2020. Native People are named first, distinctly, recognized as the first people of this land with sovereign national and tribal status, and named together with Asian, Black inclusive of African American, Latin(o/a/x) inclusive of Hispanic and Chican(o/a/x), Middle Eastern and North African, Multiracial, and Pacific Islander people.

⁴ The *whole student* refers to the Whole Child tenets that call for all available educational resources to maximize the achievement, skills, opportunities, and potential of each student by building upon individual strengths and addressing individual needs. A Whole Child approach prepares students at all educational levels, including higher education, to thrive in a democratic and diverse society and changing world as knowledgeable, creative, engaged citizens, and lifelong learners.

each student to ensure development of the expertise and understanding of what it means to be culturally competent and responsive.⁵ A culturally competent pedagogy connects students' cultures, languages, and life experiences with the school curriculum. Leveraging a student's knowledge and experiences from their families and communities helps them to access and connect with the curriculum and develop their academic skills.

Support of students who suffer from childhood trauma requires whole school involvement and transformation. To achieve our vision, the Association and its affiliates must actively engage in developing the means for schools and educators to address trauma and its implications for creating safe, just, and equitable schools. Educators must be given ongoing opportunities to develop the expertise to work with students from different racial, ethnic, and economic backgrounds, and to support those students who may be affected by childhood trauma.

The Association must fully engage and authentically partner with stakeholders to develop and implement, with fidelity, training that is relevant, proven, substantial, and ongoing, and professional development tools that are responsive to the needs of students and educators and are designed to build and increase educators' cultural competence over the course of their careers. At a minimum, these programs must address:

- A. Development of communications skills including strategies for peer-to-peer, educator-to-parent, and educator-to-student communication.
- B. Development of cultural competence and responsiveness including awareness of one's own implicit biases⁶ and trauma, understanding culturally competent pedagogy, and becoming culturally responsive in one's approach to education and discipline/behavior.
- C. Training developed for, and delivered to, pre-service, early career, and experienced educators.
- D. Understanding of trauma and its effect on a student's education.
- E. Knowledge and skills required to transform schools into trauma-informed environments.

Guiding Principle 3:

Eliminating Disparities in Disciplinary/Behavioral Practices

NEA is committed to ending harsh school discipline/behavioral policies that directly and indirectly contribute to a crisis of criminalization of our youth, and disproportionately harm Native students and students of color. National research shows that these policies specifically have a disparate impact on Native, Black, and Latin(o/a/x) students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners. Regionally, Asian, Middle Eastern and North African, Pacific Islander, and Multiracial students experience harm and disparate outcomes as a result of such policies. NEA demands an end to school disciplinary/behavioral policies and practices that overuse suspension and expulsion; employ zero-tolerance⁷ policies that criminalize minor infractions of school rules; increase police presence and surveillance on school campuses that create prison-like environments; and encourage school staff to impose exclusionary discipline or refer students to law enforcement,

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

⁶ *Implicit bias* means the deep-seated attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

⁷ *Zero-tolerance* refers to school disciplinary/behavioral policies and practices 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.

juvenile justice authorities, and immigration services. Students who are suspended or expelled not only fall behind academically but are significantly more likely to drop out of school altogether, fail to secure a job, rely on social welfare programs, and end up in prison or face deportation.

The Association will advocate for schools, school districts, and states, in ensuring public accountability to the communities they serve, to take appropriate steps to review their disciplinary/behavioral policies and practices for any disparate impact on the basis of race, ethnicity, or other protected characteristics; to take prompt and effective action to eliminate any disparate impact found; and to continue to monitor disciplinary/behavioral policies and practices to ensure that they are fair and nondiscriminatory.

Guiding Principle 4:

Eliminating the Criminalization and Policing of Students in Schools

NEA believes the criminalization and policing of students obstructs a thriving and nurturing school climate. Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners are in greater jeopardy in schools with a presence of police and law enforcement.⁸ Schools with police presence rely more heavily on exclusionary discipline, and exclusionary discipline falls disproportionately on Black students and other students of color.

Ending the policing of students on school campuses is essential to ensure thriving spaces for all stakeholders and to facilitate policies that dismantle inequalities and eliminate the criminalization of youth. The Association strongly opposes the policing of students in all of its forms which perpetuate the school-to-prison and school-to-deportation pipelines.

NEA recognizes the significance of physical school facilities as a reflection of what educators want our schools to be—welcoming, inclusive, and supportive environments for our students, parents/guardians, and communities.

Therefore, the Association demands an end to:

- A. Participation in federal 1033 programs which deliver unnecessary weapons, vehicles, surveillance technology, and other equipment that unjustifiably militarize the police presence on school campuses.
- B. Overreliance by educators on referrals to law enforcement which increase the likelihood of contact with the juvenile justice system.
- C. Subjective and biased enforcement of disciplinary policies such as hair and dress codes.
- D. Construction of prison-like school environments that employ metal detectors, random searches, and other building and design elements that diminish a thriving and nurturing school climate.

Guiding Principle 5:

Student, Family, Organizational, and Community Engagement

NEA's vision is a safe, just, and equitable school in which all students' needs and lived experiences are centered and voices that have been historically exploited, ignored, or silenced are empowered and heard. The social, emotional, physical, mental, and spiritual needs of the whole student must be strengthened and supported through education, family partnerships, and relationship building. Students, parents/guardians, and other caregivers must be engaged and trained in problem-solving techniques, conflict resolution skills, mental health and wellness, and cultural competence. The development and implementation of a restorative justice philosophy paired with restorative practices is essential for building healthy relationships and

⁸ *Police* or more specifically *law enforcement* refers to any sworn individual with the power to arrest, detain, interrogate, and issue citations.

communities to prevent and address conflict and trauma. Students must be invested in their own success and understand that their actions and voices are critical in shaping and driving the decisions that affect their school communities and help create inclusive, bias-free, and thriving school climates.

The Association must fully engage and authentically partner with a comprehensive range of stakeholders that includes students, parents/guardians and family members, local and state affiliates, school boards, school districts, peer mentoring groups, community-based organizations, alternative schools/juvenile correctional institutions, mental health and wellness organizations, faith-based organizations, law enforcement, professional associations and advocacy groups, and social justice stakeholders to identify policies, practices, and activities to achieve a shared vision for safe, just, and equitable schools.

III. Implementing an Association-Wide Plan to Achieve Our Vision

NEA will utilize the Framework for Racial Justice in Education⁹ to achieve our vision for safe, just, and equitable schools through the identification of strategies, activities, stakeholders, and internal and external levers of change required to influence sustainable transformation and learnings across school systems. The framework identifies three strategies: awareness, capacity building, and action encompassed within pre- and post-qualitative and quantitative evaluations. The framework also provides direction to focus the identified strategies, tactics, and activities while determining partnerships needed to leverage systems of change within the Association and institutions.

NEA will utilize the Racial Equity Impact Assessment (REIA)¹⁰ to guide the development and implementation of Association-wide plan activities. The REIA is designed to ensure stakeholders are proactively working to prevent bias and racial inequities from appearing in identified solutions.

The goals of NEA's plan are to:

- A. Identify and support opportunities to engage, activate, and mobilize members and leaders to organize to achieve safe, just, and equitable schools for every student, educator, parent/guardian, and community.
- B. Develop an Association-wide understanding of the issues and impacts of the criminalization and policing of students.
- C. Develop and strengthen NEA's partnerships and coalitions with organizations, movements, and legislators to advocate and organize for safe, just, and equitable schools.
- D. Integrate and align the safe, just, and equitable schools vision and criteria across the NEA enterprise priorities and activities.

⁹ See *Report of the NEA Task Force on Safe, Just, and Equitable Schools*, Appendix C.

¹⁰ See *Report of the NEA Task Force on Safe, Just, and Equitable Schools*, Appendix D.

The Use of Artificial Intelligence in Education

Adopted by the 2024 NEA Representative Assembly

Introduction

Artificial intelligence (AI) is a rapidly advancing technology, actively changing how we teach, learn, work, and live. This Policy Statement sets forth principles regarding the use of AI in education and specifies the Association's role in supporting and advocating for students and educators in this domain.

Definitions

For purposes of this Policy Statement, the following definitions apply:

1. **Algorithmic bias:** "Systematic, unwanted unfairness in how a computer detects patterns or automates decisions,"¹¹ often based on characteristics and identities such as age, class, culture, disability, ethnicity, gender, location, nationality, political affiliation, race, religious background and practices, and/or sexuality.
2. **Artificial intelligence (AI):** Machine-based systems designed around human-defined objectives to perform tasks that would otherwise require human or animal intelligence.
3. **AI literacy:** Understanding what it means to learn with and about AI while gaining specific knowledge about how artificial intelligence works, the skills necessary to master AI tools, and how to critically navigate the benefits and risks of this technology.
4. **Data governance:** A set of practices that ensures that data assets are formally managed throughout a system/enterprise and that define the roles, responsibilities, and processes for ensuring accountability for and ownership of data assets.
5. **Educators:** People employed by an institution dedicated to pre-K–12 or higher education.
6. **Generative AI:** Artificial intelligence tools that generate text, images, videos, or other content based on existing data patterns and structures.
7. **Transparency:** Open disclosure of how AI systems work, including how they reach decisions and the data used to do so.

Principles

PRINCIPLE 1

Students and educators must remain at the center of education

Learning happens, and knowledge is constructed through social engagement and collaboration, making interpersonal interaction between students and educators irreplaceable.¹² The use of AI

¹¹ U.S. Department of Education, Office of Educational Technology, *Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations* (Washington, DC, 2023), <https://www2.ed.gov/documents/ai-report/ai-report.pdf>.

¹² Cecilia Ka Yuk Chan and Louisa H. Y. Tsi, "The AI Revolution in Education: Will AI Replace or Assist Teachers in Higher Education?," *arXiv: 2305.01185* (2023), <http://arxiv.org/pdf/2305.01185>; Cathy McKay and Grace Macomber, "The Importance of Relationships in Education: Reflections of Current Educators,"

should not displace or impair the connection between students and educators, a connection that is essential to fostering academic success, critical thinking, interpersonal and social skills, emotional well-being, creativity, and the ability to fully participate in society. AI-enhanced tools that undermine any of these critical aspects of teaching and learning should not be employed.

We envision AI-enhanced technology as an aid to public educators and education, not as a replacement for meaningful and necessary human connection. To move AI forward as an additive resource and tool, professionally and socially diverse educators (across race/ethnicity, gender, disability status, positions, and institutional levels) must be included in decision-making – inclusive of AI vetting, adoption, deployment, and ongoing use – to guarantee that these tools are used to improve job quality and enhance performance.

AI technology tends to reflect the perspectives—and biases—of the people who develop it. Furthermore, developers may not notice when their tools are biased against or do not adequately reflect the needs of people who differ from them demographically or in other ways. Notably, technology developers are overwhelmingly younger, White, cisgender, heterosexual, male, and people without disabilities.¹³ Actively involving a diverse and intersectional array of educators, including those with disabilities, in the development, design, and evaluation of AI systems ensures technology that is not only compliant with accessibility standards but also genuinely user-centric. Including the diverse and intersectional perspectives and experiences of people who are Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Multiracial, and Pacific Islander, LGBTQ+, and from all economic backgrounds and abilities is essential if this technology is to be effective in its educational purpose.

Artificial intelligence should not be used to undercut educators by exposing them to unnecessary surveillance, undermining their rights, or taking over core job functions that are best done by humans. These tenets should be reflected in and protected through collective bargaining, labor-management collaboration, and state laws.

AI-informed analyses and data alone should never be used for high-stakes or determinative decisions. While such data might be included among several other factors, the degree of its importance, weight, and reliability must be carefully considered in matters concerning items such as, but not limited to: employee evaluations; student assessment, placement, graduation, and matriculation; disciplinary matters; diagnoses of any kind; and matters of safety and surveillance. These decisions must rely primarily on the professional expertise and judgment of humans, who must consider equity, diversity, access, human rights, and other appropriate contextual considerations.¹⁴

PRINCIPLE 2

Evidence-based AI technology must enhance the educational experience

Artificial intelligence should only be adopted once there is data supporting a tool’s appropriateness and efficacy with potential users and, for instruction-focused AI, its alignment with high-quality teaching and learning standards and practices. This evidence should come either from research conducted and reviewed by independent researchers or from industry-sponsored research that adheres to the same standards of methodology and peer review as

Journal of Education 203, no. 4 (2021), <https://doi.org/10.1177/00220574211057044>; National Academies of Sciences, Engineering, and Medicine, *How People Learn II: Learners, Contexts, and Cultures* (2018), <https://doi.org/10.17226/24783>.

¹³ Stack Overflow, *2022 Developer Survey* (2022), <https://survey.stackoverflow.co/2022/>.

¹⁴ See also *NEA Policy Statement on Teacher Evaluation and Accountability* at page 16.

independent research. If such research is unavailable, AI may be adopted on a pilot or trial basis if the evidence is being collected and analyzed in a timely manner, with an agreement in place to cease the use of the technology if the results of the research do not show the intended benefits or do not serve educational goals.

Close attention must be paid to the needs of our most vulnerable learners, including students with disabilities, early learners, and emergent multilingual learners. AI technology must not conform to a purely ableist and privileged standard that neither serves nor adapts to the educational needs of students with disabilities. User cases that aid in the development of effective AI tools in education must be based on a range of disabilities (i.e., learning disabilities, hearing impairments, visual impairments, etc.). While some AI technology may improve accessibility and enhance these students' educational experiences, these students are susceptible to harm if AI is used inappropriately. There must be dedicated research and the establishment of clear guidance to help our schools ensure that AI-enabled technology is effective and appropriate for these students.

It is critical that systems, processes, and structures are created to ensure intentional and ongoing attention is paid to the extent to which biases built into AI technology and uses of AI-generated data further perpetuate racial injustice and social inequities in education. AI tools need to be carefully evaluated by educators, Native communities and communities of color, and rural communities to ensure these tools reflect the diversity of students' backgrounds and experiences and proactively avoid inequitable access to high-quality technology and internet access. We must also ensure these tools do not subject students who are Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Multiracial, or Pacific Islander to higher surveillance than their White peers, perpetuate school-to-prison and school-to-deportation pipelines, or create an over-reliance on content and assessment delivered by AI-enhanced technology rather than that of qualified educators.

Assessment of AI efficacy must not end after a tool is adopted. Innovations in technology, pedagogy, and content are ongoing, and AI tools must be reassessed regularly by educators to ensure they continue to provide the intended benefits and have not created unanticipated problems. Educators must be involved in both the initial and ongoing assessment of AI tools so that AI is used only if it will enhance, rather than detract from, students' educational experiences and their well-being. Educator involvement is critical to ensure that AI is implemented in ways that are effective, accurate, and appropriate for learners at all levels.

PRINCIPLE 3

Ethical development/use of AI technology and strong data protection practices

Artificial intelligence is far from flawless and requires human oversight, checks, and balances. Primary areas of concern include algorithmic bias, inaccurate or nonsensical outputs, violations of student and educator data privacy, and the considerable environmental impact of AI energy use. AI tools must be carefully vetted prior to deployment and monitored after implementation to mitigate these hazards, guarantee ongoing transparency, and confirm that tools comply with current local, state, and federal laws. States, local districts, and higher education institutions should evaluate (and strengthen where necessary) their existing data governance plans prior to adopting AI tools. Particular attention must be paid to AI tools that aim to play any role in assessing/evaluating students or educators or would have monitoring or surveillance functions. AI tools proposed for any of these purposes should be approached with caution; evaluated, understood, and agreed to by appropriate interest holders (including students, educators, and families); and used with the understanding that AI data models and programming are biased,

incomplete, quickly become outdated, and can result in unreliable and harmful results, particularly for Native students, students of color, and students with disabilities.

Educators, parents, and students must be made aware of what and how AI tools are used in schools and on campuses. Educators must receive ongoing learning opportunities that enable them to identify ethical hazards and how to handle them effectively if they arise. Institutional structures, such as review boards or scheduled audits, should also be put in place to enforce high-quality standards for the use of AI. Data collected through AI should be subject to protocols providing transparency about the types of data being collected and how the data is stored, utilized, and protected. These protocols must also clearly articulate whether and to what degree AI is used for any form of monitoring or surveillance in educational settings and how this data will be governed. Additionally, these protocols must ensure the proprietary rights of students and educators in their original work.

Although these technologies operate in virtual spaces, AI and the cloud will consume increasing amounts of energy and require larger quantities of natural resources, which has the potential to increase greenhouse gas emissions. At present, generating a single image using a powerful AI model consumes as much energy as fully charging your smartphone.¹⁵ While it is nearly impossible for researchers to evaluate the full extent of the negative environmental impacts of AI technologies, decision-makers in school settings should be aware of the connection between AI and the environment and be mindful of environmental impacts throughout the planning and implementation phases.

PRINCIPLE 4

Equitable access to and use of AI tools is ensured

Gaps in educational opportunities, resources, and funding negatively affect student outcomes and are exacerbated for students living in rural areas, those who are Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Multiracial, or Pacific Islander, and those who are LGBTQ+. This has become clear regarding educational technology, an area where students and educators in under-resourced schools and institutions have struggled to achieve equity. Deploying AI tools will further widen this digital divide if measures are not taken to guarantee access to all students and educators, from early childhood to higher education, regardless of ZIP code. Education systems must not only provide AI tools but also guarantee the technical support, devices, and internet infrastructure necessary to reliably access and use AI in the classroom and at home.

Artificial intelligence must also be used in equitable ways in schools and on campuses. To ensure all students – regardless of race/ethnicity, disability status, emergent multilingual learner status, or location – have access to learning opportunities that use AI to promote active learning, critical thinking, and creative engagement, we have to be intentional and proactive to prevent our biases from impacting how students experience AI technology. Educators must be cognizant of the potential for some students, particularly high-need learners, including students with disabilities and emergent multilingual learners, to be relegated to using AI only for rote memorization, standardized assessment, or finding answers to factual questions. Policies and procedures must be in place to guarantee that all students—not only the most advantaged or most advanced—are able to take full advantage of AI technology.

¹⁵ Melissa Heikkilä, "Making an Image with Generative AI Uses as Much Energy as Charging Your Phone," *Technology Review* (Dec. 1, 2023). <https://www.technologyreview.com/2023/12/01/1084189/making-an-image-with-generative-ai-uses-as-much-energy-as-charging-your-phone/>.

PRINCIPLE 5

Ongoing education with and about AI: AI literacy and agency

Effective, safe, and equitable use of AI technology in education requires that students and educators become fully AI literate and develop a greater sense of agency with this technology. The use of artificial intelligence extends into countless aspects of our personal and professional lives, and AI literacy must be part of every student's basic education and every educator's professional preparation and development.

Artificial intelligence is a vital component of the computer sciences but extends far beyond the computer science curriculum. Curricular changes should be made to incorporate AI literacy across all subject areas and educational levels so that all students understand the benefits, risks, and effective uses of these tools. These student learning experiences should be developmentally appropriate, experiential (allowing students to engage with various forms of AI-enhanced technology), and help students think critically about using AI-enhanced technology.

Educators must be afforded high-quality, multifaceted, ongoing professional learning opportunities that help increase their AI literacy and understand what, how, and why specific AI is being used in their educational settings. Learning opportunities must be provided to educators in all positions and at all career stages. Educators must know how to use AI in ways that are pedagogically appropriate within their content areas and for all learners, including early learners, students with disabilities, and emergent multilingual learners. These learning opportunities must also help educators research and assess available evidence about effective AI uses in education; understand AI bias and know strategies for reporting and mitigating the harmful impacts of AI bias; and understand the ethical and data privacy hazards associated with AI-enabled technology and appropriate policies and standards in use by their educational institutions. Educators should be positioned to lead professional learning about the use of AI tools in educational settings.

Association Advocacy and Action

NEA believes that artificial intelligence has the potential to transform the educational experience for our students and the professional experience of educators. Therefore, it is imperative that NEA play a leading role in ensuring that the transformation is a positive one.

The expansive role that artificial intelligence plays in our education systems continues to grow, and it will impact us all in ways that we have yet to fully understand. NEA and its state and local affiliates should call for and actively engage in coalitions, research, commissions, and committees studying and making recommendations about AI adoption, effectiveness, and safety in education. Artificial Intelligence technology offers intelligence without consciousness, and NEA must ensure that the interpersonal human connection between students and educators is of primary importance, along with well-being, safety, equity, and access.

Racial and social justice are deeply held core values of the Association, and we cannot tolerate a wider spread of discrimination, inequity, and injustice in our education systems for any reason, including for reasons related to biases in artificial intelligence algorithms. Students and educators with disabilities, Native people and people of color, or those who represent marginalized groups and identities are more likely to be negatively impacted by biased and incomplete AI data and tools and the decisions that can result from them, as well as the negative consequences of climate change intensified by the development of AI technologies.

Understanding the technology is critical but it is absolutely essential for all educators and administrators to have ongoing opportunities for the types of professional development described in the *NEA Policy Statement on Safe, Just, and Equitable Schools (2022)*.¹⁶ That is, educators and administrators must have quality professional opportunities that allow them to develop “cultural competence and responsiveness including awareness of one’s own implicit biases and trauma, understanding culturally competent pedagogy, and becoming culturally responsive in one’s approach to education and discipline/behavior.”

This skill and knowledge will position educators and administrators to be able to select inclusive AI tools while also applying their pedagogical expertise to ensure the tools are effective and meet the needs of their diverse learners. Further, this knowledge can help educators see and understand biases that may result from AI tools and develop appropriate remedies or approaches to help students succeed.

The NEA will advocate at the federal, state, and local levels to prevent the design, adoption, and use of AI tools and data that are unsafe or harmful, and the Association will be vigilant in applying its core beliefs to its advocacy.

NEA will advocate at the federal, state, and local level for the environmental impacts of AI to be considered in decision-making processes around the development and application of AI tools. Further, NEA will ensure any of its own materials, tools, or professional learning opportunities related to AI consider and cover its environmental impact.

NEA will advocate at the federal, state, and local levels for the ethical, safe, and appropriate use of effective AI tools and related data and for equitable access to this technology. Further, NEA will develop guidance to help affiliates and members advocate in bargaining and non-bargaining contexts. A critical component of the Association’s advocacy must be to ensure that the voices of students and educators with disabilities, Native and indigenous peoples, people of color, and those representing marginalized groups and identities are meaningfully engaged in policy development, rulemaking, and implementation efforts. Working in partnership with allies, particularly students and parents, will further strengthen the Association’s ability to influence positive policy and practice.

NEA, in partnership with allied organizations, should also develop high-quality learning opportunities for its members on AI literacy, using AI in instructional contexts, and issues of AI ethics and equity. These opportunities should be multifaceted in terms of their format to have the greatest reach.

¹⁶ See *NEA Policy Statement on Safe, Just, and Equitable Schools* at page 32.