

# **Non-discrimination Training for Charter School Boards**

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and is not be construed as legal advice or formal legal  
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As part of effective governance practices, the Schools of Choice Unit of CDE contracted Education Board Partners to develop a non-discrimination training for charter schools.

Charter schools are public schools funded through public dollars and must adhere to national and state anti-discrimination laws.



# ***Non-discrimination for Governing Boards***

1

**Understand the legal and HR definition of Non-discrimination**

2

**Understand the CROWN Act and what it means**

3

**Recognize appropriate student recruitment, enrollment and discipline policies and practices**

4

**Comprehend the board's role in ensuring students with special needs are welcome and the school is compliant**

5

**Adapt and apply a racial equity lens to board practices**

# Non-discrimination Definitions

# Discrimination

dis·crim·i·na·tion

/dəˌskrɪməˈnāSH(ə)n/

the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, gender, or ability.

what are other  
words for  
non-discrimination?



fair shake, anti-discrimination,  
equal opportunity,  
equal rights policy, even break,  
fair hiring



# Charter Schools & Non-discrimination

Charter Schools are subject to all federal and state laws regarding non-discrimination. The Charter School provides evidence of annual training on non-discrimination laws to employees and board members, and otherwise ensures that its board and leadership stay current on all relevant provisions.

[1 CCR 301-88](#)

# HR Definition of Non-Discrimination

Colorado follows state anti-discrimination and civil rights laws and guidance. In 2008, Colorado passed a law ([S.B. 08-200](#)) expanding prohibitions against discrimination. The law calls out the need to protect all regardless of “disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry” in all places of public accommodation. This law defines sexual orientation as “a person’s orientation toward heterosexuality, homosexuality, bisexuality or transgender status or another person’s perception thereof.”



# Review Your Data and Policies

	Policy	Data
<b>Hiring</b> <b>Discipline/Dismissal</b> <b>Promotions</b>	Are your HR policies clear about non-discrimination?	What is the demographic composition of your staff?
		Are there patterns in your staff discipline or dismissal data?
		Which staff members are being promoted?

# CROWN Act

# The CROWN Act

The act enacts the "Creating a Respectful and Open World for Natural Hair Act of 2020", also known as the "CROWN Act of 2020", which specifies that, for purposes of anti-discrimination laws in the context of public education, employment practices, housing, public accommodations, and advertising, protections against discrimination on the basis of one's race include hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

# What It Means For You

- Be cognizant of the policies you create and approve and the effect they have on all students and staff.
- Ask yourself how your dress code policies affect all students and staff.
- The following slide shows examples of schools that put themselves in compromising positions from not understanding the impact of their policies.

## ***Georgia Elementary School Is Accused of Racial Insensitivity Over Hairstyle Guidelines Display***



**A Fresno honor student got a popular haircut, but school officials didn't like it**

A black high school wrestler told by a referee to cut his dreadlocks or forfeit a wrestling match

**Black Malden charter students punished for braided hair extensions**

# Review Your Data and Policies

	Policy	Data
<b>Dress code</b>	Is your dress code gender and race neutral?	Which students are being called out for dress code violations?
<b>Discipline</b>	Do your dress code policies cause students to be removed from class and hinder equal opportunities to learn?	Which students are missing class time for discipline issues?

# Recruitment, Enrollment, Discipline

# Student Recruitment and Enrollment

Enrollment in a charter school must be open to any child who resides within the school district; except that no charter school shall be required to make alterations in the structure of the facility used by the charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.



# What It Means For You

- Be aware of the recruitment and enrollment decisions in your charter and ensure that they are being adhered to at the school level.
- As public schools, charters may not discriminate or inhibit some populations of students from enrolling in the school.
- The following slide provides some national headlines that impact negatively on the charter sector as a whole.

## **Tailoring the Charter School Population**

Students with behavior problems, low achievement or special needs are sometimes not encouraged to apply to charter schools

# **When School Choice Means School's Choice**

Parents of students who are “harder to educate” may have a hard time getting schools to reply to their emails about how to apply.

# **CHARTER SCHOOLS MAY DISCOURAGE APPLICATIONS FROM ‘HARD’ KIDS**

# Cannot Limit Enrollment Access

- Students with disabilities
- Academically low-achieving pupils
- English learners
- Homeless pupils
- Pupils who are economically disadvantaged (determined by eligibility for any free or reduced-price meal program)
- Foster youth
- Pupils based on nationality, race, ethnicity, or sexual orientation

# Review Your Data and Policies

	Policy	Data
<b>Recruitment</b>	Do our recruitment policies create any potential barriers that might limit access based on socioeconomic status, language, disability, or culture?	Do we recruit a disproportionately low percentage of these student groups compared to who is in our community?
<b>Enrollment</b>	Do any of our policies or practices seem to limit access to enrollment for any of these groups?	Do we enroll a disproportionately low percentage of these student groups compared to surrounding schools?

# Consider Possible Barriers in Recruitment or Enrollment

- What supports are there for families that do not speak English?
- How does a family's access to technology influence the application process?
- What information are families required to supply for the application? Are there any questions on the application that could deter particular categories of families, such as undocumented or homeless families?
- Are families required to visit the school in order to apply?
- Are there parent participation requirements, uniform costs, or other school fees required for enrollment that could pose barriers for low-income families?
- Does the school participate in the federal free and reduced-price lunch program (or provide a comparable program)?
- Does the school provide transportation for enrolled students?

# Discipline

Public charter schools have autonomy over their mission and educational model in exchange for increased accountability for student outcomes. They must follow the same rules and regulations that traditional public schools must follow affecting health, safety, and students' rights, including those that protect students with disabilities. The design and implementation of discipline policies can pose challenges in any public school setting, but in the charter school context, tensions between charter autonomy and public school obligations can raise additional issues.

# What It Means For You

- Seek to fully understand the discipline policies you create and approve.
- Be knowledgeable about the effect the discipline policies at your school have on certain populations.
- The following slide shares some examples of how discipline policies may harm certain populations more than others.

# ***Charter Schools Suspend Black and Disabled Students More, Study Says***

**The Harsh Discipline of No-Excuses Charter Schools: Is It Worth the Promise?**

**Study Finds Many Charter Schools Feeding "School-to-Prison Pipeline"**



# Review Your Discipline Data and Policies

Policy	Data
Does our discipline policy maximize the time students are in school and learning?	Have we looked at disaggregated discipline data by subpopulations?
Do we have a policy on staff discipline training or professional development?	Have we looked for patterns in who submits discipline concerns?

# Resource

The U.S. Departments of Education and Justice have worked closely with educators through the #RethinkDiscipline campaign to support initiatives that build positive school climates and develop alternative approaches to school discipline. Some guiding principles to know:

- Maximize the time students are in school and learning
- Cultivate systems that acknowledge and remedy the root causes of students' and educators' challenges in school
- Leverage data to inform equitable disciplinary systems
- Engage the entire school community in professional development and accountability systems that encourage alignment on the school's intended processes and cultural goals

# Students With Special Needs

# Serving Students with Special Needs

The Charter Schools Act [C.R.S. 22-30.5-104 (3)] prohibits discrimination on the basis of need for special education services. As a public school, a charter school must comply with the federal Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), the Office of Civil Rights (OCR) and any state special education laws.

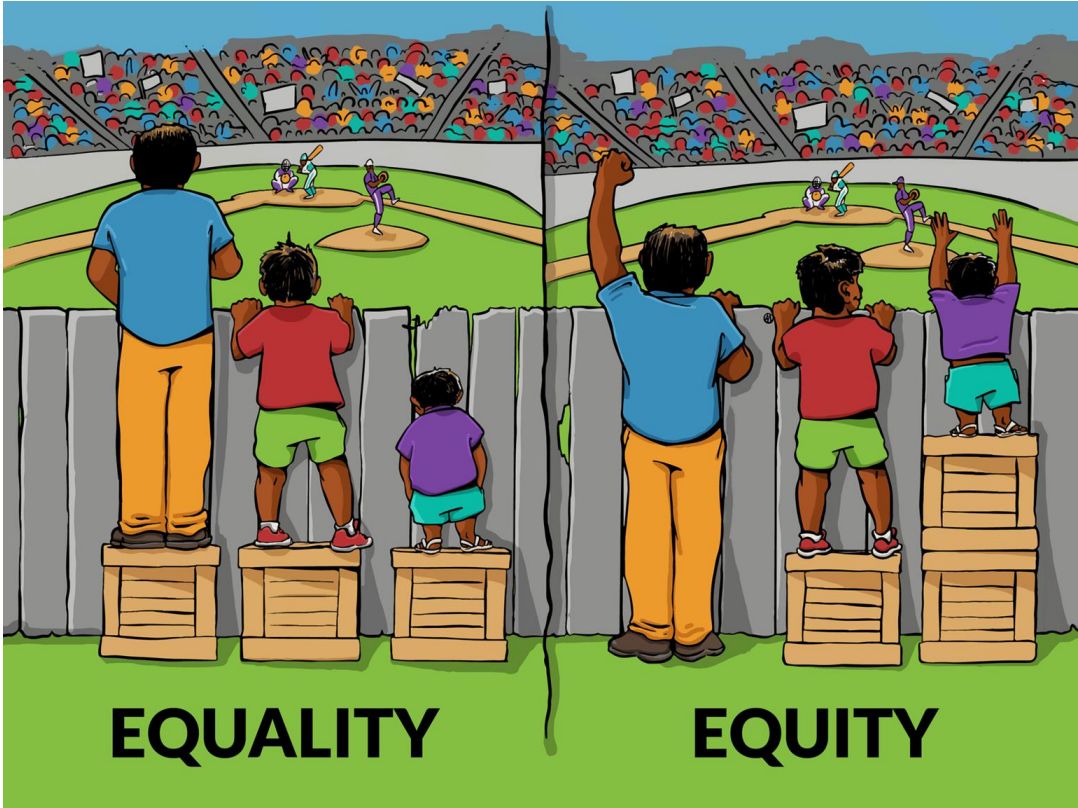
Discipline for students with disabilities must be in accordance with a student's IEP or 504 and include all the procedural safeguards for students with disabilities mandated by state and federal law.

# Questions to Ask About Your Students with Special Needs

- What is the parent satisfaction level with our special education program?
- How are we measuring it?
- What percentage of students with IEPs are mastering their IEP goals?
- How are we set up to serve all students well (curriculum, teacher quality, behavior supports/expectations, ratios, etc.)?
- How does our special education enrollment compare with comparable schools?
- How are teachers trained and supported for implementation of special education services?
- How does our school performance (and our sped demographics) compare in context of our community?
- What does our discipline data for our special needs students look like?

# Governing with an Equity Lens

# Defining Equity



## Equality



## Equity



## Justice





If we declare all students regardless of background should have access to the exact same opportunities that is **equality**.

**Equity** is acknowledging students' differences and giving them what they need to be successful.

**Equity** focuses on outcomes.

**Equity** is a commitment to giving every student what he or she needs so they can participate fully in educational opportunities.

The focus of **equity** work in schools must be to remove the barriers that limit the success for all children.

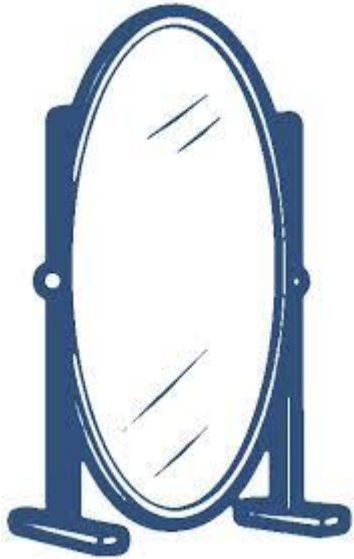
# Equity Work Starts with Looking in the Mirror

Is our school's reputation being negatively or positively impacted by our board's current composition vis-à-vis diversity?

What are we doing/can be done to cultivate a deeper understanding of the community, families and students that we serve and bringing their perspectives, needs, feedback, and priorities into our strategic boardroom discussions?

Are we ever at risk of making decisions without fully understanding how these decisions may affect those we serve?  
How? In what situations? Examples?

If we were to make a deeper commitment to DEI, specifically equity, what would that mean for our mission, our work, and the students we serve?



# Goal: Equitable Outcomes for All Students

Think through the following questions:

- Who thrives at this school? Who struggles?
- Does enrollment in advanced classes represent a diverse body of students?
- Are interventions offered for struggling students? If so, are they effective?
- Is there evidence of equitable outcomes?
- Is there evidence of inequitable outcomes?

# Six Steps Toward Governing with Equity

1. Identify your “**WHY**”
2. Build **Awareness**
3. Conduct **Analysis**
4. Take **Action**
5. Build **Accountability**
6. Determine **Impact**

# Identify Your Why

- Why does deepening our focus and expertise/competence on equity ***make sense for us?***
- ***Why*** is ***now*** the right time to focus on equity in governance?
- How do our ***mission and values align with equity***-focused ***governance?***
- What's happening related to ***equity in our organization? Region? Nationally?***
- What can/will ***sustain*** the WHY?

# Build Awareness

- What *vision, goals, effort/initiatives* have been identified or undertaken **at** your *school*?
- What has been the *outcomes of DEI efforts*?
- What do our *stakeholders believe? Need? Want?*
- What does *research* suggest?

# Conduct Analysis

- What do we/others *say/think* about *what's going on*?
- How do we/others *interpret what's going on*?
- Where do you/others *think you should be*?
- What *patterns* do you see?
- What *strengths and gaps* exist?
- What are the *highest priorities* for the *board*? *Others*? Are there *conflicts*?
- *Consider drafting a summary of findings, analysis and conclusions.*

# Take Action

- **Engage** multiple stakeholders to **craft an equity vision**.
- Given the vision-where you want to be, **identify your priorities**?
- What potential **courses of action** exist to achieve your vision?
- **Develop** and **implement your plan** to eliminate inequity in your school/board.
  - a. The plan should include metrics, indicators and deadlines*
  - b. Engage diverse stakeholders in audit of programs/services, quality of faculty/staff*
  - c. Share progress with stakeholders and standardize opportunities to gather stakeholder feedback regularly*



# Build Accountability

- What ***structures, practices, procedures/processes*** can ***sustain*** your ***commitment*** to equity, eliminate inequity.
- ***Plan and fund*** ongoing ***learning*** and development in DEI skills and competencies throughout the board and org.
- ***Engage diverse stakeholders*** in analysis of plan, strategies and impact.
- ***Share progress*** with stakeholders and standardize opportunities to gather stakeholder feedback regularly

# Determine Impact

- What was the *impact* of our *actions/decisions*? Was this our *intention*?
- What was the impact and *experience for various stakeholders*?
- Did our plan create *unintended impacts (+/-)* for any stakeholder(s)?
- What did we *learn*?
- What will we *do differently*?

# Training Designed by Education Board Partners

Education Board Partners is a national nonprofit whose mission is to ensure that the nonprofit boards governing public charter schools, autonomous public schools, and education ecosystem organizations are actively and successfully working to improve **quality, equity, and accountability** in public education, so that all students have access to a great public school.

Find additional resources and services at:

[www.edboards.org](http://www.edboards.org)

[www.facebook.com/EducationBoardPartners/](https://www.facebook.com/EducationBoardPartners/)

[@educationboards](https://www.instagram.com/educationboards)

[www.linkedin.com/company/education-board-partners/](https://www.linkedin.com/company/education-board-partners/)

# Resources

- [1 Colo. Code Regs. § 301-88-2.02](#)
- [Colorado CROWN Act](#)
- [Colorado Charter Schools Act](#)
- [Rethinking School Discipline](#)
- [Schools of Choice Equity Convening Toolkit](#)
- [National Center for Special Education in Charter Schools](#)
- [BoardSource: Taking Action on Board Diversity](#)
- [EBPs Six Steps Towards Governing with Equity](#)