

START WITH EQUITY: FROM THE EARLY YEARS TO THE EARLY GRADES

DATA, RESEARCH, AND AN ACTIONABLE CHILD EQUITY POLICY AGENDA

CHILDREN'S EQUITY PROJECT



EXECUTIVE SUMMARY

In 1983, President Reagan established a commission to examine the state of the U.S. education system. The resulting landmark report, A Nation at Risk, raised major concerns about our students' preparedness to compete in an evolving and interconnected world economy. Despite several education system overhauls and billions of dollars, we are still very much a nation at risk four decades later.

Today, the primary source of that risk is the uneven playing field and inequitable distribution of opportunity in our education system—starting with our youngest learners. More than half of the 74 million children in the United States are children of color, and they are served by learning systems that are gravely inequitable. The COVID-19 pandemic and its effects on the health, economic wellbeing, and education of young children, only exacerbate existing inequalities.

In the midst of this global pandemic, the inequities that pervade everyday life for Black Americans and other people of color in the United States have come to a head with the recent killing of George Floyd at the hands of police and the thousands of people across the country protesting for an end to police violence and racial injustice. The opportunity to finally bring about equitable change across America's systems, including the early learning and education systems, is as ripe as it has been in a generation.

Against this backdrop, the Children's Equity Project and the Bipartisan Policy Center present a new, concrete early learning equity policy agenda that will help close opportunity gaps in learning systems. With support from the Heising-Simons Foundation, our two organizations held convenings in 2019 with over 70 experts to examine the state of equity in young children. Informed by those convenings, we developed a new report that reviews child equity data, research, and policy and culminates in targeted recommendations to build more equitable learning systems across this nation.

The United States is at a crossroads. We can spend the next several years trying to get back to the broken, ineffective status quo in our learning systems, where children were falling—or being pushed—through the cracks at astonishing rates. Or, we can choose to address the core, structural inequities that have held generations of children, especially Black, Latinx, and Native American children, back. For the sake of our country, we hope policymakers respond to the multiple crises facing our nation, with the latter. The policy agenda presented here can help us get there.

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Page 2

Page 2

Page 2

Page 2

Page 2

Page 2

Page 3

Page 3

Page 4

Page 4

Page 5

Page 5

Page 5

Page 6

Page 6

Page 6

Page 7

Page 7

Page 7

Page 7

Page 8

Page 8

Page 8

Page 9

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A CRITICAL MOMENT

The public health and economic emergencies this country faces as a result of COVID-19 are unprecedented, painful, and large in scale. This pandemic has exposed the precarious economic and social conditions of children and families across the United States, but especially those from historically marginalized communities. Even with incomplete data, it is clear that people of color and people with disabilities are getting sicker and dying at higher rates. This fact is tragic, but not surprising. COVID-19 does not discriminate based on race or income, but our American systems do.

Discriminative housing, financial, labor, education, and criminal justice policies have stacked the deck against people of color. Today, people of color are less likely to have access to health insurance and more likely to face bias within the healthcare system. They are more likely to be exposed to air pollution and lead, live in food deserts and near toxic sites and landfills, and lack access to clean drinking water. Each of these factors, and others, affect underlying health conditions. The broader effects of COVID-19 on Americans' pocketbooks, education, and other domains of life will be unknown for some time. But it is a fact that a long and living history of discriminatory policies have resulted in people of color having less wealth—by some estimates, ten times less and dramatically less upward economic mobility than their White counterparts. It is a fact that their children are more likely to attend high-poverty, underfunded schools. It is a fact that nearly one in three Black and Native American children, and one in four Latinx children lived in poverty, before COVID-19 ravaged communities economically.

And now, where the data are disaggregated, we know that children of color are also more likely to suffer directly from losing a loved one from COVID-19. Given the inequity baked into our American systems, it is almost certain that people from marginalized communities will suffer more from this pandemic and its aftermath in ways that include, but also extend far beyond, health consequences.

Our systems have created barriers that stack the deck against many children—and they have to climb over those barriers before they are out of diapers. We have a system that is unequal, unfair, and unsustainable. That is even more apparent today than it was 6 months ago. The compounding effects of discriminatory policies that have caused these conditions are undergirding the wide scale protests across the nation and the globe calling for an end to police violence and racial injustice. With these protests, advocates have brought hope for an America that lives up to its ideals.

Fixing child serving systems must be part of the solution. If all children are given access to the academic and social-emotional supports they need—instead of being kicked out of school, floundering in ineffective and ideologically driven teaching models, and separated into sub-par learning settings—young children who have been locked out of opportunity for generations could get closer to reaching their full potential. If we seize this moment as an opportunity for positive change, for a long overdue pivot toward equity, maybe we can climb out of this turbulent time in American history stronger, and ensure that all of our children, not just some of them, have the opportunity to thrive.

We centered our work on three policy areas with the potential to transform early learning experiences and close opportunity gaps.

Harsh discipline and its disproportionate application

The segregation of children with disabilities in learning settings

Inequitable and inadequate access to bilingual learning opportunities for dual language and English learners

ABOUT THIS REPORT

This report focuses on learning experiences in the early years, birth through age five, and the early grades (K–5). Early learning experiences in these years can have long-lasting, life-changing effects on children; unfortunately, it is clear that the systems charged with providing those experiences are not living up to their promise.

We identified three key policy areas that strongly influence children's experiences in the classroom and disproportionately disadvantage children of color and children with disabilities. They include:

- Harsh discipline and its disporportionate application
- The segregation of children with disabilities in learning settings
- The inequitable access to bilingual learning opportunities for dual language and English learners

Each of these issue areas share the common theme of exclusion: exclusion from learning settings altogether, exclusion from inclusive learning opportunities, and exclusion from teaching models that we know work. We believe that addressing this specific element can transform children's learning experiences and change their trajectories in the long term.

Transformation begins with an understanding of both what we know and what we do not know. By taking a deep dive into the data, research, and policy landscapes related to these issue areas, this report proposes a bold, actionable policy agenda to make our learning systems more equitable.

For the United States to live up to its ideals, an array of social issues must be addressed—from housing and healthcare to immigration and mass incarceration.

Tackling early learning and education alone is not enough, but it is a necessary step to building a more equitable society.

We believe that addressing unique learning inequities in tribal communities is another pivotal policy area. In the coming months, we plan to issue a separate report focusing exclusively on this issue.

LEARNINGS AND RECOMMENDATIONS

WHAT WE **LEARNED**

We identified several common themes and learnings across our three key issue areas. They include:

- Racial disparities exist across each issue area, across child ages, and across states.
 Children with intersecting identities who have to interact with multiple systems are the most disadvantaged.
- Inequities in learning settings are fueled by a complex array of issues that include individual and systemic bias, policies, and access to resources.
- Teacher preparation and professional development is poorly resourced, and it inadequately and insufficiently addresses equity in learning.
- Segregated learning for children with disabilities is common and varies by state, child race, and disability category.
- Federal and state programs for children from historically marginalized communities are severely underfunded.
- There is **great variation** in state policies on each of these issues.
- Federal and state monitoring and accountability is either **insufficient or altogether absent.**
- Data gaps across issue areas—but especially on dual language learners—obscure a clear understanding of how systems work and how well they support children.

WHAT WE RECOMMEND

Policy steps we should take that can have an impact on all of these areas collectively include:

- Fully funding programs designed to support children from marginalized communities e.g., IDEA, Head Start, and Titles I and III of the Every Student Succeeds Act.
- Including funding in upcoming economic stimulus bills that address equitable access to quality early learning.
- Requiring states to report plans to make learning systems more equitable in applications for federal funding, and that federal agencies tie funding to progress on such plans.
- Ensuring the federal government and states incorporate equity into monitoring and accountability systems and specifically monitor for COVID-19-related disparities.
- Supporting and funding educator preparation and development grounded in equity.
- Increasing funding for longitudinal, disaggregated data collection.
- Ensuring all education legislation prioritizes racial, ethnic, linguistic, socioeconomic, and ability-based integration.
- Reinstating and funding targeted technical assistance efforts focused on equity, culture and language.

MAJOR FINDINGS: **HARSH DISCIPLINE**

Discipline can and should be positive, helping to promote a child's social-emotional development and ability to self-regulate. However, it can also be harsh and cause harm to a child's well-being. There is no evidence that harsh discipline improves children's behavior in the short term or over time, but there is an abundance of research showing it is associated with poor outcomes. For the purposes of this report, we define harsh discipline as:

- Exclusionary discipline via expulsion or suspension
- Corporal punishment
- Seclusion
- · Restraint used inappropriately

Harsh discipline is common even in the early years.

The data show that harsh discipline practices are used frequently in schools and early learning settings and occur even with infants and toddlers.

Consider the case of exclusionary practices, such as expelling or suspending a child. In an analysis of Pre-K through elementary school systems, states reported 1.27 million cases of young children enrolled in public

schools being disciplined through exclusionary practices in the 2015-2016 school year. A national parent survey found that approximately 50,000 children under five were suspended, and 17,000 were expelled, in a single year.

When it comes to corporal punishment, defined as paddling, spanking, or other forms of physical punishment imposed on a child, there are no federal laws or regulations governing the practice other than those authorizing data collection, and the practice remains legal in 19 states—mostly in the South.

National data show that more than 160,000 children were subject to corporal punishment during a given year. More than 1,500 of these were preschool students.

When it comes to physically restraining children, the latest data show 86,000 children were restrained over the course of a year. 36,000 children were subject to seclusion, the practice of locking children in a room alone without the ability to get out. These practices were never supposed to be commonplace; they were developed to be used exclusively for emergencies and to mitigate physical harm, but they are overused and abused, and sometimes used to punish children for minor misbehavior

It's disproportionate. This is all happening inequitably.

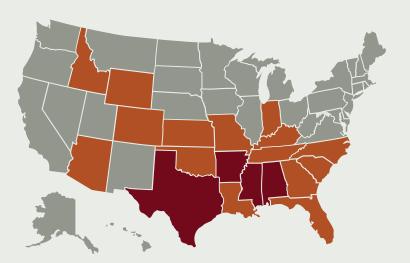
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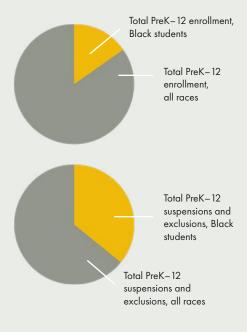
- States where corporal punishment is legal in public schools
- States representing the majority of corporal punishment cases



Black children are disciplined—and children with disabilities are

restrained and secluded—at far higher rates than their peers.



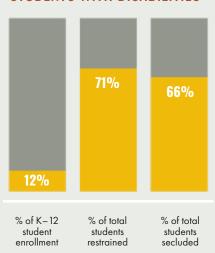


In K-12 settings, Black children make up 15% of children in schools but 39% of those suspended at least once, 27% of children restrained, and 23% of children secluded. They are also about twice as likely to be corporally punished as their White peers.

There is no evidence that Black children show greater or more severe misbehavior. Instead, research suggests Black children are punished more severely than their peers for the same or similar behaviors and that they are subject to increased scrutiny as early as preschool. Well-established research suggests Black children are often the subjects of implicit bias, with adults perceiving Black children as being older than they are, less innocent than their peers, more culpable and aggressive, and more deserving of harsher punishment than White children. Other factors are also at play.

And we're not progressing in making meaningful change. Data in K-12 settings indicate that **racial disparities in**

RESTRAINT AND SECLUSION RATES: STUDENTS WITH DISABILITIES



Expulsion rates in public Pre-K settings are about three times higher than in K-12 settings. Some estimates suggest that the rate in child care settings is as much as 13 times higher than K-12 settings.

corporal punishment and exclusionary discipline today are largely consistent, or larger, than when data were first published more than 40 years ago.

Disparities also exist for children with disabilities. In more than half of the schools that use corporal punishment, children with disabilities are disproportionately subject to the practice.

They also are twice as likely to be excluded from K-12 settings than their peers without disabilities. And children with disabilities make up 12% of student enrollment but 71% and 66% of all children restrained and secluded, respectively.

State policies and practices vary. For example, Utah has the lowest rate of using exclusion to discipline children, while Mississippi has the highest rate. We calculated exclusion rates for Black children as compared to their peers, and we found racial disparities in every single state. Ohio had the biggest difference in rates at which Black children are suspended and expelled as compared to all other children.

Corporal punishment is legal in private school settings in every state in the nation except two (New Jersey and Iowa), and is legal in public school settings in 19 states. The majority of public school corporal punishment cases occur in Mississippi, Arkansas, Alabama, and Texas.

Policies and practices around seclusion and restraint also vary by state. Only two states, Georgia and Hawaii, ban seclusion outright. A handful ban it for children with disabilities. There are no limits on restraining children in nearly half the states.

What is fueling these practices and disparities? Lack of teacher training and ongoing supports are key. One national representative survey found that only 20% of early childhood providers received training in social and emotional development in the previous year. Research finds that when teachers have access to an early childhood mental health specialist, suspensions and expulsions can drop by half.

Disparities in access to social-emotional support is also a factor. Children of color have less access to early childhood mental health specialists in early learning settings; in K–12 settings, they disproportionately attend schools with no or insufficient counselors and mental health professionals

Implicit and explicit bias is also an underlying driver of the uneven application of harsh discipline. Black children face disparities across all forms of harsh discipline and across all age groups.

PROMOTING POSITIVE DISCIPLINE: **SOLUTIONS BEGIN WITH POLICY CHANGE.**

Congress should:

Pass legislation to end corporal punishment, seclusion and exclusionary discipline, and limit restraint across programs that serve young children and receive federal funding.

- Eliminate the 10-day suspension allowance for children with disabilities
- Increase funding for mental health interventions and personnel
- Prioritize child mental health and positive school climate over punitive discipline in budgets

Federal agencies

should:

- Raise awareness about the negative impacts of harsh discipline and family rights
- Tie federal funds to state progress reducing harsh discipline and disparities in its use
- Reinstate guidance that discourages the use of exclusionary discipline and address racial disparities
 - Require states to report their use of harsh discipline and its disproportionate application in child care

States should:

- Prohibit corporal punishment, seclusion, and exclusionary discipline in learning settings serving young children and limit restraint
- Invest in data systems and professional development
- Develop infrastructure to receive, investigate, and act on parent complaints

Districts should:

- Ban harsh discipline even in states where it remains legal
- Ensure that young children never have negative interactions with school resource officers via intimidation, inappropriate restraint, handcuffing, or arrest
- Invest in systems for training, coaching, and evaluating the use of positive discipline and anti-bias approaches

MAJOR FINDINGS: SEGREGATED LEARNING FOR YOUNG CHILDREN WITH DISABILITIES

Since the passage of the Individuals with Disabilities Education Act (IDEA) nearly 50 years ago, federal law has been clear: All eligible school-aged children with disabilities are guaranteed a free and appropriate public education in the least restrictive environment.

The legal foundation for inclusion is supported by a vast body of research that shows that inclusion has many benefits. Children with disabilities in high-quality, inclusive early learning programs make larger gains in their cognitive, communication, and social-emotional development than their peers with disabilities in segregated settings.

Despite this knowledge, progress has been slow. The number of children receiving special education services in inclusive settings has not substantially increased in decades. This is especially so in the preschool years: Data show the number of children with disabilities ages three to five who received special

education services in inclusive settings has inched up by just about 5% since the 1980s. Today, more than half of preschoolers with disabilities still receive their services in segregated settings.

Pre-K is an underused lever to increase inclusion.

States with robust public Pre-K systems should have a higher percentage of children with disabilities receiving services in inclusive early learning settings, given the greater number of slots. However, our analysis found that access to Pre-K in states was not related to the proportion of children with disabilities receiving services in inclusive settings.

This isn't a red or a blue state issue.

- States with the highest rates of enrolling schoolaged children with disabilities in regular classes are Alabama, Nebraska, Florida, Colorado, and Kentucky.
- States with the lowest rates of school-aged children with disabilities in inclusive classes include Hawaii, New Jersey, Montana, Arkansas, and Illinois.

It is important to note that these data only speak to physical placement of service delivery, not quality of inclusion

There are large disparities when it comes to who gets access to inclusive learning. For example, 13% of children identified with multiple disabilities and 17% of

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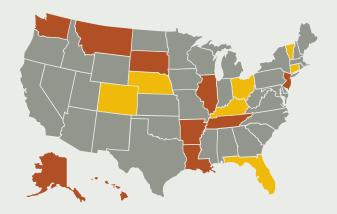
Inclusion of preschoolers with

disabilities varies by state.

Rates of providing services to preschool and/or school-aged children with disabilities in regular early childhood programs

Highest rates of inclusion

Lowest rates of inclusion



children identified with intellectual disabilities spend the majority of their day in regular classes, compared to about two-thirds of all other children with disabilities. Children identified with emotional disturbances also are less likely to spend time in general education settings.

Only 13% of children identified with multiple disabilities and 17% of children identified with intellectual disabilities spend the majority of their day in regular classes, compared to about two-thirds of all other children with disabilities.

Black children are overrepresented in special education, but not in early intervention (though some scholars have recently contested this finding). In examining the intersections between race and disability category, Black children are at least twice as likely to be identified with an intellectual disability or emotional disturbance than all other racial/ethnic groups combined; children with these disabilities are less likely to spend time in general education classrooms than their peers with other disabilities. In some places, the result is segregated special education placements that tend to mirror racial segregation patterns of the past.

Other major barriers to inclusion are ableism, which influences teacher and administrator attitudes and beliefs around the inclusion of students with disabilities, educator training to guide the use of practices that support inclusion, and the need for meaningful state reforms and funding increases.

INCREASING INCLUSION OF CHILDREN WITH DISABILITIES IN LEARNING SETTINGS: SOLUTIONS BEGIN WITH POLICY CHANGE.

Congress should:

- Fully fund IDEA
- Increase funding for infants and toddlers with disabilities
- Increase funding for training, monitoring, and accountability
- Request 3 GAO reports on the costs of funding inclusive services, the effects of failing to fully fund IDEA, and implementation of the Equity in IDEA rule
- Give the Dept of Ed.
 authority to hold
 states accountable for
 funding their share of
 IDEA services, in line
 with findings from the
 above GAO studies

Federal agencies

should:

- Monitor and hold states accountable for placement practices that ensure students are served in inclusive settings
- Incentivize inclusion through grants
- Use federal funds
 to incentivize states
 to develop and test
 teaching models that
 support inclusion
- Ensure early learning programs are ADA compliant

States should:

- Monitor districts on inclusion and hold them accountable
- Increase funding for inclusion
- Require 10% of early childhood enrollment across programs to be for children with disabilities or delays
- Ensure IEP teams are well-trained and accountable for inclusion
- Deploy teams to work on this issue locally

Districts should:

Make meaningful reforms to expand access to inclusive learning for children with disabilities, including restructuring budgets, physical space, and staffing structures; training IEP teams on inclusion; formalizing partnerships with community-based early childhood providers; and requiring joint training for early and special educators

MAJOR FINDINGS: INEQUITABLE ACCESS TO BILINGUAL LEARNING OPPORTUNITIES FOR DUAL LANGUAGE AND ENGLISH LEARNERS

Dual language learners (DLLs) are young children who are learning a second language while continuing to develop their first language (customarily the language they speak at home). Once they enter the K-12 system, DLLs who are not proficient in English are formally classified as "English learners" (ELs) and are eligible for services to aid their English language development.

DLL and EL children are a large, diverse, and growing population. It's estimated that about a third of children in the country under eight years old are DLLs, though gaps in data prevent a more precise estimate.

As a subgroup, DLL and EL children have a host of linguistic, cultural, and social strengths. Their bilingualism is associated with cognitive advantages, including strong executive functioning skills, attention, perspective taking, and self-regulation.

The research is clear: The gold standard in instruction is high-quality dual language immersion. Such programs provide instruction in two languages and typically have balanced enrollment between native speakers of each of the languages used.

Dual language immersion models are associated with improved developmental, linguistic, and academic outcomes for all students. Research shows that having access to learning experiences in a child's home language alongside English strengthens the language foundation upon which literacy grows, provides meaningful access to the curriculum, and can foster teacher-child relationships. But despite the advantages of bilingualism and the superiority of bilingual learning models, our learning systems are overwhelmingly depriving DLLs and ELs of such opportunities.



Dual language instruction creates lasting,

wide-ranging benefits for all students.

DUAL LANGUAGE LEARNERS ENROLLED IN THESE INSTRUCTIONAL MODELS ARE ARE MORE LIKELY TO:



Become proficient in English more quickly



Outperform peers in both math and reading



Reach national academic performance norms



Become biliterate

For dual language learners, bilingual education is not an optional opportunity for enrichment. It can make or break their access to a quality education altogether.

There is a lack of bilingual education nationwide. In some places where bilingual learning does exist, DLLs and ELs are underrepresented; in other places, they are locked out as a matter of policy.

English immersion or "English-only" programs are commonplace for DLLs and ELs, but they are not effective. In K-12 settings, these models sometimes result in the segregation of students learning English. Research shows DLLs who are first exposed to English in kindergarten and remain in English-dominant instructional environments tend to fall behind their early-proficient and monolingual English-speaking peers on academic skills (as measured in English).

This has contributed to a gap between DLLs' and ELs' potential and their outcomes. Beyond a lack of access to appropriate learning approaches, this gap

is tied to a societal bias in the United States in favor of monolingualism. Tests and assessments are primarily conducted in English, and bilingualism is only valued for some and seen as a deficit for DLLs and ELs. Combined these factors disadvantage children and create misperceptions about DLLs' and ELs' potential.

For DLLs, bilingual learning is not an optional enrichment, as it is for children who speak English as a first language. It can make or break their access to a quality education altogether. It is the difference between enrichment and equity.

Assessment problems cannot be overlooked. In addition to improving access to high-quality bilingual learning models, we need better assessments for DLLs and ELs so we can effectively measure both student progress and program effectiveness: Too often, assessments are conducted exclusively in English, which end up assessing a child's English skills rather than subject matter content. And although the field lacks assessment tools in many languages, there are tools in Spanish—by far the most commonly spoken language by DLLs and ELs in this country, that are not being used enough.



Other obstacles to access and opportunity are also significant. The national shortage of credentialed bilingual teachers limits access to strong DLI programs. In addition, research finds that teacher bias and differential expectations for DLLs and ELs also impact the success of young learners. Nationally representative data show that teachers have lower academic expectations for children classified as ELs; this is not the case in bilingual schools. Similarly, in countries that place value on speaking multiple languages, the academic differences between monolingual and bilingual students are small or nonexistent.

The federal and state policy landscape:

Federal funding for English learners is not anywhere near sufficient. Title III funding under ESSA is designed to support ELs but has been stagnant for years, not even keeping pace with inflation or the increase in the number of ELs in the country.

Head Start has the most comprehensive standards for DLLs across early learning systems.

States and districts play a significant role in EL policy. In 2015, Congress passed the Every Student Succeeds Act, which shifted much of the responsibility for decision making and accountability related to English learners to the states.

Bilingual learning opportunities are growing, but they are not always growing equitably. A number of cities and states are trying to expand access to bilingual learning programs, but the extent to which English learners and dual language learners have access has not been analyzed.

Head Start has the most comprehensive standards for DLLs across early learning systems.

Pre-K policies for DLLs vary greatly across states.

Though no state has a comprehensive set of policies or standards to support DLLs, 35 state-funded Pre-K programs have some policies in place specific to DLLs. Only one state, Illinois, explicitly requires bilingual instruction if there are 20 or more DLLs with the same home language enrolled in the same program. An analysis of state Early Learning and Development Standards found that 15 states discuss the learning and developmental needs of DLLs. However, only New Jersey was identified as having a dual language approach; every other state had an English-focused approach.

Notably, at the time of publication of this report, Arizona was the only remaining state with an English-only mandate for ELs in K–12 settings, although key provisions in the law were recently rolled back. A 2020 ballot initiative will determine the fate of the full law. California and Massachusetts repealed their English-only mandates in 2016 and 2017, respectively.

EQUITABLY EXPANDING ACCESS TO BILINGUAL LEARNING: **SOLUTIONS BEGIN WITH POLICY CHANGE.**

Congress should:

- At least double funding for students learning English through ESSA Title III and any other relevant funding streams
- Request a GAO study on federal funding for DLLs/ELs
- Align policy with research and prioritize dual language and strengths-based approaches, and tie prioritization to federal funding. Phase out ineffective English-only approaches
- Hold hearings on best practices and funding models that optimally support ELs and DLLs and use GAO reports and hearings to inform additional investments
- Fund a national effort to expand the number of qualified bilingual educators.

Federal agencies should:

- Pilot and invest in strengthsbased bilingual education and linguistically diverse workforce preparation programs
- Invest in classroom assessment tools to assess the quality of dual language approaches
- Invest in child-level assessment tools for DLLs and ELs in languages other than English
- Require states to report their plans to equitably expand access to dual language programming

States should:

- Discontinue segregated programs
- Discontinue all "English-only" programs
- Use federal funds to expand bilingual programs and prioritize DLLs and ELs in expansion
- Adopt Head Start dual language learner standards in state-funded Pre-K, incorporate into accountability frameworks, and make funding contingent on adherence to these standards
- Improve existing—and create new—workforce preparation programs to expand linguistic diversity and knowledge

LOOKING AHEAD

COVID-19 has exposed and exacerbated longstanding inequities in our learning systems, starting at the youngest ages. The time for change is now. In fact, it is especially now. Policymakers' responses to both the pandemic and to the uprising against racial injustice will determine whether children continue to be locked out of opportunity for another generation—or longer—or are given the fair chance they need to reach their full potential. Our policy agenda helps move us in the direction of the latter.

These and other reforms that address inequities in learning, are critical to our economy, our capacity to be competitive on a global scale, and our ability to live up to the core principles of equality on which this country was founded. But even more fundamentally, they are necessary because all children deserve the chance to reach their full potential, regardless of what they look like, where they are from, or what disability they may have. We can and must do better.

Read our full report for the complete policy agenda.

