

Fulfilling our Right to Education The Right to Education Index Findings for the United States 2018

What is RTEI (Right to Education Index)?

RTEI is a global index developed by the RESULTS Educational Fund and partnering civil society organizations that aims to enable countries to measure their efforts toward fulfilling the right to education. The index is designed to drive government accountability, measure progress, and identify areas where improvements are needed.

Through the use of a biennial questionnaire based on the Right to Education International Framework, the index examines an amalgamation of centralized and decentralized data through five key themes:

- governance (the legal structure of education),
- availability (of institutions and their condition),
- accessibility (for **all** students),
- acceptability (quality education) and
- adaptability (to meet the needs of a diverse range of students).

Within these themes, sub themes are assessed and given scores ranging from 0% to 100%, with 0% indicating the right to education is absent and 100% being the optimum goal. This data is then used to produce a mean score for each of the overriding themes. Each country is also given an overall index score, which is the average of all structural, process, and outcome indicators in the questionnaire.

The RTEI acts as a tool for country to country comparisons, to strengthen civil society advocacy and to increase public and political support for the right to education.

RTEI Results

The United States received an overall index score of 79%, which remains one of the lowest scores out of the high-income countries included in the project. The score is attributable to low scores received in governance, specifically under the sub theme of international frameworks (24%). The sub themes of aims of education (20%) and children of minorities (0%) also received low scores.

The identified areas of strength included: plan of action (100%), monitoring and reporting (100%), children with disabilities (100%), participation (94%), and the cross-cutting theme, girls' education (86%). However, it is crucial to recognize that areas such as education for children with disabilities have not reached the apogee of reform, and improvements can and should be made.

Issue Area 1: Aims of Education & Safety

The aims of education sub theme assesses whether or not a state acted on requirements outlined by the United Nations Convention on the Rights of the Child in their national curricula. The United States is one of only two countries (alongside Somalia) that has not ratified the agreement despite being instrumental in the drafting of the convention more than two decades ago.¹ Accordingly, they received a low score of 20% for failure to implement such aims at the national level. On the issue of the Rights of the Child, the United States also received a lower score in learning environment (58%) indicating their oversight on violence against students in schools and the rights of students.

¹ Blanchfield, Luisa. "The United Nations Convention on the Rights of the Child: Background and Policy Issues." Congressional Research Service, April, 2009. The American Bar Association.

https://www.americanbar.org/content/dam/aba/publishing/insights_law_society/R40484.authcheckdam.pdf

The right to education is not explicitly outlined in the United States Constitution or within national laws, and although the right is frequently addressed in state constitutions, there are often discrepancies among their definitions.² Whereas, the Convention on the Rights of the Child specifically delineates that education should include an understanding of human rights; respect for parents, cultural identity, language and values, and the child's country; individual responsibility (including tolerance and equality), and respect for the natural environment.³ When these values are not embraced in U.S. policy, states can omit equitable education opportunities to students of diverse abilities and cultural, socioeconomic, and national backgrounds. The omission of student's rights can also lead to unwarranted acts of violence, including corporal punishment which is not prohibited at the national level.⁴

Issue Area 2: Marginalized Students

The United States received a score of 0% in the area of children of minorities, specifically regarding students who are non-native English speakers. States are not required to offer native language instruction and assessments, as linguistic assimilation is encouraged more often over teaching in the child's mother tongue. Title III of the Every Student Succeeds Act provides supplemental services that work to improve English language efficiency and the academic achievements of English Learners.⁵

Yet despite these measures, the United States does not sufficiently address the education of unaccompanied children who have recently immigrated to the United States. Under federal law (enacted by the Plyler v. Doe Supreme Court decision), all children regardless of their parents' legal status in the United States are entitled to a free, public, elementary and secondary education.⁶ However, this law does not apply to children entering the United States who have arrived alone or have been separated from their guardians. By default, these children are provided education services in shelters that are ultimately the responsibility of the federal government and not public schools. Instead, the government contracts for-profit education providers to instruct unaccompanied students.⁷ Due to their recent trauma and the unknown quality of the education and services they are receiving, these students are dangerously underserved.

Issue Area 3: U.S. Government Leadership in Global Education

The United States received a score of 24% for international frameworks (a sub theme within governance) which was the lowest, by a considerable margin, of any of the fifteen countries included in the project. The international frameworks sub theme assessed whether the state was party to many United Nations treaties, UNESCO treaties, International Labor Organization conventions, the Geneva

² "Education and the Fourteenth Amendment." The Constitutional Rights Foundation. Spring, 1991. <http://www.crf-usa.org/bill-of-rights-in-action/bria-7-4-c-education-and-the-14th-amendment>

³ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3.

⁴ Gershoff ET, Purtell KM, Holas I. Corporal punishment in U.S. public schools: legal precedents, current practices, and future policy. 2015. (Springer Briefs in Psychology Series, Advances in Child and Family Policy and Practice Subseries.)

⁵ "Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA)," September 23, 2016. U.S. Department of Education. <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiienglishlearners92016.pdf>

⁶ *Plyler v. Doe*, 457 US 202 (1982).

⁷ Ujifusa, Andrew. Mitchell, Corey. "Educating Migrant Children in Shelters: 6 Things to Know," Vol. 37, Issue 37, Page 8. June 20, 2018. <https://www.edweek.org/ew/articles/2018/06/20/6-things-to-know-about-the-trump.html>

conventions, and regional treaties relating to the protection of human rights, in particular those of children, women, minorities, and people with disabilities. Many of the conventions and treaties included in the survey have not been ratified by the US government. The United States should serve as an example for the international community by reinforcing the values embodied by these agreements through the advancement of monetary and developmental support to international education programs.

Data Availability

Throughout the questionnaire process, locating nationwide data proved challenging. Much of the available data were at the state level. Where national data were available, it tended to be sourced from the World Bank, UNESCO, or the United Nations open data bank. Generally, these sources have not been regularly updated in the past two years.

In addition to this, when responding to questions examining different rates of sub- populations, data were not available for all categories. Data sources like that of the NAEP for nationalized testing results had disaggregated per gender, urban, and rural and disability data, but did not include income level. Likewise, data on enrollment and completion rates did not apportion variables for students living in rural or urban areas, and did not look at income, disability, and rates for students attending technical and vocational training.

There is a need for government to collect and publish:

Data type 1. Create a national database of standardized education data compiled from state-wide data to be made publicly available. For example: without a comprehensive review of all states' curriculum, it is difficult to determine the extent to which the topics are taught.

Data type 2. Disaggregate education data (specifically on literacy, enrollment, and completion rates) to identify data for different sub-populations e.g. urban and rural populations; different income levels, and people with disabilities, including type of disability. Additionally, it would be beneficial to include a collection of data for household spending on education that is distinct from spending on child care.

Recommendations

Issue Area 1 Recommendation: Further develop the instruction of human rights in U.S. schools for Kindergarten through 12th grade education to incorporate an understanding of human rights; respect for parents, cultural identity, language and values, and the child's country; individual responsibility (including tolerance and equality); and respect for the natural environment. This encompasses an emphasis on the rights of students in schools and their safety.

- States should incorporate human rights teaching opportunities through current history and social studies topics such as the Civil Rights Movement to strengthen instruction of these values. The *National Curriculum Standards for Social Studies: A Framework for Teaching, Learning, and Assessment* can support in the development of state curriculum.⁸
- To assess learning outcomes at the national level, current national assessment systems could be enhanced to align with state level assessment. The National Assessment of Educational Progress (NAEP) should be broadened to include an amalgamation of teacher assessment data, collected

⁸ *National Curriculum Standards for Social Studies: A Framework for Teaching, Learning, and Assessment*, NCSS Publications, 2010. <https://www.socialstudies.org/standards>

at the state level, evaluating pupil progress towards the aims outlined in the Convention on the Rights of the Child.⁹

- Students, teachers/administrators, parents/caregivers and school boards should advocate for human rights activities and extracurriculars in their schools.
- To increase safety on school grounds, states and school districts should expand their focus on mental health services by increasing the number of school-based health centers, including supporting funding to educators who need professional development about bullying, mental and behavioral health, cultural competence, appropriate classroom management, and safety (NEA).¹⁰

Issue Area 2 Recommendation: In addition to being reunited with their parents/guardians, unaccompanied children who have emigrated to the United States should be provided a free and compulsory public school education that is relative to their needs.

- Policymakers should ensure immigrant students' integration into local public schools with special care and attention given their recent trauma.
- The Federal and local government must comply with the Flores Settlement and current policy from the Office of Refugee Resettlement, which requires that care provider facilities conduct education assessments to each unaccompanied minor within 72 hours of their arrival and provide education services based on their "individual academic development, literacy level, and linguistic ability."¹¹
- States should increase funding for English as a Second Language programs in applicable public schools and diversify their resources for language instruction to incorporate teaching in the child's mother tongue.

Issue Area 3 Recommendation: The United States should uphold their commitment to quality, universal, safe, inclusive education for all children and youth by ensuring that Sustainable Development Goal 4 (SDG4) is at the heart of their education strategies and aligning their education targets and indicators with SDG4.

- The U.S. should robustly fund bilateral international basic education and multilateral mechanisms to finance quality, inclusive education to all learners, including the Global Partnership for Education (GPE) and Education Cannot Wait (ECW) fund for education in emergencies, as these efforts ensure that the countries and populations where assistance is most needed receive adequate resources which are accessible to all.
- International education strategies should also prioritize technologies and teacher trainings that support school-based (over home-based) solutions to advance the inclusion of students with disabilities. This should take a twin-track approach which focuses not only on supporting and empowering children and youth with disabilities, their families and representing organizations with increased access to the support services they need, but also identifying and breaking down societal barriers that children and youth with disabilities face.

⁹ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3.

¹⁰ "Three Keys to School Safety and Gun Violence Prevention," National Education Association. <http://www.nea.org/home/54092.htm>

¹¹ Office of Refugee Resettlement, Children Entering the United States Unaccompanied: Section 3, April 20, 2015. <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-3>