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Quality Education as a Civil Right

Civil rights means having the same opportunities that other people do...And in today’s world, to have real opportunity, you must have a world-class education. If you can ride at the front of the bus, but you cannot read, you are not free. If your schooling limits you to poverty wages, you’re not free. If you don't have the skills to make it in a global, knowledge-based economy, you’re not—truly—free. (Duncan, 2013)

For students in America born after WWII, the mention of “civil rights” probably conjures up images of Rosa Parks’s refusal to give her bus seat to a white person, James Meredith being escorted onto the University of Mississippi campus by U.S. Marshals as the school’s first African American student, or Martin Luther King Jr.’s “I Have a Dream” speech on the steps of the Lincoln Memorial during the March on Washington. Defining moments like these of the American Civil Rights Movement during the 1950s and 1960s eventually led to the racial integration of American public life. Brown v. Board of Education in 1954, “the fulcrum that changed race relations forever in the U.S.” (Jackson, 2007, p. 29), officially made racial segregation of education illegal, yet it took years for educational integration to become a reality. In fact, “It took many years before a good many school districts in the south even began attempting to dismantle their dual school systems” (Jackson, 2007, p. 28). Even today, though, a de facto system of educational segregation still exists in America, at least along socioeconomic lines, which often correlate strongly along racial lines. Studies on public K-12 education reveal that whiter, higher-income students tend to get the top teacher talent, while the low-income minority students often get the worst teachers (Tilson, 2010). As a result,
statistically speaking, white 8th graders perform at the same level as black and Latino 12th graders (Tilson, 2010). Furthermore, “Nearly 60 years after Brown v. Board of Education, 2 of 5 Black and Latino students are in intensely segregated schools, and both groups attend schools with about twice the poverty concentration of the schools of Whites and Asians” (Orfield, 2014, p. 273). Because of this demographic achievement gap, education is often referred to as “the civil rights issue of our time” (Duncan, 2013). To better understand this critical issue, it is helpful to examine why education should be considered a civil right, what violations of the right to education look like, and the responsibilities of governments in guaranteeing the right to education.

If, as Tilson (2010) believes, quality education is the greatest determining factor in fulfillment and success in life, to deny people access to quality education is to deny those people their constitutionally-guaranteed civil rights. However, the right to education extends beyond the protection of Americans under the United States Constitution. The Universal Declaration of Human Rights, adopted by the United Nations in 1948, formally recognized education as a human right, stating “Everyone has the right to education.” It also declares that primary education should be free for all, higher education should be available to all based on merit, and it extols the virtues of education as aiding international goals of freedom and peace (Universal declaration of human rights, 1948). Education should not merely be considered a commodity for the privileged, but a basic right guaranteed to all to ensure they have a genuine opportunity to succeed in life. According to the United Nations Children's Fund’s (UNICEF) 2007 document entitled “A Human Rights-Based Approach to Education for All,” “education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities” (p. xii). Indeed, for low-income demographics, access to public education may be the only legitimate chance they have of pursuing a career that can break the generational cycle of poverty. In addition to creating the opportunity for marginalized groups to alleviate poverty, education is “an indispensable means of realizing other rights” (Understanding education as a right, 2013). In other words, education is a sort of prerequisite for individuals to be able to understand and fight for all of their rights. Consistent with this position, the International Covenant on Economic, Social and Cultural Rights (1966) states that “education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.” Thus, education could well be considered the most foundational civil right, since it is only through education that individuals can be equipped to become informed participants in society.

To fully understand education as a civil right, it is beneficial to examine how violations of that right are manifested. According to the Right to Education Project, “Violations of the right to education may occur through direct action of States parties (act of commission) or through their failure to take steps required by law (act of omission)” (Understanding education as a right, 2013). Denial of the right to
education includes: discriminatory laws or de facto educational discrimination; the lack of a transparent and effective educational system; the lack of compulsory, free primary education for all; the failure of intentional steps “towards the progressive realization of secondary, higher and fundamental education;” the prohibition of or lack of regulation of private education; the repression of academic freedom; and politically-motivated closure of educational institutions (General comment no. 13: The right to education, 1999). An obvious historic example of the violation of the right to education is the so-called “separate but equal” system of racial educational segregation that existed in America in the first half of the twentieth century. However, the aforementioned current de facto system of educational discrimination in America is certainly a denial of civil rights to low-income students, who are often minority students. Perhaps the most striking evidence of this troubling problem is the higher mortality rates of lesser educated groups. According to Tilson (2010), the mortality rate for those educated beyond high school is 0.21%; for those who only graduated high school, it is 0.48%; people who drop out of high school have a 0.65% mortality rate. This means that the mortality rate triples for high school dropouts. A lack of education is literally deadly (Tilson, 2010). Thus, denial of education not only violates civil rights; it impedes the most fundamental right of all: the right to life.

What is the role of government in ensuring that citizens are guaranteed the civil right of quality education? UNICEF notes three specific obligations: “To fulfil the right to education by ensuring that education is available for all children and that positive measures are taken to enable children to benefit from it;” “To respect the right to education by avoiding any action that would serve to prevent children accessing education;” and “To protect the right to education by taking the necessary measures to remove the barriers to education” (A human rights-based approach to education for all, 2007). Essentially, then, states should do everything in their power to ensure that education is accessible, available, and affordable. Accordingly, the United States Department of Education has its own Office for Civil Rights (OCR), whose mission is “to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights” (About OCR, 2012). A large part of the OCR’s role is resolving complaints of discrimination. One current example involving potential OCR intervention in educational civil rights is a complaint filed on behalf of students and parents in DeSoto County in north Mississippi on April 28, 2015, alleging DeSoto County School District violated civil rights, discriminating “against Black students on the basis of race through its discipline policies and practices fostering a school-to-prison pipeline and fueling racial disparities” (Butrymowicz, 2015). In accordance with its role as the enforcer of educational civil rights, the OCR will evaluate whether or not the complaint meets its criteria, and then potentially investigate the allegations, which may ultimately mandate a change in district discipline policy (Butrymowicz, 2015). This investigation exemplifies the role the government can and should take to ensure that the civil right of education is guaranteed to all.
Access to quality education is foundational to the success and happiness of individuals as well as the collective flourishing of society. In remarks during his investiture as the 17th chancellor of the University of Mississippi on November 10, 2016, Chancellor Jeffrey Vitter said “There is nothing more important to the future of our society than higher education. It is the great enabler that helps people lift themselves up above their circumstances and disadvantages.” Quoting Nelson Mandela, he expressed his agreement that “education is the most powerful weapon you can use to change the world” (Vitter, 2016). Quality education should not be merely reserved for the privileged, but made available to all demographics. Vitter (2016) also emphasized the inextricable link between quality education and diversity: “I believe that excellence and diversity go hand-in-hand. Diversity…makes us stronger as a community.”

While governmental self-interest may contribute to its support for public education, education should be considered a right belonging to citizens who can demand it of the government. According to Supreme Court Justice Earl Warren in the 1954 Brown v. Board of Education decision, “It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms” (Wilkins, 2005, p. 275). Current socioeconomic and racial disparity in the American education system proves that the struggle for equal educational opportunity is far from over. However, considering education as an intrinsic civil right will connect educational reformation to the continuing legacy of civil rights champions who have gone before.

References


Jonathan Blake Bostick completed a Bachelor of Arts degree in Music at The University of Mississippi in 2010 and a Master of Arts in Higher Education/Student Personnel in 2016. He is a full-time staff member for the University of Mississippi, working one year on the Oxford campus before transferring to the DeSoto campus where he serves as an Admissions Counselor since summer 2013. He serves as the Worship Pastor for Vintage Church in Horn Lake, MS and lives in Walls, Mississippi with his wife and three children.