

New York City Children Have the Right to Education

Each and every child in the New York City school system has the human right to education. This right is not only reflected in the State Constitution, it is recognized by nation-states around the world. It is codified in the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the American Declaration on the Rights and Duties of Man, the International Covenant on Economic, Social and Cultural Rights, and other human rights instruments.¹

“Everyone has the right to education ... Education shall be directed to the full development of the human personality.” Article 26, Universal Declaration on Human Rights

*“The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.”
 Article XI, New York State Constitution*

What is the Right to Education?

The right to education obligates governments to ensure the satisfaction of basic learning needs for all. The World Declaration on Education for All finds that:

“These needs comprise both essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions and continue learning.”



New York City Fails to Meet Human Rights Standards

In New York City, hundreds of thousands of children are denied their right to a fundamental education each year. In 2001, 70% of eighth grade students tested below grade level in reading and writing, and only 20% of students who entered the 9th grade in 1997 dropped out of high school before graduating.² These human rights violations are further amplified by inequitable funding between urban and suburban schools, discriminatory use of special education designations and disciplinary procedures, and inequitable distribution of experienced teachers.³

Moreover, the extraordinary achievement gap between high performing and low performing schools directly correlates with the class and race of the student population.⁴ Such disparities in educational outcomes across socio-economic and racial communities constitute a flagrant violation of the most central human rights principle – that of non-discrimination.

¹The United States was one of the primary drafters of the unanimously adopted Universal Declaration of Human Rights, is a signatory to the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights (although ratification of these treaties is still pending), and is legally bound under regional law to adhere to the principles in the American Declaration on the Rights and Duties of Man.
²NYC Dept. of Educ., *Report on the 2002 Results of the State Elementary and Intermediate English Language Arts Tests and the City Reading and Math Assessments*, July 10, 2002; and NYC Dept. of Educ., *The Class of 2001 Four-Year Longitudinal Report and 2000-01 Event Dropout Rates*, March, 2002.
³Campaign for Fiscal Equity, *Reforming New York State's Flawed School Finance System, In Evidence: Policy Reports from the CFETrial*, Volume 2, Nov 2000; The Metropolitan Parent Center of Sinergia, *Race, Language and Special Education in New York City*, 2000; Institute for Education and Social Policy, *Distributing Teacher Quality Equitably: The Case of New York City*, Spring 2001 Policy Brief.
⁴Stiefel, Leanna, Amy Ellen Schwartz, Patrice Iatarola & Norm Fruchter, *Academic Performance, Characteristics, and Expenditures in New York City Elementary and Middle Schools, A Condition Report*, NY State Education Department, April 2000 (data is from the NYC Board of Education).

What are the Components of the Human Right to Education?

The 4 A's: Education must be Available, Accessible, Acceptable and Adaptable for All ⁵	
<p>Available. “Functioning educational institutions and programs have to be available in sufficient quantity” for all children, including “buildings, ... trained teachers receiving domestically competitive salaries, [and] teaching materials.” In well-resourced countries (like the US) there should be “librar[ies], computer facilities and information technology.”</p>	<p>Acceptable (Quality). “Education, including curricula and teaching methods, must be acceptable (relevant, culturally appropriate and of good quality).” Schools must also meet standards for health and safety, teachers must have appropriate qualifications and requirements, and disciplinary policies must not violate the “dignity” of the child.</p>
<p>Accessible. Equal access for all to educational institutions must be guaranteed, especially for the most vulnerable groups in society. This includes physical access to facilities, as well as economic access (which requires that transportation, classroom materials and any other costs for basic programs be affordable).</p>	<p>Adaptable. Education must “adapt to the needs of changing societies and...of students within their diverse social and cultural settings.” For example, education must adapt to the needs of children from different class and racial backgrounds, children who do not speak the primary language of the school system, and children with disabilities.</p>

Government Obligations to Ensure the Right to Education

Under a human rights framework, governments have the obligation to:⁶

- **Respect, protect and fulfill** the right to education, by refraining from any action that deprives people of the right to education {respect}; preventing third parties, including individuals, businesses and non-governmental institutions, from depriving people of the right to education {protect}; and taking active measures so that individuals and communities can realize the right to education {fulfill}.
- **Guarantee equity and non-discrimination** in the right to education, in order to prevent inferior educational opportunities and outcomes for particular communities, whether due to class, race, gender, language or other factors.
- **Utilize the maximum available resources** to ensure the right to education based on the resources of society as a whole, not only the resources within the current budget.
- **Meet minimum core obligations** for the right to education based on minimum standards that are shaped and informed by the specific learning needs of students and communities in particular socio-economic contexts.
- **Guarantee human rights in relation to both conduct and results**, so that governments are responsible for their action and inaction, as well as for educational results and outcomes.
- **Monitor** the right to education, provide **effective remedies** when rights are violated, and ensure the **effective participation of civil society** in the education system.

⁵These four components of the right to education are found in reports of the UN Special Rapporteur on the Right to Education and in General Comment 13 (UN Doc E/C.12/1999/10) by the UN Committee on Economic, Social and Cultural Rights (all quotes in the chart are from General Comment 13).

⁶ *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, Maastricht, January 22-26, 1997.