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THE HUMAN RIGHT TO EDUCATION IN THE UNITED STATES

Learning for Collective Liberation

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Abstract

Is education in the United States meeting the international requirements for the human right to education? If not, can aspects of resistance movements and nontraditional education offer any solutions? While this study involves interviews and various types of data gathering, the background research and history is based on critical textual analysis of academic, legal, and historical documents. This provides the reader with a broad overview of the field of human rights education, as well as basic knowledge of the U.S. K-12 education system with a focus on public schools.

This research illuminates the connection between different human rights struggles and elucidates the ways in which K-12 education today actually prepares children for an undemocratic and economically stratified citizenship, incongruous with international education legislation. To contrast this somewhat bleak reality, and in the search for ways to make structural change, the third and fourth chapters review the educational components of select resistance movements and discuss possible applications in the U.S. public school system today. Horizontal, critical, self-directed and democratic pedagogies stand out as potential methods for educating citizens who are committed to equity and liberation, both in theory and in practice, which will better fulfill the human right to education.

What follows is a review of relevant international legislation, an abridged history of the institution of public education in the U.S., and examples of radical schooling from various locations around the world.

Keywords: human rights, education, United States, radical pedagogy

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Introduction

A question plaguing virtually all United States institutions recently has been how to address systemic racism. A question being asked by human rights professionals may be, then, if international human rights mechanisms could end racism in the U.S. Most would agree that this would mean eradicating disparities in major social categories and institutions like employment, healthcare, protection under the law, and education. This paper will argue the foundational nature of education and focus on this single facet as a potential means of improving fulfillment of human rights.

As we will see, major changes in U.S. education have historically been associated with changes in economic production. The perpetual capitalist exploitation that characterizes U.S. history (Wolff & Resnick, 2003; Zukerfeld, 2017) has necessitated the creation of intertwined systems of oppression by the ruling class, from the invention of race to using schools as agents of social control (Katz, 1968). In the same way that human rights are interconnected and interrelated, the eradication of racism and the betterment of our education system are linked.

The concept of collective liberation will be elaborated upon throughout this paper but is well-described in the Combahee River Collective's statement of 1977: "...the major systems of oppression are interlocking. The synthesis of these oppressions creates the conditions of our lives. ...If Black women were free, it would mean that everyone else would have to be free since our freedom would necessitate the destruction of all the systems of oppression," (Taylor, 2017). This begins to illustrate how education based in critical pedagogy and truly democratic participation could be directly linked to the elimination of

racism, in addition to the fulfillment of other human rights. Children who get to practice communal decision-making and asking critical questions are better prepared to challenge existing systems which are discriminatory. I do not wish to exaggerate the ability of education to eradicate major issues and inequalities linked to the state, but rather to defend the right of children to receive an education about, through, and for human rights, which would necessarily have to be anti-racist.

The human right to education is enshrined in many international treaties, most notably the Universal Declaration for Human Rights. Without inspecting the details, one might think that simply attending school would fulfill this right. The primary school completion rate in the U.S. is 100%, and is 103.4% for lower secondary school[1], so by this logic we are educated to the necessary extent (WorldBank, 2020). However, the right to education is outlined in great depth in a number of international treaties and declarations, such as the Universal Declaration of Human Rights (UDHR) mentioned above, but also the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR), to name a few. Objectives such as the promotion of tolerance, obtaining the means to participate fully in one's society, and having a mind able to "wander freely and widely" arise in these documents. This research intends to briefly analyze these documents and see how closely they are enacted via the education system in the U.S. By also looking at the history of schooling in the U.S., we will see that education which fulfills international mandates is actually subversive of existing American institutions and values. In other words, the goals of public education in the U.S. cannot coexist with the written goals of international

[1] Completion rates can be over 100% due to grade repetition, late entry, and early entry.

human rights law. As such, the United States is not currently meeting standards for the human right to education.

This research focuses on what is often called “grade school” in the United States, that is, kindergarten through grade 12 (K-12) in which grade 12 marks the final year of high school and the end of free compulsory education. K-12 education is publicly provided in the U.S., although private options also exist. Schooling is decentralized in the U.S., and each state is relatively free to develop and implement its own standards, sometimes further deferring to local school districts. In seeking to define the status of the right to education in K-12 schools in the United States today, my research has found that there are serious gaps between legislative mandates and reality. As such, I will briefly explore where improvements might be made in the public school system to better achieve available, accessible, adaptable, and acceptable education (Tomasevski, 2001). This cannot be done without a look at anti-racist schooling and the history of capitalism in this country because of the intersectional nature of these topics.

While one radical position is to deconstruct or totally dismantle racist institutions, such as schools, this paper will not advocate for the dissolution of public education in the U.S. In fact, existing research only strengthens the notion that some form of public education is beneficial to societal, cultural, and political peacekeeping (Halpert, 2018; UNESCO, 2020). I will however use the knowledge gleaned from various resistance movements and alternative education projects across the world to highlight fundamental changes that could be made to alter public education. A few major archetypes of interest that arise in these movements are horizontal pedagogy, direct democracy, critical literacy, and self-directed learning. These will be discussed in terms of what they have achieved in specific instances, along with their general limitations. The path to rebuilding joy and inspiration in education

exists, and this path has already been traveled by peoples of resistance movements who *were* willing and able to choose major reform. I will discuss their possible application to the current U.S. public school system as means of reducing violence and improving access to the human right to education for students.

Predominantly a historical narrative, this research is highly qualitative and relies heavily on survey responses and in-school experience, based mostly in the Northeastern U.S. One small survey, created and conducted via youth participatory action research[2] with sixth grade students in a Boston Public School, highlights some current students' attitudes toward public education. A second survey for adults addressed the four "A"s of education: availability, accessibility, acceptability, and adaptability and asked participants to reflect on their own K-12 experiences. This survey was given to people around the U.S., including 35 states and the District of Columbia. Respondents were predominantly aged 19-35, although as old as 85, and overwhelmingly identified as female (87.3%) and white (58%) due to selection bias (participants self-selected: the survey was posted in a women's group on Facebook and shared via social media). As such, aggregate responses from this survey are used less often in this research than qualitative responses from individuals, to ensure a more equitable representation of perspectives.

The policy analysis found in the first chapter uses critical discourse theories including role theory, and the concept of language as a social practice to critically look at international policies. This methodology helps us better understand the true intent and current meaning of international law by looking at the power of relationships among people (Taylor, 1997) and

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[2] With increased emphasis on children's rights, children's participation in studies about social issues is increasingly frequent. The students in this research were taught about different research methods, bias in collecting data, and survey creation. They then created the online survey themselves and shared it with their peers to gather data. Participation was limited to <60 students at the Martin Luther King Jr. K-8 School in Dorchester, Massachusetts, USA.

nations' understanding of themselves (Holsti, 1970). This way, we can uncover the power-infused systems of knowledge that permeate both our legal and education systems[3]. A limitation of this type of research is the possibility of presenting a selective or biased history and analysis. All histories are selective, however, and this one is unique in that it includes multi-cultural, multi-media sources to ensure a well-rounded exploration of the issues at hand.

The first chapter will discuss legal standards, both internationally and domestically, to determine U.S. involvement and investment in legislation for the human right to education. The second chapter reviews the history of education in the country, to assist the reader in understanding the connection between capitalism and education, as well as to illuminate the historical purposes of public education. Chapter three addresses education in the present and compares the current reality to standards presented in international human rights law, showing a clear disconnect. Chapter four pulls different liberatory pedagogies from resistance movements and alternative schools to see what education for collective liberation can look like in practice. The final chapter of this research attempts to integrate the ideas from chapter four with the current U.S. public school system and discusses barriers to implementation.

The U.S. education system should be able to meet international standards in the near future even if there are present areas needing improvement. The history and present-day picture painted in this research are not meant to be pessimistic about public education but rather highlight the areas which may be honestly improved.

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[3] See Michel Foucault's writings on knowledge and power.

Chapter One: The Agreements

Peace does not just mean putting an end to violence or war, but to all other factors that threaten peace, such as discrimination, such as inequality, poverty. Aung San Suu Kyi

This chapter introduces basic principles of human rights, presents major international education political and legal standards, and follows with a brief discussion on education in the United States' Constitution. The drafting processes of such declarations and mandates will be examined to show the extensive role the U.S. has played in the development of education as a human right, and how well Western values are reflected in documents that the U.S. is party to. Implicitly, the U.S. *should* have a deeper interest in promoting rights in treaties that it held a significant role in creating, particularly those which align well with pre-existing Western values and culture.

Universal and Indivisible

All human rights are universal, inalienable, indivisible, and interdependent (United Nations, 1948). International human rights law hinges on these concepts. Universality means that all persons are equally entitled to human rights, and inalienable means that these rights should not be taken away or derogated from, except in very specific situations involving due process or state emergencies. Indivisibility and interdependence are complementary concepts meaning that one set of rights cannot be fully realized without the others. For example, how can one fulfill the right to life if one is not protected from torture? What does freedom of movement mean for someone who is enslaved? What is freedom of thought without an adequate education?

As noted in General Comment No. 13 of the ICESCR Committee, education, besides being a right in and of itself, is used to promote the respect of other rights and to help realize the total fulfillment of them. There is the human right *to* education, as well as human rights education, which has the goal of creating a culture that universally respects human rights. This type of education promotes certain values and attitudes that encourage people to not only demand protection of their own rights, but those of others. "It develops an understanding of everyone's common responsibility to make human rights a reality in each community," (OHCHR, "Human Rights Education and Training", n.d.). For as strong as the words "universal" and "indivisible" are, human rights are merely a notion; they do not exist unless people demand that they do. Consider how often human rights are denied in practice, or how the moral concept of universal human rights is a relatively new invention despite their recent justification (Ghosal, 2010).

The basic principle of interdependence of human rights also applies to society as a whole. Natalie Avalos says, "we cannot transform our material conditions without deconstructing the ideologies and affective drives that have forged them...without naming the multiple forms of our dispossession and claiming our existential rights to live in our full humanity," (Mink, 2019, p.145). The classroom is a place, she says, to learn how to "be in the world in a nonviolent way." We can *learn* how to share power and resources. We can *learn* how to collaborate. This is human rights education and the human right to education, in one. Education in this sense is the basis for personal freedom and a crucial prerequisite for the fulfillment of other human rights.

International Agreements and Legislation

This section will enumerate some of the most relevant international documents to the field of education, in chronological order, as a means of testing if the current education system indeed meets any of these standards the U.S. has set for itself and the world. Throughout the paper, these will provide the baseline to which I will return in order to determine if K-12 education is succeeding in the U.S. today. Greater detail will be provided for those documents with treaty bodies and/or reporting mechanisms, however, human rights education is largely unregulatable and relies heavily on informal mechanisms of enforcement. Only the articles and sections relevant to domestic K-12 education will be assessed, in addition to some facts regarding the political climate at the time of drafting and the persons involved. Fuller analysis of U.S. education will be conducted in the following section, but some outstanding examples will be provided in this one.

It is evident that the United States values sovereignty and that the political leaders of the nation hold their own beliefs about what the country is and should be. There has long been a gap between domestic civil rights activists and the international human rights community in the U.S., with a perception that human rights are undervalued, but this has not always been the case. The concept of natural rights[4], which came from Enlightenment thinkers such as John Locke, was a core principle of the Declaration of Independence far before the conception of the United Nations (UN) and modern liberal human rights. Domestic human rights were also espoused since the beginning of the country, and not just by political elites. Activists and those personally engaged in various struggles worked transnationally in struggles for the abolition of chattel slavery and women's suffrage (Soohooz & Stolzl, 2008,

[4] Natural rights were considered inalienable and connected to a duty to preserve our own humanity. Locke often referred to life, liberty, and property as natural rights.

p. 462). However, after World War II, isolationist sentiment was high among conservative Southern senators, who also worried about the international scrutiny that would come from existing human rights abuses domestically (p. 465). Thus, despite its involvement in the creation of the UN and the Universal Declaration of Human Rights, the United States has failed to actively partake in many international human rights actions. The Cold War further cemented the U.S. self image of an ideal democracy, with a constitution that already provides any necessary protections to its citizens. Widespread animosity toward the UN has only grown, particularly in conservative circles, as increased membership and diversity within the UN works to decrease the U.S.'s power there. The documents and treaties below, along with the history of their creation, show how consistently the U.S. acts in deference to this self image, even to this day, despite visibly active involvement in the drafting processes.

The Universal Declaration of Human Rights (UDHR)

While it is not a legally binding document, the UDHR, a product of a 1948 United Nations General Assembly resolution, holds normative power around the world and is considered customary law. A truly foundational text, the UDHR in combination with the ICCPR and ICESCR, detailed below, constitutes the "International Bill of Rights." A diverse committee came together to draft this document chaired by ex-first lady Eleanor Roosevelt, which directly acknowledges the U.S.'s theoretical commitment to the document. Roosevelt worked in tandem with Peng Chung Chang and Charles Malik during the early stages of drafting, in what would become a team of 18 representatives. The UN General Assembly's Third Committee held 84 meetings and considered 168 draft resolutions and amendments before finally adopting the Draft Universal Declaration of Human Rights, recommending it to the plenary (Mwarage, n.d.). This could imply both disagreement about the premises of the

Declaration, and careful attention to the specific language used in each section. The Declaration expands upon the vague human rights discourse present in the UN Charter and is relevant to our discussion of education in two main parts.

First, the Preamble states that

> ...every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures...to secure their universal and effective recognition and observance.

The initial version and preamble drafted by the UN Secretariat was rejected by the drafting committee and did not include any mention of education nor "progressive measures" as the draft above does In fact, the entire original document lacked the word "education." An abolitionist, suffragette, and immigrant activist, Eleanor Roosevelt likely believed the words we see today in the *final* Preamble of the UDHR (pp. 32-33). Roosevelt was a wealthy New York Democrat who long maintained an independent career separate from her husband and multiple-term president, Franklin D. Roosevelt. A global consensus regarding the UDHR was already mounting before and during World War II, particularly in the U.S. with the growing progressive movement. Progressive reformers were often Christian, middle-class women in the U.S. who sought to address post-industrialization issues like political corruption, corporate monopolies, and immigration. Progressives were also often proponents of science and the efficiency movement, which has had a lasting impact on U.S. culture and education (Buenker et al., 1977). The phrase "progressive measures" in the Preamble was ostensibly

chosen to reflect these values and ideas. However, we must also consider the other prominent drafters of the UDHR along with their motives.

Peng Chung Chang, a Chinese[5] academic and philosopher, was appointed the Vice-Chairman of the UDHR drafting committee and was also mentioned in Eleanor Roosevelt's memoir. Chang is credited for the concepts of universality and religious co-existence/unity (via the removal of allusions to nature and god in the draft), which are central to the declaration (Roth, 2018). Interestingly, Chang used Confucian doctrine to resolve conflicts at many points during the drafting process, implying that his beliefs align well with Confucian ideals (Voinea, n.d.).

> Confucius believed in the equality and educability of all people. He viewed education as a means of transformation, the discovery of human nature, and the cultivation of character. Through education, virtues are developed and integrated (Mei-Ching Ng, 2009, p. 2).

These may also be the "progressive" ideas referred to in the Preamble. Despite arguing in favor of non-Western ideals in the UDHR, Chang studied in the U.S. working under John Dewey (Liu, 2011), an American social efficiency proponent who first suggested schools be run as "little democracies."

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[5] Just prior to the drafting of this document, the Chinese civil war and World War II were taking place concurrently. It was not until 1941 that President Roosevelt had formalized U.S. aid to China, imposing an oil embargo on Japan and beginning the Lend-Lease Act, which allowed the U.S. to supply China and other allied forces with military supplies while technically remaining neutral and obtaining significant economic gains (U.S. department of state snapshot, 2009). With renewed support from the U.S., China did fight alongside allied forces during WWII and was rewarded as one of the permanent members of the newly created Security Council at the United Nations.

Newly independent Lebanon was a founding member of the United Nations, and Charles Malik, a Lebanese philosopher and theologian working across religious lines, also helped to draft the UDHR. An outspoken critic of the Soviet Union, Malik was first a rapporteur for the Commission on Human Rights, and then the President of the Economic and Social Council in the year he helped to draft the UDHR. He later succeeded Roosevelt as the Human Rights Commission Chair. Malik attended Harvard University, founded the American University of Beirut, and lectured in the United States throughout his career (Voinea, n.d.).

In some ways, all three of the primary drafters had or would go on to have strong ties to the United States. Many international human rights documents are criticized as being written from a Western lens, and this is true of the UDHR despite the national origins of some of its drafters. For example, the Soviets criticized the individualist liberal theories of the West in which the rights of an individual dominated over the rights of the collective (contrary to Marxist theory). If the UDHR is indeed written from a Western point of view, it only strengthens the commitment the U.S. should have to the values presented within it, like the importance of education, as they should accurately reflect the concerns and ideals of the state.

Still, the U.S. was among the states vehemently advocating for a non-binding declaration, so it is entirely possible that they simply wanted to appear progressive without committing to any actual action (Gudmunder, 1999, p. 10). At the time, the U.S. saw itself as *the* emerging global leader, defending liberal democracy and preventing the "emergence of regional hegemons in Eurasia," (O'Rourke, 2021, p. 2). It was also one of the only countries that still had the fiscal resources and desire to establish such a "new world order" after the Second World War. The U.S.'s willingness to finance certain operations was also viewed as a direct exchange for significant benefits, like control over newly established organizations

including the United Nations (p. 2). Succumbing to anything or anyone, including a binding treaty has never been the prerogative of the U.S. and this trend continues to this day.

Looking further into the UDHR, we'll find that Article 26 is dedicated to education in particular. Chang first proposed the right to education during the 15th meeting of the drafting committee (1947), stating that everyone has the right to an education, it should be obligatory and provided by the state, and that there shall be equal access on the basis of merit without regard to race, sex, language, or religion ("Drafting Committee International Bill…", p. 4). Most if not all of the changes to the text of this article were proposed by Chang[6]. According to the final article, elementary education shall be free and compulsory, and parents have the right to choose the kind of education that their children receive. Vitally:

> Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace (Article 26.2).

Very little debate ensued regarding this article at the time of its drafting, likely because states did not foresee the extent to which it would impact them and their citizens later on.

These can be considered as the original metrics by which to judge a state's education system and reflect a multicultural lens on the subject. U.S. hegemony was already evident so the state should have no issue in complying with a declaration it was so involved in creating.

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[6] See UN documents A/C.3/SR.131 and A/C.3/SR.177

The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR, drafted in 1954, was signed by the U.S. in 1977 and later ratified in 1992 under President George H. W. Bush around the time of the collapse of the Soviet Union. Bush said that he hoped the ratification would "underscore our natural commitment to fostering democratic values through international law," (Lawyer's Committee for Civil Rights, 2006). This document provides a set of "first generation" rights; that is to say, civil and political rights. The U.S. Supremacy Clause gives this covenant the same status as federal law (ACLU, 2013) and because this covenant *was* ratified, its reporting mechanism allows us to look at the progress the U.S. has made over the years.

Article 18 outlines the right to freedom of thought, conscience, and religion. While this article is religion-focused, part 4 mandates that states parties must "have respect for the liberty of parents...to ensure the religious and moral education of their children in conformity with their own convictions." In its Fourth Periodic Report to the UN Human Rights Committee (CCPR), the U.S. uses sections 344 and 345 to highlight a few specific cases that show how difficult this has been to achieve (2011). Religious discrimination in schools, particularly against Muslim students, is rampant. Further, moral education is a vague term, and at best is culturally based so its meaning has changed significantly throughout history. Later parts of this paper will cover what change has looked like and what moral values education aligns with; not always with the "enlightenment" of children in mind.

Article 19, part 2, grants the right to freedom of expression, including the "freedom to seek, receive and impart information and ideas of all kinds…" It is here that we may start to explore the concept of education beyond objective goals and question whether public education provides for these kinds of opportunities, or if it is obligated to. Article 19 of the

UDHR also addresses freedom of expression, but drafters thought it was important to separately address the right to education.

Article 27 provides rights to linguistic and ethnic minorities. An entire paper could be written about this article alone but it will suffice to say that English as a Second Language (ESL) programs are often cited as direct action in this category (United Nations Human Rights Committee, Fourth Periodic Report § 489-494, Third Periodic Report § 439-446). However, the syntax of this article is important to dissect. Individuals falling under this article *"shall not be denied the right* in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.*"* A state may argue that this means that it does not have to take *active* measures to assist groups to practice their own language, religion, or culture, but the treatment of Native Americans in the U.S. is one obvious example of how the state took deliberate measures to *prevent* such practice. African Americans have also always been a statistical minority in the U.S. and much of this paper follows the denial of Article 27 rights to this group via education.

In the Concluding Observations for the Fourth Periodic Report (2014), the Committee only mentions schools in regards to corporal punishment and "the increasing criminalization of students to deal with disciplinary issues in schools," which violates Articles 7 (freedom from inhumane treatment), 10 (treat all with dignity) and 24 (child protection) (2014). This also violates the human rights standard of "acceptability," which will be elaborated upon later.

The U.S. holds more reservations, understandings, and declarations (RUDs) to the ICCPR than any other country. In fact, human rights treaties like this one were first considered by Congress for ratification in the late 1950s, a time during which state-sponsored

racial segregation was common in the U.S. and some senators expressed concern that the ratification of the ICCPR would contrast thousands of local laws discriminating against racial minorities (Ash, 2005, para. 9). While a proposed constitutional amendment that would make international treaties non-executing did not pass, many of the RUDs render the treaty ineffective and themselves make the agreement essentially non-executing. Relevant to children and education is the U.S. insistence that it will maintain the right to use the death penalty for children under 18 years of age (Ash, 2005, para. 19). The first *understanding* to the ICCPR also essentially states that the U.S. will continue to rely on domestic law and that the Constitution provides all necessary protections against discrimination. This dismissal of the ICCPR in this manner reflects the U.S. attitude toward foreign human rights documents in general. In fact, the United States did not become party to *any* international human rights treaties until 1988 (Joyner, 2017) and continues to hold the most number of RUDs across six major human rights treaties in conjunction with the United Kingdom, despite being party to only half as many treaties as the UK (Neumayer, 2007, p. 410).

In their fifth periodic report from the committee to the U.S., the CCPR requested that the U.S. take measures to combat violence against women in schools, provisions for transgender individuals in schools, and remedies to LGBTQA discrimination in schools, among other things (2019, paras. 10, 11). In January 2021, the United States submitted their fifth report to the CCPR, replying to these concerns.

Violence against women: In response to violence against women in educational settings, the U.S. cites the Education Amendments of 1972, specifically Title IX. “Title nine” is known throughout the United States and the phrase is used colloquially to refer to sexual misconduct on college campuses, although it was created to prevent any sex-based discrimination in federally funded educational institutions. Title IX was updated in 2020

under President Trump and now requires a *higher* burden of proof for victims of sexual assault. The update did claim to enhance enforcement of Title IX in K-12 public schools. It was not until after this periodic report, in March 2021, that the Biden administration signed an executive order to review the 2020 changes and the effects it had on survivors of assault.

Transgender and LGBTQA issues: The U.S. response to the CCPR claims that Title IX also protects these individuals as discrimination is broadly prohibited. In some instances, sex, gender identity, and sexual orientation are conflated in the report. There are no special measures mentioned to ensure the safety of LGBTQA students at the federal level, but the report does mention that some state and local governments have elected to provide such specific protections. This is because the Supreme Court tends to defend the First Amendment above all else, particularly in matters deemed religious; consider *Masterpiece Cakeshop Ltd. v. Colorado Civil Rights Commission,* during which a baker was supported in his refusal to make a cake for a same-sex wedding because it violated his religious views (2018).

As you can see, the ICCPR is not intended to specifically address rights like education but does touch many adjacent topics. Because of this, the ICESCR was drafted in parallel to cover "second generation" rights, also known as economic, social, and cultural rights.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR)

Signed by the United States in 1977 by President Jimmy Carter but never ratified, the ICESCR aimed to cover the economic, social, and cultural rights that were too controversial to include in the UDHR at the time of its drafting immediately after World War II. Article 13 of this document is the longest of the covenant, and broadly recognizes the right to education

that “shall be directed to the full development of the human personality...strengthen the respect for human rights and fundamental freedoms,” in addition to enabling people to participate in their society and promote the same goals of tolerance that the UDHR outlines. What is unique and relevant to our discussion here are paragraphs 2e and 3, which allow for a school *system* with state-approved standards that are in line with the “religious and moral education of their children.” Section 2e also states that “the material conditions of teaching staff shall be continuously improved,” which was a relatively new addition to the legislation on education.

When the Covenant was first adopted by the General Assembly in 1966, it appeared that the drafters intended for standards to be set with the help of the International Labor Organization, or ILO (consider Article 8 of the ICESCR on unions). In that same year, when the U.S. was a member, the ILO worked with UNESCO to produce a Recommendation Concerning the Status of Teachers which was adopted just months prior to the ICESCR. The ILO’s Recommendation demands, almost identically to the ICESCR, that education “be directed to the all-round development of the human personality...as well as to the inculcation of deep respect for human rights and fundamental freedoms” in addition to recognizing that education depends largely on teachers, whom should be regarded as professionals engaged in a form of public service (ILO & UNESCO, 1966). The copying of language suggests that this was already an agreed-upon “best practice” for education and there was no need to change it. As such, the stage was being set for a global expansion of education as a human right.

In 1999, the Covenant’s Committee adopted General Comment No. 13, elaborating upon the original Article 13 giving states more direction on how to fulfill this article, as the original text was fairly broad. This comment explicitly states the indivisibility of rights: “Education is both a human right in itself and an indispensable means of realizing other

human rights." Education is called the primary vehicle for people to escape poverty and to fully participate in their communities, in addition to empowering women, protecting children, and promoting other rights. Most interestingly, the Committee writes that education is not important for purely practical reasons: "a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence." This is a verbose phrase to use for a General Comment that the Committee spent much time trying to reduce in length, according to the summary record of the 21st meeting. The true meaning lies in sections 38 and 39 of Comment No. 13 on the right to academic freedom. The Committee states that after receiving many states parties' reports, it is apparent that the right to education can only be fully realized if accompanied by academic freedom, meaning "free to pursue, develop, and transmit knowledge and ideas...without discrimination or fear of repression by the State or any other actor…" This may be the intended definition of a mind that wanders freely.

In sections 28 through 30 it is permitted that general history of religion and ethics be taught, so long as it is in an objective manner, and the provision of education on alternative opinions is encouraged. Parents are also allowed the liberty of choosing something other than public schools for their children (provided they meet minimum educational standards set by the state and Article 13 itself). Finally, everyone, including non-nationals, are free to establish their own educational institutions, of which the state has the obligation to ensure non-discrimination and equal opportunity, to prevent "extreme disparities of educational opportunity for some groups in society."

The ICESCR was signed by the U.S. amid the Cold War, which itself impacted the rights enshrined in it. Western and Eastern countries both used human rights as an instrument of war. The United States could not afford to openly reject this treaty as it was being drafted

and so still advocated heavily for civil and political rights while admitting that the economic, social, and cultural rights covered in the ICESCR were distinctly different from those enshrined in the ICCPR. President Carter was elected on a platform that promised to change international relations and support human rights globally, so he was glad to sign the ICESCR. His track-record was mixed in practice, however, and as a nation that does not guarantee the right to housing or food and does not have universal healthcare nor free higher education, it would not behoove the U.S. to *ratify* the ICESCR as it would demand significant domestic changes (Strong, 2016). Because the U.S. never ratified the document, it is not technically obligated to follow the standards set within it which distances the current education system from human rights principles. Still, because of the high number of state parties (171), the ICESCR retains normative force and expresses the virtually global standards set for education.

The Convention on the Rights of the Child (CRC)

Although it is the most widely ratified treaty in the world, the United States is not party to the 1989 CRC. The U.S. helped to draft the Convention, proposing the text for seven different articles (although not the articles on education) and commenting on almost all of the other ones under President Ronald Reagan (Gainborough & Lean, 2008, p. 1). The U.S. Ambassador to the UN in 1995 signed the Convention as a symbolic gesture, but President Bill Clinton never submitted it to the Senate to vote on ratification (p. 1), and neither did his successors George W. Bush, Barack Obama, or Donald Trump. General claims of concern about U.S. sovereignty and parental authority have been enough to make the CRC a political quagmire. Some argue that the rights provided in the Convention are already granted by other domestic legislation, and others fear that the U.S. would be held to massive changes if it were

to implement the Convention. As it stands the U.S. is the only OECD country not to grant paid parental leave (Parental Leave Systems, 2019), it ranks 36 out of 37 OECD countries[7] in terms of child poverty (OECD, "Inequality - Poverty Rate," 2019), and is the only country in the world that can sentence children under 18 to life in prison without parole (Rovner, 2021), violating multiple aspects of the CRC. Regardless, a brief summary of Articles 19, 28 and 29 of the CRC will help the reader to better understand the global commitment to the human right to education and U.S. progress toward it.

Article 19 declares that states parties must "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence." Article 28 of the CRC repeats many of the guidelines from the documents above, namely that all children have the right to a free, accessible primary education. Part 2 adds that school discipline must be "administered in a manner consistent with the child's human dignity and in conformity with the present Convention." Note that 19 U.S. states allow for corporal punishment in public school classrooms, and this issue has already been uncovered by the reporting mechanism of the ICCPR (Gershoff & Font, 2016).

Article 29 lists goals of education that are also similar to ones we've seen before, but which are worth discussing again. State education should be directed to the "development of the child's personality, talents and mental and physical abilities to their fullest potential," as well as strengthening respect for human rights. It should also develop "respect for the child's parents, his or her own cultural identity, language, and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own," (Article 29.1.C). The spirit of tolerance, equality

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[7] The Organization for Economic Cooperation and Development, OECD, is mostly made up of democratic countries with free-market economies that are easily comparable. Referring to OECD countries has become more common in recent years and is more accurate than saying "first world" or "developed" countries.

of sexes, and preparation for life in a free society are duplicated here as well. All of these principles align well with U.S. foundational values yet are not always practiced. For example, in 2015 the state of Oklahoma, among multiple other states, attempted to ban the Advanced Placement U.S. History course and exam for "excluding a Christian perspective" and because it "doesn't teach American exceptionalism," (Song, 2015). This example illustrates how politicized education is and highlights the beliefs of some of the people who refuse to ratify the CRC.

Children's rights are human rights, so while there is nothing legally binding the U.S. to the concepts enshrined in the CRC, the principle of universality means that American children are still granted the human rights listed within it.

The World Plan of Action on Education for Human Rights and Democracy & The Vienna Declaration and Program of Action

The World Plan of Action on Education for Human Rights and Democracy (Montreal Declaration) was adopted in March 1993 by the International Congress on Education for Human Rights and Democracy. It was based on existing international law and called for a global mobilization of resources to educate people about human rights, stating that "learning is not an end in itself but rather the means of eliminating violations of human rights and building a culture...based on democracy…" (OHCHR, 1993). At the time of the writing of the Montreal Declaration, the Cold War had recently ended, some dictators were deposed, yet human rights abuses had not disappeared and in fact, new forms of autocracy and an "alarming rise of racism" had emerged (p. 1).

The World Conference that year was the largest human rights gathering at the time, with 171 state representatives in attendance and hundreds of NGOs. The U.S. representative was a member of the Credentials Committee of the conference and was also nominated as one of 43 Vice-Presidents (Mock, 1993). After the signing of the Montreal Declaration, many state representatives gave speeches, including the U.S. delegate, John Shattuck. At the time, Shattuck was the Assistant Secretary of State for Democracy, Human Rights, and Labor, but has written as recently as this year about the need for human rights defense to start at home, rather than focusing abroad (Shattuck & Sikkink, 2021). Shattuck was first active in the antiwar and civil rights movements of the 1960s and has also served as the Executive Director of the American Civil Liberties Union and the Vice-Chair of Amnesty International, USA (Shattuck, 1997). Shattuck's intentions may have been to earnestly participate in this conference, but we will see how little the U.S. has done in the way of implementation.

Vital to the arguments of this research, Objective Two of the Declaration is to "assist learners to understand the connections between economic conditions and access to rights and encourage educators to support strategies for change that are non-violent and democratic." Some of the actionable items include revising textbooks, developing pedagogic research on human rights education, and empowering communities to be active in this work.

> [Education] should be participatory and operational, creative, innovative and empowering at all levels of civil society...Incremental changes can no longer be considered satisfactory. Education should aim to nurture democratic values, sustain impulses for democratization and promote societal transformation based upon human rights and democracy (OHCHR, World Plan of Action).

The Declaration was heavily influenced by UNESCO and signed by the U.S., but during a period in which the United States was not a UNESCO member due to Cold War tensions. Just a few short months later in June 1993, the better-known Vienna Declaration and Programme of Action (Vienna Declaration) was adopted at the World Conference on Human Rights. The word "education" appears 28 times in the 1993 Vienna Declaration. It intended to implement the right to education both as a right in and of itself, and as a means of promoting compliance with other rights. Part II, paragraph 78 of the Vienna Declaration lists human rights education as essential for the promotion of stable communities and for fostering tolerance, again using the language of previous documents stating that education should be directed toward the full development of the human personality. Part I, paragraph 34 asks that human rights awareness not only be raised through teaching, but also names the importance of popular participation and civil society. The participatory aspect stands in stark contrast to U.S. education. The Declaration also calls for the inclusion of human rights law and democracy in curricula, including education on peace and social justice via the development of specific programs and strategies. It reaffirms the duty of states in these processes.

Almost two decades later at the 18th session of the UN Human Rights Council the U.S. itself made a statement urging states to honor their obligations under the Vienna Declaration. The U.S. representative noted human rights violations in North Africa and the Middle East and applauded itself for "taking assertive action" to protect LGBT individuals, giving no mention of education nor other domestic issues (Chamberlain Donahoe, 2011). The duplicity of signing declarations and condemning human rights violations abroad while simultaneously creating distance from international human rights mechanisms domestically has become a U.S. hallmark.

The Declaration on Human Rights Education and Training (HRET)

During a time when the United States served on the Human Rights Council, the UN adopted its 2011 Declaration on HRET, reaffirming many of the commitments made in the documents discussed above. In keeping with the Human Rights Council's working methods, this declaration was written with the input of UN member states, National Human Rights Institutions (NHRIs), regional organizations and civil society. It provides a new set of articles explicitly defining what human rights education and training encompasses, along with state responsibilities.

This Declaration came after the UN Decade for Human Rights Education (1995-2004), during which no national initiatives were recorded in the United States (OHCHR, "Summary of National…" n.d.) and in the middle of the UN Decade of Education for Sustainable Development which ran from 2005 until 2014, sponsored by 13 countries excluding the U.S (United Nations General Assembly, 2002). In 2009 the U.S. government did affirm that the Millennium Development Goals (MDGs) were "America's goals," although the only direct education-related goal was to achieve universal primary education which was not a domestic concern at the time. In general, most U.S. spending regarding these goals occurred under the Obama administration, and focused heavily on providing aid to other countries. While the passage of the 2010 Affordable Care Act provided increased access to healthcare, income inequality remained higher than ever in the U.S, racial disparities persisted in child mortality rates, and gun deaths, particularly among children, proved to be a uniquely American problem (Peacock-Chambers & Silverstein, 2015). Regardless, many thought that achieving total completion of primary education was the pinnacle of the human right to education at the time. As such, the Declaration on Human Rights Education and

Training reminded states of the various other ways the right to education should be implemented.

Article 2 of the Declaration states that HRET includes education *about, through,* and *for* human rights; not just providing knowledge of norms and principles, but empowering people to exercise their rights, uphold those of others, and engage in education in a way that respects both the educator and learner. Article 3 centers on the comprehensive way HRET should envelope a society, in both formal and informal settings. It should also use language and methods that suit the specific needs of target groups.

Article 4 focuses on the development of a "universal culture of human rights," promoting a pluralist and inclusive society and ensuring equal access to HRET without discrimination. Eradicating racism is specifically mentioned. Article 5 continues in the vein of non-discrimination, listing gender equality in particular. It also states that HRET should "take into account the particular challenges and barriers faced by, and the needs and expectations of, persons in vulnerable and disadvantaged situations and groups...to contribute to the elimination of the causes of exclusion or marginalization…" (Article 5.2). Not only does this imply positive measures by the state, but Article 5 section 3 says that HRET should not only embrace but *draw inspiration from* different religions and cultures. Finally, this article ends with a unique task: HRET should promote local initiatives to encourage ownership of the goal of universal human right fulfillment.

Article 7 restates the responsibility of the state in all of the above actions, "developed and implemented in a spirit of participation, inclusion and responsibility." Further, Article 8 clearly demands that states need policies and programs to implement HRET, and suggests integrating it into school curricula, which has not occurred in the United States (United Nations General Assembly, 2011).

In 2016, the OHCHR organized a panel to discuss implementation of the 2011 Declaration and issued a report in March of 2017 (Office of the United Nations High Commissioner for Human Rights, 2017). No representative of the U.S. was present. During this panel, the Secretary for Human Rights of Brazil, along with all other attendees, repeatedly stressed the importance of the right to education for realizing all other human rights. Specifically, the Brazilian Secretary cited the necessity of:

> (a) the **availability** of education programmes of sufficient quality; (b) the full **accessibility** of those programmes and of educational institutions; (c) the **acceptability** and cultural appropriateness of the educational programmes; and (d) the **adaptability** to social changes and to the needs of cultural and social diversity.

The conclusions acknowledge that "educators and trainers should adopt sound educational methodologies that are participatory, learner-centered, action-oriented and take into account cultural contexts," (Part V) which may sound unfamiliar to those who grew up in the U.S. public education system which relies heavily on rote learning which is now recognized as ineffective (Gross, 1999; Boaler & Zoido, 2016).

Many state representatives highlighted national human rights education programs in primary and secondary schools. Ecuador, Indonesia, Kyrgyzstan, Paraguay, the Congo, Russia, Switzerland, Thailand and Viet Nam had all implemented human rights education in their public school systems. Paraguay shared its nine-year plan for entirely transforming the public education system, although by any measure it was and is still faring poorly (World Politics Review, 2018). 56 other countries have also created action plans submitted to the OHCHR ("National Action Plans…", n.d.). Several delegates stressed that the various

education documents and global initiatives reflect a growing consensus among the international community regarding the pivotal role of human rights education in the realization of all other rights, according to the summary report (United Nations Human Rights Council, 2017, p. 10)

These documents and initiatives can be said to culminate in the 2030 Sustainable Development Goals (SDGs). Most present at the conference agreed that HRET would be "catalytic" in achieving all the SDGs, and all agreed that HRET was an effective strategy for preventing and addressing global challenges like violent extremism.

2030 Agenda for Sustainable Development

In 2015, all UN member states (the U.S. included) adopted 17 goals for sustainable development. Goal number four is to ensure inclusive, equitable, and quality education for all. Target 4.5 and indicator 4.5.1 requires disaggregated parity indices to show equal participation of vulnerable people, including persons with disabilities, indigenous peoples, and LGBTQ children. Target 4.7 is to make sure that all learners have the knowledge and skills to promote sustainable development, including through education for human rights and appreciation of cultural diversity. This will be measured via the "extent to which global citizenship education and education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in national education policies, curricula, teacher education, and student assessment," (Goal 4, n.d.).

The 2030 Goals were conceived as universal, but many of the education goals and targets are unofficially directed toward developing countries with low school enrollment and graduation rates. Still, the United States, with perfect enrollment rates, struggles to measure and define its progress toward these goals. Take 4.7.1: the extent to which global citizenship

education and education for human rights are mainstreamed in national education policies, curricula, teacher education, and student assessment (United States Sustainable Development Goals, n.d.). To measure this, the U.S. asked 8th graders if "world affairs" was emphasized in their schools (66% responded "yes"). Afterward, the U.S. government insisted that "...there is no way to measure this indicator with available data... Local and state education agencies are responsible for determining student curriculum," (United States Sustainable Development Goals, n.d.). It is not surprising then that in 2019, the U.S. was the only OECD and G-20 country to not report on its goal progress at the time, and in an official memo in 2019 said that it could not express support for each specific goal or target…" (Igoe, 2019). According to a Brookings Institute report, SDG implementation *is* happening, but on the local level, often by cities, universities, NGOs, and other civil society actors to advance common interests and values (Pippa & Brown, 2019).

The United States Constitution and Individual State Constitutions

The federal constitution in the U.S. does not include the right to education. It has no mention nor amendment related to Article 26 of the UDHR, as do some other countries, such as South Africa and India (Acosta, 2016). It is worth noting that the U.S. does not frequently amend its constitution. People in the U.S. often think of human rights as the civil and political rights defined in the U.S. Bill of Rights, not realizing that their right to social, economic, and cultural freedoms (like the right to healthcare or housing) are internationally protected. Still, in 1973, the Supreme Court decided San Antonio ISD v. Rodriquez, ruling that there is no constitutional right to an equal education, despite the right to equality provided for by the 14th Amendment. This led to differences in standards, resources, and quality of education

throughout the United States, which further perpetuates an ignorance of the rights citizens hold and therefore their ability to prevent rights abuses.

A few individual state constitutions do recognize education as a fundamental right. For context, state constitutions often mimic the federal one but are longer and more detailed as they should address how the state and local entities will govern themselves, and also provide legislation for matters left to states by the federal constitution. While constitutions are technically living documents, many have not been revised since their initial writing. Massachusetts' constitution went into effect in 1780 and is the oldest functioning written constitution in continuous effect in the world (Parker, p. 3, 2016). Unsurprisingly, outdated language has shaped the form and funding of public education in many states. In fact, North Carolina and Wyoming were the only two states to define education as a fundamental right before 1960.

Many things changed after the '60s, particularly after Brown v. Board made school segregation technically illegal (1954). Maryland added education to its Declaration of Rights in 1960. California followed, many years later, by having its supreme court decide on three cases, Serrano v. Priest (1976), regarding public education funding. Courts in Connecticut, Washington, and West Virginia followed, and Kentucky, Mississippi, Oklahoma, and Wisconsin changed their state constitutions to recognize quality education as a right in the 1980s. In 1989 when the entire public school system in Kentucky was declared unconstitutional, the state defined seven provisions of an education system, sparking the "adequacy movement," and which were adopted by courts in Alabama, Arkansas, North and South Carolina, Kansas, Massachusetts, New Hampshire, and Texas (Brennan-Gac, 2014). Today, all 50 states have some type of legislation or provision regarding education, albeit not in their constitutions. Access to a quality and equitable education has been granted in some

states, not due to legislative decree, but from the work of activists who have brought individual cases to state courts. Because the U.S. has a civil law system, precedence determined by such cases is significant.

The existence of educational legislation does not make access to education a fundamental right, however. Section 256 of the Alabama state constitution, last updated in 1901, allows for separate schools for white and "colored" children. Federal law supersedes this (Brown v. Board) but twice the Alabama legislature refused to change their constitution (Elliott, 2012). Additionally:

> Of the 50 state constitutions, nine states require public education for students with disabilities, 37 include language regarding religious restrictions and 30 speak to the establishment of higher education (Parker, 2016, p. 1).

As evidenced, the lack of consistent practices across states makes it difficult to achieve the right to education nationally.

Conclusions

There is significant international legislation regarding the human right to education, both binding and non-binding, most of which directly commands state parties to take positive measures to improve access to quality education. The anachronous and inconsistent perception of the right to education domestically in the U.S. however, reflects the lack of power that international legislation holds over the country. Despite having the potential to play a significant role in the creation of human rights education legislation and often actually

doing so in practice, the U.S. distances itself from international standards posthaste after their passage as a means of maintaining the existing power structure at home.

Regardless, this paper will use existing international standards as the baseline for measuring U.S. success at implementing satisfactory education for its citizens. The following section will describe the history of K-12 education in the U.S., which further emphasizes the intentional nature of today's legal anachronisms and better explains why the U.S. is so resistant to accept international human rights norms regarding education.

Chapter Two: The History

We can no longer assume consensus on the purpose of public education. Maxine Greene

Discussing the origins of public education and highlighting major structural changes throughout U.S. history will help the reader understand the systemic barriers to fulfilling the human right to education today, and why the U.S.'s domestic goals for education are different from those espoused by the international community.

All countries rely on the socialization and education of youth, both formal or informal, to maintain an organized society. Whether this organized society reflects the desires of citizens collectively or just a small subset of individuals depends on the type of government in place. Contrary to popular thought, the larger and more democratic a society, the harder it is to maintain a consistent yet transparent education system. An education system can be a vital instrument for a society to adjust to economic, technological, demographic, or ecological changes, but competing interests will always threaten unity and ultimately shape any changes to the system at large (Guthrie, n.d). This is well illustrated by the development of public education in the United States, which is presented here as a self-described bastion of democracy, yet with a ruling elite and institutions that are threatened by international education mandates. The following history will show how present-day K-12 education serves the interests of this ruling class and ultimately denies U.S. children the full right to education.

An Abridged History of Childhood Education in the United States

17th century Pilgrims and Protestants

From "saving our moral souls" to producing patriots to educating a workforce to integrating immigrants, education in the U.S. has served many purposes and taken many forms. While teachers today are encouraged to be impartial, many would argue that there is no such thing as a neutral education. The story of education in the U.S. can help us understand why.

In the earliest years[8] after the colonization of the land we now call the United States, a movement was brewing. What is said to have started in 1517 Germany with Martin Luther's *Ninety-Five Theses,* the Protestant Reformation challenged the authority of the Catholic Church and for various reasons, was finding growing success across Europe (Armstrong, 2002). Early colonists from Northern Europe brought Protestantism and its various forms to the Northeastern American shores. The Reformation itself "encouraged education as a means to facilitate individual interpretation of religious scriptures," rather than having to rely on clergy. Higher education (anything outside the home at the time) was reserved for white men learning to be ministers (Guthrie, n.d.). For many decades, settlement and imperialism colored English colonial history, and English parents were charged with educating their own children, which was an idea transmitted effortlessly to the American colonies (Guthrie, n.d.). The goals of education remained largely religious.

According to functionalist theory, the main role of education within a state, during any time period, is to maintain culture, transmit language, and impart customs; essentially

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[8] A native teaching system existed prior to this but was, intentionally on part of colonists, completely at odds with the rest of U.S. education. It consisted of education for youth focused on values and skills needed to be successful adults in real world settings. It was underscored by a reverence for nature and sense of responsibility to the Earth. Colonists brought a eurocentric system based on assimilation to European American values.

socialization (Lin, 2006). This helps to build a national identity, whether the identity, or aim, of the nation is to foster democratic societies, maintain the dominance of the church, etc. In 1620, Pilgrims arrived in North America, and in 1630, Puritans[9] established the Massachusetts Bay Colony (PBS, "People and Ideas…" n.d.). The bible is central to this separatist movement and the religion itself is inseparable from the culture of those who practice it. The goals of education could therefore be easily met by parental guidance and religious teachings at home. Puritans valued literacy as a means of interpreting the bible for oneself, as previously mentioned, so they were the proponents of the 1642 Massachusetts mandate that parents teach their children to read and write.

A significant trajectory shift in U.S. history occurred around this same time, with the introduction of slavery to British colonies. In 1619, a ship of enslaved Africans arrived in the colony of Virginia for the first time. Indentured servitude and quickly, chattel slavery, permanently changed U.S. politics and economy. However, the goals of education did not change to become focused on governance or economic production until much later. In fact, white male children were still the only ones considered for a formal education.

Boston Latin School (1635 - present) is the oldest school in the United States, and is considered the first public school, although it was funded by donations rather than taxes. While it claims today that people of all social classes were welcome, the school was for only white males students and teachers until 1859 when the first white female student was admitted and 1877 when the first black student graduated (Helen Magill White, n.d.). Additionally, those who could afford to attend school instead of work were considered part of Boston's Puritan "brahmin" upper class (Boston Brahmins, n.d.). Students were taught the

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[9] Puritanism is a sub-branch of Protestantism; considered dissenters because they wanted to eliminate processes connected to the Catholic church such as the hierarchy and vestments.

Latin language along with Greek and Roman literature, trying to emulate the Free Grammar School of Boston, England, led by Puritan minister John Cotton (BLS History, n.d.). It was considered a waste of time to educate girls because they could not become ministers or attend college (Madigan, 2009).

In 1647, Massachusetts passed the first compulsory education law: The Old Deluder Satan Act. This act mandated community schooling to "delude" Satan with knowledge of religious scripture. Towns with 50 or more families would have to hire a teacher, and towns of more than 100 would need to support a grammar school. Grammar school students were meant to be prepared to attend Harvard College nearby. Similar acts were adopted in other New England colonies, creating the notion of education as a public responsibility for which taxes can be collected and used (Carleton, 2009). Southern colonies, however, had no education laws. Far more rural, there were few schools, none of which were available to Black children (Knight, 1922). Literacy rates remained lower than the North until the 19th century.

Because of the education mandates, "dame schools," which had existed prior to the arrival of the Pilgrims, had a resurgence for middle class children who did not necessarily have to work, but couldn't afford the private tutors of the upper class. Women, often housewives or widows, were paid a small fee to teach small groups of children, usually in their homes. Understandably, the quality of the education varied greatly. Because of sex-segregated schools, this was the only way most girls could access formal education, even thought it was increasingly important for production. Women were becoming more involved in family businesses and commerce, so the growing economy meant a growing need for more literate workers (Riordan, 1990). These early details may seem like a digression from the

broader history of education, but the foundations of public schooling laid in Massachusetts shaped the system the U.S. has today, as we will see.

18th Century Servitude

Slavery was growing steadily in the 1700s and, after an attempted rebellion[10], bans on teaching enslaved people anything other than religious texts proliferated. South Carolina passed the first law in 1740, part of what would be called "slave codes," which banned any form of writing "whatsoever" (Rasmussen, 2010). To this day, the United States is the only country known to have enforced such laws (Tolley, 2019). At the time, enslaved people who escaped could seek freedom in Spanish Florida, according to the king, who sought to destabilize the British colonies (Rasmussen, p. 202). Literacy among enslaved people would mean that they could read the decrees of the Spanish king and tell others about it, possibly sparking further rebellion. In addition to increased organizing capacity, literacy of enslaved people was feared because it was a sign of superiority, justifying chattel slavery; a sentiment from the Enlightenment period. The goals of education at the time would have been nullified if enslaved people were educated; the culture and economy would inevitably change.

> What made the cotton economy boom in the United States, and not in all the other far-flung parts of the world with climates and soil suitable to the crop, was our nation's unflinching willingness to use violence on nonwhite people and to exert its will on seemingly endless supplies of land and labor (Desmond, 2019).

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[10] The Stono Rebellion began in 1739 in South Carolina and was the largest enslaved persons rebellion in the southern colonies.

For context, we'll turn to late 1700s France. Philosopher Jean-Jacques Rousseau is credited for writing the first comprehensive attempt to describe a system of education according to "nature" in his book *Emile* in 1762 (Stewart and McCann, 1967, p. 28). Rousseau himself had no formal education. He stressed the idea children are naturally good, and that this nature can be preserved by carefully controlling their education and environment. What Rousseau meant by this was that a child carries her *own* momentum for learning and educators should simply facilitate opportunities for new experiences and reflection - what today we would call discovery learning. Rousseau himself admits that "viewed as an art, the success of education is almost impossible since the essential conditions of success are beyond our control. Our efforts may bring us within sight of the goal...the goal of nature," (Emile, p. 6). A sense of childhood, in general, and of children as people to be protected with their own rights to freedom does not fully translate across the Atlantic at this time.

In 1765, the American Revolution began, at least ideologically, and by 1783 the Revolutionary War against Britain had ended. The Declaration of Independence, often seen as a fundamental document in U.S. history, was written and signed in 1776 with no mention of education. Similarly intended to realize egalitarian ideals, the French Declaration of the Rights of Man (1798) makes no mention of education either. This is likely because at the time, the concept of human rights meant only that parents had the primary duty to provide education to their children (Locke, 1693). However, in the late 1700s leaders of this new republic started to view education as a means for men to participate as equals in government, hoping education could essentially ensure political liberty.

19th Century Democracy

Thomas Jefferson, president from 1801—1809, tried three times (unsuccessfully) to get his Bill for a More General Diffusion of Knowledge passed. This bill called for:

> An education worthy to receive, and able to guard the sacred deposit of the rights and liberties of their fellow citizens...without regard to wealth...at the common expense of all (1779, para. 1).

The three-stage system was to be paid for by those living in the area; truly the first concept of public education for girls and boys. Despite Jefferson's aspirations, the general public felt that education was sufficient as it was, and many were angered that Jefferson was pushing logic-based ideas and education over religious ones. In addition, wealthier plantation owners did not want their tax money going toward educating poor children, and poorer families thought their tax dollars would only benefit the elite. It appears Jefferson's timing was just a few decades off, however, as Horace Mann will later prove.

Despite the progressive-sounding nature of Jefferson's bill, it was not long after that the Indian Civilization Act of 1819 established genocidal boarding schools across the nation. Many of these were operated by Christian missionaries who were to "introduce Native children to the 'habits and hearts of civilization' while encouraging them to abandon their traditional languages, cultures, and practices," (Pember, 2019). The Act promoted the idea that the country's "Indian problem" was due to Native American culture and language. Indigenous children were forcibly separated from their families and sent to these assimilationist schools. Very few graduated and even fewer ever returned to their

communities. One infamous school, the Carlisle Indian School in Pennsylvania, was run by Richard Henry Pratt, famous for his motto “kill the Indian, save the man.” Often, as it turned out, the man was not saved at all. Children’s remains are still being exhumed from the sites of these boarding schools to this day. It was not until 1978 that Native American parents gained the legal right to deny their children’s placement in off-reservation schools (Sturla, 2021).

This was occurring while the First Industrial Revolution was happening in Britain. Increasingly complex technological changes in Western societies required a more highly educated workforce, so education began to gain economic significance. Spreading rapidly, this revolution made it to the “new world” where cotton was being produced at exceedingly high rates, and textile mills proliferated in the North, particularly after the War of 1812 (University of Hawaii, 2015). This is truly a vital turning point in U.S. educational history. The direct use of education for workforce purposes has its roots around this time and has perpetuated until today. Economic competition began to translate to classroom competition.

The War of 1812 was an embarrassing loss for the U.S., but one country in particular lent a solution: Prussia. Prussia had the first truly mandatory and *enforced* compulsory school law in the world and set up a three-tiered school system sometimes called the “factory model of education” although its purpose in Prussia was militaristic in nature. In this system, less than one percent of children were “taught to think” and become leaders at what is known today as the collegiate level. Around five percent of the population would learn to become professionals to advise the leaders in secondary school, and the majority of children attended just “volksschule” (primary school) where they were taught obedience and “freedom from stressful thinking,” (Gatto, 1994; Clark, 2006). This hierarchy was ideal for growing U.S. industry, which is exactly what Horace Mann, secretary for the Massachusetts Board of Education, thought when he visited Prussia in 1843. Mann also brought back the idea of

teacher's colleges ("normal schools") and locally resourced schoolhouses with different subjects and classrooms. This marked the beginning of the last major reform to American schooling.

Western Expansion categorized the period of time during the mid-1800s for the U.S., as highlighted by events such as the Mexican-American War. An abolitionist movement was growing in the North, and events like Nat Turner's Rebellion[11] led Southern states to unleash a renewed wave of anti-literacy and anti-assembly laws for Black people. The concept of democratic participation through education apparently only applied to white individuals. An 1835 North Carolina statute read, "'Teaching slaves to read and write, tends to excite dissatisfaction in their minds, and to produce insurrection and rebellion," (Ward, 1841).

On the contrary, in the North, the same year this Mexican-American war ended, Horace Mann said simply that "education prevents being poor." Massachusetts, the home of Boston Latin and Harvard College was also a bastion of industrial growth during this era, helping to solidify the economic connection to education. Mann himself valued education on Christian morality and democratic ideas, but also made the argument that workers would only become more economically productive if they were educated. Mann spearheaded the Common School Movement, advocating for free, locally funded and locally governed schools open to all white children (Marshall, 2012). This was the start of regulated, systemic school ing as we know today. In the 1840s the U.S. welcomed a wave of immigrants, but though they were theoretically invited to these common schools, they tended to stay in their own communities. Girls were encouraged to attend schools too, as a means of being able to teach

[11] An enslaved persons' rebellion in 1831 Virginia, killing at least 50 white people. Nat Turner, who could read and write, directly addressed the myth that enslaved people were happy and docile.

their sons about liberty and government and to be good companions to their husbands (Borgioli Binis, 2021).

While the Massachusetts Board of Education was founded with Mann at the helm, Friedrich Frobel opened the world's first kindergarten, although it wasn't called that until a few years later in 1840. The etymology of the word was intentional: Frobel believed that children should be nurtured and cared for like plants. He encouraged creativity through play, albeit guided. Twenty years later, Margarethe Schurz opened the very first U.S. kindergarten in Wisconsin for her immigrant German community. Shortly after, Elizabeth Peabody founded the first English-language kindergarten, and the first *free* kindergarten was founded by Condrad Poppenhusen, a philanthropist from Germany (Mackenzie, 1886). Today the U.S. retains a sense of liberty and creativity mostly for its youngest children, but rarely in older grades.

In 1853 Massachusetts passed the first compulsory education law stating that all white children must attend school. Just two years later the state opened schools for Black children as well, although these were separate institutions. Other states waited much longer: Virginia mandated education in 1870 (Unger, 2007). Mississippi opened schools to all races in 1918 and *repealed* compulsory education laws in 1956[12] (Dixon, 2020). Not coincidentally, both states were among the top five in largest enslaved populations (Pariona, 2018). It is not surprising then that:

> By the eve of the Civil War, the Mississippi Valley was home to more millionaires per capita than anywhere else in the United States. Cotton grown and picked by enslaved workers was the nation's most valuable export (Desmond, 2019).

[12] Compulsory education was reinstated in Mississippi in 1972.

Here it is clear why states with high numbers of enslaved people, and therefore slave-dependent economies, were less likely to allow, nevertheless mandate, schooling of Black children. As with most insidious things in the United States, money triumphed over all else.

As any American child has learned in school, in 1865 the Civil War ended and the 13th Amendment to the U.S. Constitution was passed, legally abolishing slavery. A significant caveat to this amendment is rarely taught: slavery may be used as punishment for crime (U.S. Const. amend.XIII, §1). As such, modern policing was born from slave patrols; a way of re-enslaving Black Americans for minor or completely falsified misdemeanors to maintain the economic hierarchy, thinly veiled as law and order. This happened around the same time as the foundation of the notorious white supremacist group the Ku Klux Klan, and nationwide "mob justice" that often centered on lynching of free Black men. Today, most of the states with the highest incarceration rates are the same as those which had in the 1800s the highest enslaved populations (Caron, 2019; U.S. Census Bureau, 1970). Even though anti-literacy laws were technically abolished at the time of the 13th Amendment passing, education for the formerly enslaved and their descendants was not widely available[13].

During the Reconstruction period after the war, the Freedmen's Bureau was set up by Congress, creating schools for Black children in the South despite a very limited budget. The Bureau could not spend funds on teachers' salaries or textbooks but could pay rent on schoolhouses and encouraged Black communities to raise more money themselves. Despite the common misconception that the Bureau was a "gift" from the white North, those who organized the schools and the teachers themselves were overwhelmingly Black. Undeterred

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[13] Racial segregation was initially de jure, but then became de facto.

by backlash, the Bureau and the Black community educated thousands of Black students who would have been unable to attend school otherwise (Encyclopedia Virginia, n.d.).

The Second Industrial Revolution was more heavily based in the Americas than Britain during the late 1800s and early 1900s, a period overlapping again with great immigration to the U.S. and expansion of schools. Public schools proliferated, beginning to look increasingly similar and structured, just as Horace Mann envisioned. Between 1890 and 1920 an average of one school opened per day (Borgioli Binis, 2016, episode 1). By 1900 all the PhD holders in the United States were trained in Prussia (the PhD is a German invention) and were familiar with their rigid education system and class periods, resembling factories. These PhDs became heads of research bureaus, presidents of universities, and even governors, like in the case of Edward Everett of Massachusetts, so it is not difficult to see how structure became the norm for public schools (Gatto, 1994).

Meritocracy gained traction around this time because of the seemingly sudden numbers of both immigrants and recently freed enslaved people moving to new towns and cities. Teachers needed a standardized system to evaluate their large number of students, and grades (marks) could also be used to separate students, whether by achievement, class, race, or otherwise. Grades began to be used as a proxy for learning, but also for merit. To address the former, there is no way to know if learning has occurred in a student's brain by having them memorize and recite something back. Yet, recitation was the primary pedagogy in schools, to the point where schools had competitions where young children could memorize long speeches but were unable to spell their own names (Borgioli Binis, 2016, episode 7).

In 1892 the Committee of Ten[14], including the principal of Boston Latin Academy, met to decide on how many years of primary and secondary schooling children would need, leading to the age of 17 as the compulsory schooling limit. They also designed the nation's curriculum in an attempt to standardize subjects among U.S. states, which remains largely unchanged today (Whiteley, 2015). The Committee reinforced that secondary school was meant to prepare students for life, rather than college. Colleges, meanwhile, were expressing disappointment with the students they were receiving: dreadfully underprepared white men. Employers and colleges alike were giving feedback regarding the recently invented concept of high schools (grades 9-12) as more and more were being built, particularly in the West where homogenous farming and mining states were becoming wealthier.

Well past the Reconstruction Era, many states began re-establishing racial segregation laws in the 1890s. Plessy v. Ferguson (1896), a landmark Supreme Court case, declared that racial segregation for public facilities (including schools) was in fact constitutional so long as the segregated facilities were of equal quality ("separate but equal"). A lesser known case was used as precedent in this decision, from the state court of Massachusetts. Despite being an early home to abolitionist movements, Massachusetts still did not accept freed Black persons in white schools in 1850. Roberts v. City of Boston (1850) ruled in favor of the city providing segregated schools. This is a classically American example of symbolic gestures in lieu of structural change.

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[14] The National Education Association created a working group called the Committee of Ten, consisting of Charles William Eliot (president of Harvard University), William T. Harris (the Commissioner of Education), James B. Angell (president of the University of Michigan), John Tetlow (headmaster of the Girls' High School in Boston), James M. Taylor (president of Vassar College), Oscar D. Robinson (principal of the High School in Albany), James H. Baker (president of the University of Colorado, Boulder), Richard H. Jesse (president of the University of Missouri), James C. Mackenzie (headmaster of the Lawrenceville School), and Henry Churchill King (professor at Oberlin College).

20th Century Federalization

Despite its brief involvement in World War I, the U.S. altered its educational curriculum to focus strongly on nationalism. Patriotism classes were required, and many propagandist pamphlets, posters, and songs were provided to schools to influence students to remain loyal to the U.S. One program in particular, the Reserve Officers' Training Corps (ROTC), remains a staple in many public schools and universities today (Neiberg, 2000, p. 26). It is not uncommon to see military recruiters at public high schools across the country.

A movement to pass a federal compulsory education law began in the 1920s after the war. At the time, all children were still not in school, despite a plethora of individual state laws. These laws were rarely enforced and some children only attended when convenient, if at all, mostly because of work. Great trust was placed in business at the time, and as capitalism rose dramatically, economic efficiency became a lens to look at schools through as well (Holt, 1994). The mainstream education movement held ultimate faith in business practices, and so promoted "social efficiency" at schools too, to maximize the future working potential of each child (Holt, p. 77). A contrarian progressive education movement did exist in the 20s, and was mainly split between the Project Method and The Dalton Plan, which were less rigid than typical schools but still focused on efficiency.

Dewey, of the Dalton Plan, wanted education to teach people how to govern themselves and work creatively together. He pushed back against the notion that only experts can fulfill the democratic role. Dewey believed that students should participate democratically in their school and workplace to become critical thinkers. Teachers were to provide structure, but also allow freedom because to change our current society one would

need to learn history. Dewey promoted efficiency in education, but worried that the "science" behind business practices wasn't very scientific at all.

Snedden and Kilpatrick, of the Project Method, took a method used in agriculture and applied it to the teaching of science. Kilpatrick, a follower of Dewey, added psychological methods to this concept, albeit still with a positive view of social efficiency. Students were expected to plan and execute long-term projects together as a form of experiential learning. Learning was organized around a central question, rather than discipline (Holt, p. 79). The role of the teacher was to initiate thoughtful reflection by asking guiding questions, but that is all. In reality, this idea of democracy as management gave teachers the role of a "scientifically-selected corps of benevolent elites" (p. 80).

During the Great Depression children were competing for work with adults, so child labor and school attendance laws were enforced at much higher rates. There was little resistance to these measures, which included truancy officers, because immigrants were eager to assimilate and school was seen as the ideal place for this. There was some religious backlash, exemplified by the Pierce v. Society of Sisters case in 1925, which successfully struck down an Oregon state mandate that all children have to attend *public* school. The Supreme Court unanimously agreed that private schools, particularly religious ones, should be allowed to operate in the state. The nation was also shifting its focus to standardization, with a tendency to ignore differences and promote agreement (Holt, 1994). By the 1940s, school became the norm for all children. Without the norm to get married so young, more high schools opened as well. Increased education would become an excellent parallel to increased economic output.

President Roosevelt was initially elected based on his commitment to reform the economy, known as his "New Deal" program. During the Second World War, economic

growth in the U.S. and the idea of American exceptionalism led to Roosevelt's desire to establish a "new world order" and international human rights standards, as we saw with the Universal Declaration of Human Rights. To avoid inconsistencies at home, Roosevelt proposed a Second Bill of Rights for the U.S., essentially providing economic rights to its citizens which included "the right to a good education" (State of the Union Address, 1944). This Second Bill never instituted, and the commodification of education and healthcare, among other areas, produced the opposite effect, maintaining or worsening inequality long after Roosevelt's presidency ended.

WWII was, however, a wake-up call to monolingual Americans who realized European citizens had an advantage. After the war, states began to participate more in education, rather than relegating it to local authorities, because school costs were increasing and decisions were becoming politicized. There were also increased efforts to achieve equality in educational opportunity. This departure from localized decision-making was not addressed until the 1960s because most districts could not afford to deny funding from the federal government. In fact, federal funding often came with caveats, such as the desegregation of schools, well before codifying it in law. In the 1950s, courts began to formally apply the Constitution's equal protection clause to social conditions, such as voting rights, housing, and education. As such, courts upheld federally guaranteed rights over state or local policies. One of the most famous Supreme Court cases, Brown v. Board of Education of Topeka was decided in May of 1954. Despite "Massive Resistance" in some states like Virginia[15], the Supreme Court decision unanimously established that racially segregated schools were unconstitutional. There is no such thing as "separate but equal" so the equal

[15] Massive Resistance was an attempt to unite white politicians and leaders in Virginia in preventing public school desegregation after the 1954 Brown v. Board decision. Many schools, and even an entire school system, were shut down in 1958 and 1959 in attempts to block integration until the state supreme court declared these efforts illegal.

protection clause of the 14th Amendment was again being violated prior to this case. This time, the 1855 Massachusetts law banning segregated schools was cited as precedent.

In response to increased bureaucratization and feelings of inefficacy, teacher unions expanded during this time. However, at best, decision-making was shared between teachers and school board members, leaving little room for participation of the general public. School policymaking became more centralized, but it is unclear who, if anyone, was advocating for students and their families.

During the 1960s Civil Rights Movement there was an increase in federal education programs which led to education finance reform efforts in the early 70s. In the 60s, school efficiency resurged, led by sociological research. The 1966 *Coleman Report* concluded that school quality did not affect student achievement, but instead it was the background of students that could predict their success. While it was not the intention of the report, it was interpreted to mean that additional money would not make a difference in schools. This helped to justify the 1970s general reduction in school spending. However, judicial backing was still given to state school financing, making it easier to reprimand states that spent unequally between schools. It should be noted that differences between states remained. The quality of a child's schooling remains a function of the wealth of their state as a whole.

The federal Bilingual Education Act was passed in 1968, but the true rebirth of bilingual education began in Florida, after the Cuban Revolution when many exiled Cubans were arriving on the U.S.'s southernmost coast. Cuban immigrants did not intend on staying in the U.S., and wanted to preserve their culture and language, creating a two-way Spanish-English education program at an elementary school in Dade (Ovando, 2010, p. 7) In 1974, Lau v. Nichols determined that lack of supplemental or non-English language instruction in public schools, for students with limited English, violates the Civil Rights Act of 1964. This

aligns with the ICCPR's mandate regarding minorities (1966). Previously, assimilation was key, and immigrants were immersed in English-only instruction, despite the U.S. being one of few countries to not have a federally-recognized official language.

The Lau verdict abolished the sink-or-swim practices of the past and led to the passage of the Equal Educational Opportunities Act in August 1974. With this act, Congress affirmed the Lau decision and expanded its jurisdiction "to apply to all public school districts, not just those receiving federal financial assistance." Federal pressure for schools to have English as a Second Language (ESL) programs grew.

Legal precedent surrounding education expanded in other ways in the 1970s as well. In 1972, Wisconsin v. Yoder, the Supreme Court found that parents' right to freedom of religion outweighed the state's interests in the education of their children. In this case, Yoder argued that his Amish children should not be mandated to attend school past the 8th grade. This case is often used to support the right to homeschooling or other nontraditional schools. John Holt, however, is most often credited with pioneering the radical unschooling movement in the U.S.

Social unrest in the 60s and 70s included growing discontent with the common school system. More radical parents opposed institutional standardization, while conservative parents were resistant to racial desegregation and increasingly secular education. A teacher in Boston, John Holt was insistent that testing negatively impacted learning. He believed that a fixed curriculum ignored the needs of children and was largely irrelevant to their daily lives (Cochran, 1999). Holt's first book described his vision for classrooms that offered many options for children to learn, which each child could pursue however they liked. Teachers would provide direction only if asked by a child.

> What we need to do...is bring as much of the world as we can into the...classroom; give children as much help and guidance as they need and ask for; listen respectfully when they feel like talking; and then get out of the way. We can trust them to do the rest (Holt, 1967, p. 189).

An ardent advocate for children's rights, Holt eventually suggested "deschooling," where our society would radically shift so that learning would happen predominantly outside the classroom, without the "degrading" coercive nature of existing classrooms. Open schools[16] and free schools[17] were emerging and Holt envisioned the formation of community learning centers, open to all ages and interests. The open school movement never gained enough traction nationally to maintain itself during the broader federal education reform period.

The Educational Amendments Act of 1972 amended a 1965 act regarding higher education. This amendment applies to all schools that receive federal funds, however, which includes K-12 public schools. Title IX prohibits sex-based discrimination and is perhaps most well-known because of its application to sexual assault cases on school campuses. However, other parts of this act deal with school funding, busing of public school children, educational research at the federal level (via the establishment of the National Institute of Education) and other equity initiatives. In his statement regarding the act, Nixon criticizes Congress for not doing more or providing more funding to actually improve equity in schools and claims that many of the provisions for primary education are lackluster and would have been vetoed if not attached to higher education reforms (Nixon, 1972). President Carter later tried to make education a national priority by establishing a separate U.S. Department of Education.

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[16] The Open Education Movement advocated for physically open and ideologically democratic spaces where students are responsible for what they learn and how.

[17] The Free School Movement sought to build independent community schools, with counterculture and progressive influences. Many competing ideologies characterize free schools, and there is great variation among them.

Using a broader lens one can see how the multicultural education movement advanced the social reforms of the 60s. Almost simultaneously, neoliberalism was gaining traction in the U.S. Neoliberalism is sometimes thought of as a shorthand for free markets and limited government, but *The Report on the Governability of Democracies* (Crozier et al., 1975), intentionally or otherwise, expressed Foucault's idea that neoliberalism seeks to make democracies and people more governable and more able to handle capital themselves, rather than putting more tasks on the plate of an already overwhelmed government - particularly as more marginalized groups begin to participate in both the economy and politics. In this sense, neoliberalism is a mode of governing (Gudmand-Høyer, 2009) that reduces government to an entity whose legitimacy depends on its ability to protect capital and perform cost-benefit analyses, rather than espouse notions of social justice as traditional liberalism sought to do (Brown, 2003, p. 10). Individuals become important "entrepreneurial actors" whose success and failures depend only on themselves and so "civil society is reduced to a domain for exercising this entrepreneurship" (Brown, p. 38). This leaves no space for education as a public good.

An important aside: The U.S. economy was in decline since the 1970s and 80s, as labor and capital markets were being restructured for globalization (Torres & Schugurensky, 2002), so neoliberal policies were becoming prominent in the U.S. under the term "Reaganomics." Post-Fordism arose at this time, characterized by new methods of production and a new individualism accompanied by a new relationship between production and competition (Bonefeld & Holloway, 1991, p. 1). Neoliberalism encouraged a completely free market in which government protection of businesses, through deregulation and bailouts, replaced social assistance to the poor with austerity. Teachers unions and public schools where discipline was taught became massive obstacles to what we would now call the

beginning of a "knowledge-based economy" (Torres & Schugurensky, 2002, p. 433). To remain competitive globally, cutting costs would not be enough. A small, creative, highly skilled and highly paid technocratic class would be necessary to oversee a majority proletariat working class (p. 448). The current school system was simultaneously not teaching specialized skills needed, and over-educating those who were slated to become low-skilled workers. In short, the "market-driven logic of neoliberal capitalism continues to devalue all aspects of the public interest...educational concern with excellence has been removed from matters of equity...has been stripped of its collective meaning and reduced to a private good," (Giroux, 2020, p. 176). Here is where the education system becomes open to privatization, which is a trend that continues into the present.

On a different political note, in her presidential address at the American Educational Research Association in 1982 activist Maxine Greene said "there is little talk today about the connection between public education and freedom…[in] a moment when we are instructed daily in the fragility of human rights, in the tenuousness of both freedom and democracy." Greene accurately pointed out the disparity between public rhetoric and schooling reality in the U.S., as well as the tendency to talk about education outside of the public realm (in terms of economic production or national defense).

Shortly after, President Reagan established the National Commission on Excellence in Education, which released the Nation at Risk report in 1983. This widely circulated report was also highly critical of the existing education system, which provided traction for the growing movement to set universal federal school standards. In fact, in 1984 Reagan declared that "American's schools don't need new spending programs; they need tougher standards,"

(Brennan-Gac, 2014). During his state of the union address in 1990, President George H. W. Bush called himself the "education president" and enumerated six national education goals[18].

Meanwhile, the first charter school law was passed in 1991 and the first charter school opened in Minnesota a year later (Sanchez, 2012). By the mid-90s, the charter school movement, or "outcome-based schools," had spread across the states. Charter schools were an attempt to innovate to meet the needs of children who were not being served properly by public schools, but critics argue that these publicly funded, privately run schools were just draining resources from traditional public schools. Charter schools have certainly produced good test scores nationwide, but many have become incredibly strict in their attempt to instill good behavior and "order" in their students (Golan & Debs, 2019).

21st Century Competition

Ever marching forward, in 1994 Congress passed Goals 2000: The Educate America Act, incentivizing states who developed educational standards and assessments. An obsession with all students learning the same things led to the 2001 No Child Left Behind Act, which mandated that each state develop its own standards to receive federal school funding. Assessments were to be given to all students in grades three through eight (ages 8-14), holding schools financially accountable for students' marks. In addition, educational requirements for teachers were standardized. Federal funding to reach goals was never deemed sufficient, and it is unclear if either of the measures taken actually improved student achievement. Teachers complain that the heavy focus on math and reading left little time for

[18]These goals were to: Make sure kids are ready to learn when they walk into the classroom (increase in funding for HeadStart early education programs). Increase high school graduation rates to no less than 90%. 4th, 8th, and 12th graders will be assessed for performance in "critical" subjects. U.S. children will be the first in the world in math and science achievement by 2000. All American adults should be skilled, literate workers and citizens. All schools must offer disciplined environments (drug free).

untested subjects like social studies, foreign languages, and the arts. Some states ignored the requirements entirely (Klein, 2015). Regardless, the federal influence on K-12 education continued to grow.

In 2008, President Obama launched the Race to the Top program. This program provided states with federal grants if they adopted certain college and career readiness standards, prompting rapid adoption among nearly all states. Because of continued massive variation between state curriculua and a lack of competitiveness in test scores on the international level, two years later Common Core Standards were released, adopted by many states initially (and questioned later), mandating what children should know by the end of each grade, K-12, in math and English. Many of these standards and methods for achieving them were new to students and teachers alike, but nevertheless became the standards for state tests after just a few years (Nelson, 2015).

Even though national education spending had remained roughly the same percentage of the GDP since the early 1970s, beginning with the 2008 recession a decade of education divestment ensued in most states (Katz et al., 2018, p. 3). A 2018 report by the American Federation of Teachers shows that 25 states spent less on K-12 education in 2016 than they did prior to the recession, adjusting for inflation. $19 billion in funding was removed from education in these states (p. 1). As an example, even prior to the 2019 COVID outbreak, in Georgia 70% of schools shortened the school year, 80% of districts furloughed teachers, 62% eliminated electives, 42% eliminated art and music, and 70% cut professional development for teachers. Five of the ten states with lowest taxes on the wealthiest individuals had the lowest per-pupil spending in 2016 (p. 5). Some of these states, like Florida, continued to make budget cuts to education at the same time taxes on the wealthiest residents were decreased. In fact, Florida had the largest decrease in K-12 spending from pre and post-

recession (p. 7). Simultaneously, research on market-based education proved that the expansion of charter schools also undermines the ability of public schools to provide services because of cost shifts (p. 10). A separate report by the Alliance to Reclaim Our Schools found that from 2005-2017 federal public school programs specifically designed to support the most vulnerable students were underfunded by $580 billion (2018, p. 2).

After the 2016 election of Donald Trump, newly appointed Education Secretary Betsy DeVos attempted to cut public education funding by an additional $9 billion federally (Balinget & Douglas-Gabriel, 2018). DeVos also sought to eliminate after-school programs, summer school, and reductions in class size, proposing instead $1 billion in spending on private school vouchers. This was part of a plan that a former Trump administration official described as her plan to "replace public education with for-profit schools." One tragically comedic plan of DeVos's, denied by Congress, was to divert funds from guidance counselors and enrichment programs to arming educators with guns (Green, 2018).

Still, just 7.5% of students were projected to attend a private rather than public K-12 school in 2021 (Digest of Education Statistics, 2019). In 2020, 11% of adults reported in a national poll that they were "completely satisfied" with public education in the U.S., which is actually an all-time high since reporting began in 1999. A 2019 survey of both students and adults showed that an overwhelming majority (75%) think that high school did not prepare them for their current job. High school students are also perceived as less prepared to join the workforce than the previous two generations. However, parents surveyed were open to real world learning experiences for their children (Kauffman Foundation, 2019).

Conclusions

This lengthy yet still selective history shows the gradual transition from the domination of religious values to the centrality of economic needs in education. If the majority of Americans do not feel prepared for work, however, then what might public education actually be preparing them to do? In the recent past, the U.S. needed a generally educated working class to staff growing industries. In the present, a much smaller group of highly trained professionals is now essential to maintaining the current economy and political power structures. The needs and goals of capitalism have changed, and as such, so have the goals of public education. As upper-income households continue to seek and achieve increasingly rapid growth in income, today's schools prepare the majority of students for an adult life of underpaid menial work (Menasce Horowitz et al., 2020). Almost half of all people in the U.S. work in low-wage jobs, and the fastest growing sectors do not pay a living wage (Ross & Bateman, 2019; Weese, 2019). Most importantly, schools are intentionally educating people in a way that prevents them from having the knowledge to actively participate as equals in government. This way, the existing power structure is perennially maintained.

The following section will look inside today's classrooms to further explore the goals of education, and how they are aligned, or misaligned, with international standards. We will see just how successful U.S. states have been at providing the minimums proposed by their own legislation, as well as international law.

Chapter Three: The System

Laws alone are not sufficient to bring about results by themselves. Chinese Proverb, P.C. Chang

Is education in the U.S. serving all children and fulfilling their human rights? Despite consensus about the importance of human rights, there is continued disagreement about what these rights should actually be and when or how to apply them (Barton, 2015). The human right to education is no different, and as a social right, is even less established than civil and political rights.

Human rights obligations are often measured by a shorthand known as the "four As": acceptability, accessibility, adaptability, and availability. In General Comment No. 13 of the ICESCR the meaning of each of these are outlined for education in particular, so this will be used as a basic guide for determining how well the current U.S. system fulfills the human right to education since the ICESCR standards align well with other international legislation regarding schooling. The quoted responses found throughout come from survey data gathered from 159 individuals across the U.S. who were given definitions of the "four As" and asked if their K-12 schools met these standards according to their experiences. They are identified by number rather than name to preserve anonymity.

This does not constitute a complete study of all disparities in education but highlights some important aspects, many of which are unique to the United States because of the economic, political, and social reliance on capitalism. As the earlier history explains, the United States' market-based system for providing all goods and services has left public

education in a strange place, struggling to be preserved as a public institution despite increasing private influences and interests.

The Reality of Education in the United States

Availability

"Functioning educational institutions...have to be available in sufficient quantity...likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on."

The availability of safe and clean school facilities varies greatly throughout the United States. Stories of material resource deprivation are common and are reinforced by data gathered most recently in 2012 by the National Center for Education Statistics and published in 2019. While safe drinking water is rarely a concern and almost all schools (99%) have some permanent buildings, 31% of schools also have portable classrooms. Only 6% of these temporary facilities were marked as "excellent" condition.

> Response 19: My schools, both in Maryland and Georgia, used outdoor portable classrooms. While they were fun, it was still crammed and if bad weather occurred it would cause issues in the classroom or getting to and using them. I also believe our teachers did not have competitive enough wages and had to supply many of their own materials.

Overall, environmental factors are "unsatisfactory" in up to 17% of public schools. This can include poor lighting, heating, water quality, noise, and most often, ventilation and

air conditioning issues. As the percentage of students eligible for free or reduced-price lunch (often a proxy for poverty) rises, so do the percentages of unsatisfactory environmental factors (Table 217.10).

> Response 114: I went to two elementary schools, two middle schools, and two high schools, all of which were in very different areas ranging from incredibly rural poor areas in Northern Maryland to incredibly wealthy suburban areas near Atlanta. In Maryland, the accessibility and availability were not the best, however, in Atlanta, the school I went to was incredible.

In all states, most educators use their own money, uncompensated, to buy supplies and materials for their classrooms (91% is the *lowest* percentage of teachers doing this in any state). Teachers in high-poverty schools also spend more than in low-poverty schools (Walker, 2019). Material needs usually correlate with other predictable outcomes. For example, a report done on resources in public schools across Virginia shows that:

> Students in high poverty schools have less experienced instructors, less access to high level science, math, and advanced placement courses, and lower levels of state and local spending on instructors and instructional materials...The students are the ones who feel the impact of these disparities, and the consequences are worse outcomes when it comes to attendance, school performance, and graduation rates (Duncombe, 2017).

Unsurprisingly, these findings have been replicated across the country. In fact, the U.S. Department of Education's most recent report on Title I[19], albeit in 2007, revealed that 40% of schools receiving Title I money (intended specifically to help the most disadvantaged students have equal opportunity) received *less* state and local money for teachers and staff than schools that didn't receive Title I funds. In other words, low-income schools with more disadvantaged students did not get their fair share of state and local educational funding, which is against federal law. The report found that providing comparable spending to low-income schools would only cost 1% of the average district's total spending, and that these extra resources would, as they were intended, add 4-15% to the budget of schools serving high numbers of students living in poverty (U.S. Department of Education, "More than…", 2011).

> Response 103: My school was rare in how great it was. Those surrounding [my school] lacked because *we* got so many resources.

Numerous studies have shown that schools with higher percentages of at-risk students also have more teachers without full state teaching certification. While the number of uncertified teachers is relatively low nationally, research from 2000 to 2016 has consistently shown that students from low-income families, students of color (particularly Black and Hispanic students), and English language learners are more likely to have uncertified teachers than their affluent, White, or native-English-speaking peers, largely due to the concentration

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[19] The Title I program was part of the 1965 Elementary and Secondary Education Act and provides additional funding to systemically under-resourced schools to help ensure that all children have equal opportunity to obtain a high-quality education.

of all of these students in certain schools, which will be addressed in the following section (U.S. Department of Education, "Prevalence of teachers without…", 2016, p.9).

As mentioned previously, Section 2e of the ICESCR mandates that the material conditions of teaching staff should be continuously improved. This ostensibly concerns teacher salaries. A debate exists over whether teachers are actually underpaid or if other professionals are overpaid based on what the calculated family living wage is (Biggs & Richwine, 2021), but most accept a roughly 20% salary gap between teachers and other comparable professionals with the same education levels (Allegretto & Mishel, 2020)[20]. Those who do not believe teachers are underpaid claim that teacher salaries are simply a product of "supply and demand" (Biggs & Richwine). One should ask what the economic demand for education is? Here is an example of the commodification of a public good. Human rights should not be sold in the same way that goods and services are under capitalism. Maxine Greene once said that "literacy is talked of as if it were part of the gross national product," (1982). If you wanted to read the rest of Greene's speech on the topic, now published as an academic article, you would reach a paywall.

Liberal education was founded on the principles espoused by John Dewey, who suggested schools act as "little democracies" with social justice themes to prepare children to become active participants in civic life. In the vein of academic capitalism, however, a 2012 study looks at *neo*liberal educational values: "rigorous content knowledge, democratic schooling, and social justice," which have been appropriated to meet as mentioned in the history section of this paper. Concerning teacher training in particular, accreditation after the No Child Left Behind Act has become shorter and focused on creating administrators who

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[20] Read more on teacher salaries, growth, and inflation here: *Low Teacher Salaries 101: How we got here, why it matters, and how states and school systems can compensate teachers fairly and strategically* (Katz et al., 2018).

can raise test scores to support private charter schools (via EdDs in place of PhDs). Nationwide organizations supported by massive corporations, like Teach For America, also help young graduates bypass traditional education and experience requirements by offering alternative teacher certification. Accreditation and licensing in general is a product of capitalism and should not be universally advocated for, but removing significant classroom experience from the list of requirements for teachers has been shown time and time again to have a negative effect on student learning (Darling-Hammond et al., 2002; Clotfelter et al., 2007; Omer, 2011,). The lower cost of these newly accredited teachers has also been shown to encourage districts facing budget cuts to lay off senior teachers, to be replaced by Teach For America corps members (Brewer & Cody, 2014; Waldman, 2019).

While availability is not the most pressing concern in U.S. schools, there is clearly much room for improvement.

Accessibility

"...have to be accessible to everyone, without discrimination… Accessibility has three overlapping dimensions: non-discrimination...especially to the most vulnerable groups, in law and fact...physical accessibility...within safe physical reach, either by attendance at some reasonably convenient geographic location or via modern technology...economic accessibility… whereas primary education shall be available 'free to all'"

Despite a massive amount of legislation regarding the field of accessibility, it is an area where a large number of schools seem to fail. The dimensions of non-discrimination, physical accessibility, and economic accessibility all overlap, as highlighted by this survey participant from Rochester, New York:

> Response 147: The city school district and the suburb school district that I went to were both fine because they were in "well off" neighborhoods. The Rochester schools, in general, are still segregated by race and socio-economic status which leaves housing problems, health problems due to poor housing situations, unemployment [sic]... all which lead to a stark difference in access to education between the suburban districts and the city school district.

We can see from the beginnings of education in the U.S. that non-discrimination has been a continual topic of conversation, from the first integration of girls into schools to Brown v. Board of Education, supposedly desegregating schools. What we all know intrinsically is that law and practice can stand miles apart.

Non-discrimination

Accessibility in terms of non-discrimination covers a multitude of topics. Accessibility does not just mean accessible to all people, but also accessible *without* discrimination once there. Students will not attend school or achieve success there if they are facing discrimination. Racial discrimination is so prevalent in all U.S. institutions that it will be covered in a separate section of this research. However, its pervasiveness does not make it invisible to students, as is highlighted here:

> Response 134: Discriminatory outcomes were common resulting in all the upper tiers that provided higher quality education and college competitiveness (AP, honors) to be dominated by white and Asian students while Latino and black students were often in

the lower tiers. While not the product of any official policy nor always the case, the trend was clear to the student body (and had a detrimental impact in their level of confidence) and the product of a complex combination of unconscious bias by some school staff and a reflection of harder home lives due to broader societal racial inequalities that translated into lower academic performances.

This section highlights the various oppressions that exist in all facets of American life, but with special regard to how they present in K-12 schools. The reader will notice that socio-economic status is hardly featured, and this is because international human rights education legislation rarely addresses poverty directly except to say that schools should be free. It is common in neoliberal discourse to misuse intersectionality, that is, the concept of interwoven and compounding identities, to promote identity politics and create a perceived division among people who would otherwise all constitute *the oppressed* under capitalism. This does not detract from the reality that people with certain identities face higher rates of discrimination, which are addressed below.

The ICESCR obligates states to ensure non-discrimination and to prevent disparities in educational opportunity. Articles 4 and 5 of the UN Declaration on Human Rights Education and Training (HRET) stress that the prevention of human rights violations requires the eradication of all forms of discrimination as well, including racial, and specifically mentions discrimination between boys and girls. Even though early school-based interventions are often seen as the ideal solution to reducing gender-based violence and discrimination later in life, research done by the Brookings Institute shows that there are no "hard accountability" sanctions tied to reducing gender achievement gaps like there are for racial or income gaps. Test scores, which we rely on to assess disparities in other categories,

are not as useful for assessing a culture that "devalues young women's contributions and underestimates young women's intellectual abilities more broadly," (Cimpian, 2018). Cimpian explains that the gender gap in math test scores, for example, is growing as quickly as the gap between Black and white student scores. However, differences in schools or family socio-economic status doesn't apply in this scenario, as schools aren't segregated by gender in the way they are by race. This means something happens within the schools themselves that advantages boys in math; often implicit teacher bias (Cimpian).

Gender discrimination can appear in schools in many ways which hurt both girls and boys. For example, boys are more than twice as likely than girls to be diagnosed with ADHD (Danielson et al., 2018). In fact, a Harvard study found that early school enrollment was linked to higher rates of ADHD diagnosis (Layton et al, 2018), and other studies show that children are more likely to be diagnosed with ADHD by school staff than anyone outside of the school (Gray, 2020, p. 54). Peter Gray writes extensively about the diagnosis of boys with ADHD in a school setting. He claims that school itself is the issue, rather than boys who can't sit still. Many children diagnosed with ADHD do fine without medication in a homeschool or non-traditional school setting where they are freer to move and express themselves (Gray, 2010). The gender disparity in ADHD diagnosis is presumed to be an issue of difference in how symptoms present themselves in girls versus boys (it is more challenging for a teacher to manage a physically aggressive boy than a verbally aggressive girl), rather than a truly higher prevalence of the disorder among boys (Rucklidge, 2010).

Unfortunately, schools also represent a microcosm of society at large when it comes to gender-based violence. According to the most recent federal data, there was a 55% increase in sexual violence and 53% increase in sexual assault when comparing 2017-2018 to 2015-2016 data (U.S. Department of Education, 2020, p. 5), as well as nearly doubled

incidents of rape or attempted rape that were reported (p. 8). In 2014-2015, more female than male students reported incidents of harassment and bullying, and more males were disciplined than females for such acts (U.S. Department of Education, 2015)[21]. Additionally, pregnant and parenting students, who were historically considered a moral problem, face sexist and often racist misconceptions. Today Title IX provides protections to young sexually active women, but dropout rates remain high as schools continue to treat young mothers as behavior problems who are denied necessary services to support them in their education (Smith, 2015).

Only four states currently require teaching of LGBTQA history (California was the first), while four prohibit it. Just 15 states have laws prohibiting discrimination against students based on sexual orientation and gender identity. The Equality Act (H.R.5, 2021) has not yet passed in the Senate but was been proposed to Congress in 2021 and would not only federally prohibit discrimination on the basis of sex, sexual orientation and gender identity, but would enable protections within education to provide more consistent and specific protections. This may begin with the ability to use gender-affirming locker rooms and bathrooms but could potentially extend to how teachers present health and history. The importance of such legislation is highlighted by a 2019 National School Climate Survey. California has had LGBTQA protections in place for over ten years, yet one in three transgender students reported they were prevented from using their chosen name or pronouns in schools there. 67% said they were not taught positive representations of LGBTQA people, history, or events. 74% heard negative remarks about someone's gender expression while in school, and 29% reported that they heard such remarks from school staff (GLSEN,

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[21] This data is collected under Title VI of the Civil Rights Act of 1964 (prohibiting racial discrimination), Title IX of the Education Amendments of 1972 (prohibiting discrimination based on sex) and Section 504 of the Rehabilitation ACt of 1973 (prohibiting discrimination based on disability).

"California…", 2019). The numbers were almost identical in Massachusetts, the home of U.S. public schooling (GLSEN, "Massachusetts…", 2019). Texas, one of the states that mandates teaching against homosexuality and up until recently made it a criminal offense (Texas Health and Safety Code, 1991), has significantly higher rates of discrimination against LGBTQA students, from hearing negative remarks to experiencing physical violence (GLSEN, "Texas…", 2019). Students across states said they rarely report incidents and even fewer found that reporting resulting in an effective staff intervention. Articles 2 and 7 of the UDHR, Articles 2 and 26 of the ICCPR, Article 2 of the ICESCR, and Article 2 of the CRC all prohibit discrimination based on any type of identity and should protect LGBTQA students in school.

A further marginalized group, both in and out of schools, are people with disabilities. The 1990 Americans with Disabilities Act (ADA) and 1997 Individuals with Disabilities Education Act (IDEA, an update on 1975 legislation) radically transformed the landscape for people with disabilities, at least in theory. Title II of the ADA prohibits state and local governments (like school districts) from discriminating against persons with disabilities. Federal law also mandates "free appropriate education" for all children with disabilities, and federal funding specifically for the education of these children is appropriated each year (Americans with Disabilities Act, 1990). "IEPs," or individualized education programs, and "special ed" are part of the public lexicon. Even so, in 2020 the U.S. Department of Education reported that fewer than 42% of states were in compliance with IDEA's federal special education laws for students 3-21 (U.S. Department of Education, 2020). A 2020 government report found that in 63% of public school districts, at least 25% of facilities are not physically accessible to those with disabilities. A survey response from a woman who attended private schools in Georgia said:

> Response 112: Especially in elementary school, we were all taught the same thing the same way. There were no classes for kids with learning disabilities. We had one school counselor for roughly 500+ kids grade K4-12. There just wasn't much to support students beyond the classroom.

And from Ohio:

> Response 60: There was a student who had cancer and was wheelchair-bound. A male teacher had to carry him up the stairs every day. He was not able to eat lunch in the cafeteria with his peers because no one could get him up/down the 4 flights of stairs.

63% of students with disabilities spent 80% or more of their time in regular education classes, the number of which has more than doubled in recent decades (Riser-Kositsky, 2019). Racial disparities among IDEA students sometimes appear, but studies on this are inconclusive. Federal law regarding children with disabilities focuses largely on literal access but denies mentioning additional issues these children face in school. For example, during the Covid-19 pandemic, children with special needs were often left out, even if not intentionally. Students with the highest needs were the first to resume in-person learning in many districts, meaning they and their families were put at higher risks of infection.

Article 27 of the ICCPR provides rights to linguistic and ethnic minorities, another group specially protected from discrimination in education. This includes the right to enjoy one's culture, practice one's own religion, and use one's own language. While the language of this article is passive ("shall not be denied the right"), it is still normative law to take active measures. Additionally, all schools must provide instruction to English language learners,with

affirmative steps according to a 1970 United States Office for Civil Rights memo (Standley). Title III of the Elementary and Secondary Education Act (ESEA) officially mandates English as a Second Language (ESL) or English Language Learner (ELL) programming in public schools, as does the No Child Left Behind Act (2001). Still:

> Response 155: I do remember many incidents of students being told not to speak their native languages in class or being re-named an "American" name because theirs was difficult to pronounce.

In a country with over 44.7 million immigrants, the need for these programs is clear. In fact, over 5 million students enrolled in U.S. public schools were considered to be English Language Learners in 2017, many of whom were born in the U.S (National Center for Education Statistics, 2020). This number appears to grow each year. The CRC mandates that states respect children's cultural identities and languages, as well as the values in a child's country of origin (Article 29). Being denied the ability to speak one's native language or having to change one's name in school clearly violates this article.

Existing research on ESL and ELL programs shows that they can be extremely effective in helping non-native English speakers find academic success when executed in specific ways (DelliCarpini, 2008; Gonzalez-Gerrera, 2017). Still, ESL programs are often the first to be cut when budget issues arise. Some states change their ESL programs from exclusionary to inclusionary (ELL, full immersion in a fully English classroom) because they cannot afford to keep an additional teacher and classroom for those who do not yet speak English. A debate currently ensues regarding whether inclusion-learning is better or worse for students who sometimes never get to interact with their native English speaking peers, but

concrete conclusions are difficult to find (Chen, 2019). Even for those districts that can afford special classrooms, there is a massive shortage of qualified teachers. ESL training is not offered at all universities, and the curriculum varies greatly based on the program. State requirements for ESL teachers also vary, and some states like Florida, with more than one in ten students being English learners, do not require any special certification for these teachers at all (Quintero & Hansen, 2017).

Finally, the freedom to practice one's own religion without discrimination is granted in the First, Fifth, and 14th Amendments to the U.S. Constitution, applied in courts since the 1940s[22], in addition to Titles VI and IX of the Civil Rights Act. The well-known constitutional principle of separation of church and state means that public schools cannot favor any religion or promote their religious beliefs to students. The Supreme Court made it clear in 1962 that public prayer was not allowed in public schools (Engel v. Vitale), although the particularities have been challenged (and dismissed) many times since. The Court has been consistent in stressing that public schools cannot indoctrinate children into any religion, but it has been difficult to determine what exactly counts as indoctrination. For example, the daily school ritual of saying the "pledge of allegiance" includes the phrase "one nation, under god," and the Supreme Court has never ruled on whether or not this violates students' religious freedoms. Legal debates over religious curriculum, such as science classes teaching creationism instead of or alongside evolution, have taken place as recently as 2005 (Kitzmiller v. Dover Area School District), and in 2019 several states, including Oklahoma and Florida, instituted policies to limit discussion of these "controversial issues" (Lupa et al., 2019). It is unsurprising that students take note of religious differences in their schools.

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[22] See examples in Cantwell v. Connecticut (1940) and Everson v. Board of Education of Ewing Township (1947).

Response 116: Being from a small country school, my school didn't know what to do with other religions or difference races

Response 155: I remember a few times students who wore hijabs...being asked to answer questions about "why Muslims committed 9/11." This was rarer and I only remember 2 teachers in high school being that bad. Definitely not culturally sensitive.

A 2019 PEW student study found that roughly half of U.S. public school teenagers said they commonly saw other students wearing religious clothing, such as a headscarf or star of David. 8% of public school teens said they had had a teacher lead their class in prayer (in violation of the Establishment Clause of the Constitution) or read from the Bible as an example of literature (which courts have ruled as acceptable). These events were more common in Southern states, although 82% of public school teenage students surveyed said no religious support group or prayer group meets in their school. 13% of students reported regularly seeing others being teased because of their religion, and 9% of teens in public and private schools say that other students have made comments that are unfriendly to their personal religious views, with 5% saying that *teachers* have made such comments (Sciupac & Schwadel, 2019). Other research shows that students are bullied based on attire, and highly visible Muslim children are more likely than others to have experienced bullying related to their religion at school, with one in four incidents involving a teacher (Mogahed & Chouhoud, 2017). Another study involving public school principals across the country showed bias against Muslim and Atheist students, particularly when receiving an email that suggested they might have to accommodate specific religious requests (Pfaff, 2020). This

violates part 4 of Article 18 of the ICCPR, mandating that states ensure parents can educate their children in conformity with their own religious and moral convictions. While religious private schools are available, they are rarely, if ever, free to attend and therefore prohibitive to many families. While religious discrimination in schools may seem less prominent than the other types of discrimination mentioned here, it still has a noticeable effect on young people.

Physical accessibility

Schools must be within safe reach of students. This discussion has changed dramatically since the beginning of the COVID-19 pandemic, during which virtual, or "distance" learning became the norm for children across the country, and thus two types of accessibility will be addressed here: virtual and in-person.

Although 1954 Brown v. Board made racial segregation of schools technically illegal, integration was a painfully slow process that has never been fully realized. In many districts and states, the school a child attends is based on where they live. Residential segregation, by race and by income, is still widespread in the United States and this influences the schools available to children in certain neighborhoods, in the same way that schools available can affect parental decisions regarding where to live. Although there has been some improvement, these mutually reinforcing inequalities have led to a nation where 85% of public school children attend their local neighborhood public school, so that the schools reflect any racial and income segregation patterns of the surrounding area (Owens, 2020).

Decades of data show that public schools were failing their Black and brown students. A now well-known podcast, "Nice White Parents" released by the New York Times in 2020 delves into a particular New York City school and tries to understand why white parents refused to send their kids to a school they themselves advocated to build in a poor, largely

BIPOC neighborhood. Investigative journalism showed that white parents are the main drivers of change in the education system, and that a sense of competition leads them to consistently choose whatever is best for their children (Joffe-Walt, 2020). In an educational system where there is a limited amount of money to go around, this means strategically taking more resources for schools in white neighborhoods. Schools are a huge factor when deciding where to live, and statistically, white parents avoid neighborhoods where schools serve predominantly non-white children, regardless of income (Goyette et al., 2014; Owens, 2020).

To solve this, Boston, a *de facto* segregated city, became infamous for its 1970s busing program. In the 1970s, as a last resort, courts began mandating that states take active measures to desegregate schools, rather than just removing language from their official policies. In 1974 Massachusetts began to truly desegregate schools, and it was determined that the only way Boston Public School's students could be integrated, after a lack of success of civil rights groups and court cases, was through court-mandated busing. The existence of all-Black neighborhoods meant all-Black schools, because children were appointed to a school based on residential address at that time in the city. Black schools were significantly underfunded, under-resourced, understaffed, and overcrowded; and not only in Boston (Hannah-Jones, 2019). The program allowed for Black children to be bussed to predominantly white schools in other neighborhoods, and vice versa for white children. This was not the first time desegregation efforts were made in Boston but it was certainly the most televised. Violence erupted in white communities who clashed very publicly with the police and Black children. Very few Black voices were televised, and when they were, the media "gave equal weight to black protests against segregated schools and white protests to maintain these segregated conditions," (Delmont, 2017). All of this led to the sentiment that

busing is ineffective, but it was actually quite successful in the South (Hannah-Jones, 2019). In fact, U.S. schools were the most integrated in the late 1980s, except in the Northeast, where they have only become *more* segregated since 1968 (Orfield & Frankenberg, 2014). While the language we use to talk about segregation has changed, the reality has not changed for many schoolchildren.

Since the beginning of the global COVID-19 pandemic, many U.S. schools have switched to entirely virtual or hybrid learning models. This has exacerbated existing inequities between both students and school districts, despite research showing that virtual learning can be effective (Bureau of Internet Accessibility, 2020). Students without computers, reliable internet, headsets, and microphones were attended to as well as possible, with what funds were available. Many students initially received Chromebooks, such as those in Boston Public School District, and even temporary free internet service so they could learn from home, but a year into the pandemic most of that technology is failing and offers for free reliable internet have long since expired. Some students need headphones to be able to hear their teacher over the sound of other children in the home, and others are embarrassed to turn their cameras on for a wide variety of reasons. At the Martin Luther King Jr. K-8 school in Dorchester, Massachusetts, volunteers working with students remotely say they have never seen the faces of some of their students, nine months into the school year. Working parents have been forced to choose between supervising their children at virtual school and going to their job; students with disabilities who are learning from home may be left with no in-person aide. While virtual learning could offer increased accessibility for a limited number of students who would otherwise not have an adult to drop them off at school, or who have disabilities which make being in the school challenging both physically and emotionally, anecdotal reports show that students with special needs are not benefitting from virtual school

(Villano, 2020; Black et al., 2020). Poor ability to plan due to the nature of a global pandemic, in addition to insufficient teacher training for online learning contributes to these failures.

Economic accessibility

Public schools are free in the United States. Paid options also exist, under titles such as charter schools or private schools, but all public schools and their services are free to any child who is eligible to attend. Achieving universal free public education is no small feat. However, a growing movement to privatize education exists in the U.S., matched by unprecedented growth in charter school enrollment. While cost can sometimes be prohibitive, sometimes tuition is free and the U.S. sees a larger percentage of charter school students who are low-income and non-white than public schools do. This is likely because BIPOC parents are searching for alternatives to public schooling that has already failed their children in the ways enumerated above (Richards, 2020). Regardless of the benefits or deficits of charter and private schools, and quality notwithstanding, currently many forms of education are available to children of all economic classes.

A seemingly small but growing problem in K-12 schools is lunch debt. Free and reduced-price lunches are available to students with families with incomes at or below 130% and 185% of the federal poverty level, respectively, and all other students pay full price (USDA, 2021). As it is, the federal poverty line is lower than what constitutes a living wage, and the USDA income thresholds are not adjusted for the differences in cost of living in different areas. 75% of districts have unpaid meal debt; it is commonplace to see fundraisers for school lunch debt, or children with debt to be refused lunch. The shaming of children in this scenario became so intense that Congress passed an Anti-Lunch Shaming Debt Act in

2019. Schools are currently being reimbursed by the federal government for lunch costs accrued during the COVID-19 pandemic so that they can easily provide all students with lunch in a COVID-safe manner without having to check family income (USDA, n.d.) but all school districts do not have a free lunch plan in place for after this period.

> Response 90: I believe that my schools missed the mark in terms of economic accessibility in the cafeteria. I think this is a problem for the entire US school system. I don't think a child should go without a hot lunch because their parents can't afford the cost of cafeteria food.

Another economic consideration for students and their families is testing. Privately owned companies administer Advanced Placement (AP), International Baccalaureate (IB), PSAT and SAT exams, which can cost an individual student up to $119 per class (IB). Offering alternative curriculum at a literal cost is not an equitable way to bolster student knowledge or achievement. Some charter and private schools place all children in AP classes, meaning their end-of-year testing could cost hundreds of dollars.

As one can see, the United States has not yet reached universal accessibility in its K-12 school system. Issues of discrimination affect a massive number of students and need to be addressed.

Acceptability

"The form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents."

Culturally appropriate and high quality education should not involve corporal punishment, a type of violence against children. Although national polls show that most parents approve of some type of physical punishment at home, at least 70% repeatedly report disapproval of corporal punishment in the school setting (Gershoff & Font, 2016). Many treaties protect children from this kind of treatment, such as Articles 19 and 28 of the CRC, yet 19 U.S. states, predominantly in the South, still allow for corporal punishment in public school classrooms. In states which allow for such treatment, individual school districts are able to draft their own policies regarding specifically what kind of treatment is allowed or disallowed, so some districts in states where this type of punishment is legal may still outlaw physical punishment in their schools. A South African review of cross-sectional surveys from around the world shows that boys, those with low socioeconomic status, Black students (only in the U.S.) and students exposed to violence at home are those most at risk of corporal punishment in school. Schools with lower rates of other disciplinary practices, and those with mental health professionals were less likely to use corporal punishment. Data on students with disabilities are inconclusive (Heekes et al., 2020). Multiple studies have found negative links between the use of corporal punishment and negative academic outcomes or educational aspirations in students, a well as increased anxiety and depressive symptoms (Heekes et al.). Incidents of corporal punishment such as spanking being used in schools have arisen as recently as this year and have made headlines specifically because this kind of treatment does not align with American cultural values (Diaz, 2021).

Acceptable education also needs to be relevant to the pupils and consider the challenges faced by those in vulnerable groups (Declaration on Human Rights Education and

Training, 2011, Article 5). When asked if their K-12 schools met the definition of acceptable, one in four survey respondents answered “no” or “unsure.” Some respondents elaborated:

> Response 125: The school failed to meet the above standards as they were very unaccepting, strict, and did not provide anything to students who did not fit the idea of the student they desired.

> Response 29: Acceptability was a no, due to teaching/teachers being heavily biased, and located in a very white, Republican area. Looking back now, I can majorly recognize racist/biased teachings.

> Response 13: Teachers are expected to teach in a certain way and kind of stay within those bounds, and students as well.

Article 26 of the UDHR demands that education promotes understanding among all racial groups and be directed to the full development of the human personality, as do many other international human rights mechanisms. As we know, discrimination takes various forms and obviously impacts the acceptability of curricula and teaching methods. In practice, many students also do not feel like they are being prepared for the “real world,” despite the CRC mandating that education prepares children “for life in a free society.” An American Federation of Teachers report found that only nine states and the District of Columbia require one year of civics classes, 30 states require half a year, and 11 states have no requirement. Some students can skirt the requirements if they take advanced classes like AP or IB history. There is little to no focus on building the skills required to advocate or actively engage in

civic duties (Shapiro & Brown, 2018). Zero states have an experiential learning component in its civics requirements.

When asked what they wished they learned in school, almost 50% of those surveyed mentioned taxes or financial literacy. One in ten said they wished they learned unbiased history. One respondent answered:

> Response 107: Mostly I wish the school system taught us how to survive I guess... but they're just part of the system that needs to be re-built.

A teacher in New York listed a few things she wished she had learned, like "life skills" (often thought of as financial literacy, cooking, how to live alone, etc.), but acknowledged that teachers "hardly even have time to teach the basics right now." If the basics do not include life skills, how likely are they also to include global citizenship education and education for human rights as required in the fourth sustainable development goal? Target 4.7 of the 2030 Sustainable Development Goals is to make sure learners have the skills to promote sustainable development, including an appreciation of cultural diversity. Some schools are working hard to bring this kind of education to their students, from monthly heritage celebrations to research projects uncovering local inequities, but this is far from the standard and is not mandated in any state curriculum. The quality of the multicultural education a child receives depends largely on their teacher's ability to develop and implement a non-standard curriculum.

As previously mentioned, there is no single federal standard for education in the U.S. However, the 2009 Common Core State Standards initiative is the most recent and perhaps most successful attempt at unifying the K-12 curriculum among all 50 states. 41 states and

the District of Columbia have fully adopted Common Core State Standards. Five additional states had originally adopted the standards but later repealed them, 22 have since adjusted the standards, and all states have renamed the curriculum even if they continue to use the Common Core (DeNisco, 2017). Very little reporting has been done since 2013 and even the Common Core website lacks updated information (Common Core State Standards, 2013). Still, all states perform some type of standardized testing of their students, even as Common Core-aligned testing decreases (Gewertz, 2019). Research done in 2017 showed that adopting Common Core standards did not improve students' reading and math achievement compared to non-Common Core states, but it did increase performance *standards* (Lee & Wu). A more recent study found that Common Core implementation actually had a positive effect on the math scores of economically advantaged students but no visible effect on lower income students, showing that structural barriers still existed for certain students despite raising expectations (Bleiberg, 2021). As Cornel West said, "rich kids get taught, poor kids get tested," (2014). This is of import when it comes to other student groups as well, such as students with disabilities. In a survey of special education teachers across the country, almost 87% did not believe that the standards provided enough information about their application to students with disabilities, 71% did not think they could meet these standards and simultaneously meet their students' individualized education goals, and 79% did not believe that Common Core standards prepared their students for independent life (LaRock, 2018).

Even outside of the Common Core standards, most teachers do not have significant input into the material they teach. Promisingly, very recent research shows that since the beginning of the COVID-19 pandemic and virtual learning, teachers are increasingly becoming "designers of learning" instead of just vehicles for curriculum delivery, which could be an opportunity for them to have more autonomy in their classrooms in the future

(Looi et al., 2021). As Paulo Freire writes, pedagogy for the oppressed cannot be developed by their oppressors; it would be inherently paternalistic and dehumanizing (1970, p. 39). The extent to which this kind of curriculum can be relevant to students is thus limited, since teacher and especially student input, particularly with federal efforts like Common Core, is far from the forefront. Human rights education and training is supposed to promote local initiatives and encourage ownership of human rights goals, but students are largely disengaged with the curriculum from the start.

Martha Nussbaum (2010) argues for the inclusion of humanities in school for a functioning democracy, and contrasts education for democracy with education for profit. She claims that "a strong integration of the arts and literature [helps] to release the imagination and develop empathy for the Other." Baltodano continues in this vein to connect the privatization of schools to the reduction of public spheres available to contest the dominant neoliberal order. Students studying humanities at the collegiate level has dropped consistently since the 2008 recession (O'Connor, 2020), and the focus on "STEM" (science, technology, engineering, and math) education at the K-12 level has led to cuts in humanities and the arts for many years (Timon, 2021). Baltodano argues that this prevents us from forming "strong public intellectuals" and diminishes the role of teachers to educate fully informed citizens.

Further, Professor Walter Parker argues that an implementable *human rights* curriculum does not truly exist (2018). Despite many documents calling for a human rights curriculum, none develop one. Of course, such curricula need to be developed locally with community input and buy-in, so a foreign-created curriculum would not be legitimate enough for use in classrooms around the world. Parker also points out that the most suitable place for human rights education in the U.S. is in social studies classes, which place a heavy emphasis on national history and exclusively *civil* rights (p. 7). Since 2003, an IB Human Rights course

has been available to students at schools that choose to offer it (ostensibly fewer than the already limited 1,207 U.S. schools that offer any IB classes at all). IB courses are not available to all students, and the cost to take the exam can also be prohibitive. One study also concluded that the IB Human Rights course only met 48% of the international standards for human rights education, which included education *about*, *though*, and *for* human rights (Froman, 2015, p. 44). Further, conservative "America first" rhetoric has led some states, such as Utah, to try to ban IB classes in the past, claiming that all IB courses are anti-American and pro-United Nations (Fulton, 2008). Regardless of availability, the curriculum of specific courses cannot alone create acceptable education, particularly in a system that allows schools to discriminate against children in this manner:

> Response 10: I was in high school 2009-2013 and lived in an area that hosted students from failing city districts (predominantly POC) and teachers were flat out racist and rude towards them. We had three tiers of class levels for basic courses like math and English: one for those who struggled, average students and then AP/honors students. They automatically put all of the POC in the struggling level courses and if they were in a higher level, the teachers would question if they could comprehend what we were learning.

Even without discrimination in access, what kind of human rights education is acceptable to students themselves? Keith Barton's multi-country research shows that "students' understanding of human rights is influenced by a variety of contextual factors, and it suggests that educators may want to consider how they can complement the messages and experiences students encounter in settings outside school," (2015). Acceptable education

through human rights means education that is participatory and democratic, adaptable, and accessible to all learners. Yet, the basic structure and teaching methods used by modern schools, despite significant research in the field of pedagogy, still relies heavily on what Freire calls the "banking method" of education. As described by Freire in 1970, most education conceptualizes the teacher as the giver of knowledge, and students as empty containers for such knowledge. Teachers make "deposits" into the minds of children by talking, and children accept the knowledge by listening. Freire says this type of educational transaction is sanctioned by neoliberalism because it trains students to become docile citizens due to its one-directional nature.

Something we know anecdotally and have also proven via survey research over many years is that, simply, most kids hate school (Wronski, 2020; Moeller et al., 2020; DePaoli et al., 2018, also 6th grade PAR). Students report feeling bored, tired, unheard, and overwhelmed at school. Schools are clearly not meeting the CRC mandate of state education which is directed to the full development of a child's personality and abilities. Still, Melissa Merin, a radical educator and trainer, provides hope when she writes:

> I do not buy into the popular campaign year narrative that says our schools are failing. I believe that neoliberal policy is failing and that the colonial educational strategy has been a failure for some time, but I don't believe that education itself can fail. (2019, p. 18).

Merin explains, it's impossible to say that education in terms of *learning* has failed; we will always learn, one way or another. However, the idea that there is only one way to educate children is a notion that can be destroyed.

Adaptability

"...flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings."

A decentralized public education system can be both easier and more challenging to adapt. Federal regulations have little effect in states that wish to maintain autonomy in education, but this way, states retain the freedom to allow individual school districts as much authority as they may need to adapt to their individual students. While public schools have certainly adapted to different needs since their inception, it is quite clear that the needs of most communities are not being heard today.

> Response 55: I said not sure for adaptability because it seemed as though the district was able to adapt and create a gifted program easily but struggled to help ESL [English as a Second Language] students.

As the above response shows, adaptation in schools tends to revolve around the needs of certain privileged children. There are also other ways in which schools fail to adapt to their students' needs. At the district level, low-income and minority students are more likely to be in classes with more students, even though these students stand to see the greatest positive effects of small class size (Chingos & Whitehurst, 2011). Black and low-income students also disproportionately attend schools with the highest disciplinary and suspension rates (Barrett et al., 2017). Further, schools in lower income neighborhoods have higher numbers of students who need to work to financially contribute to their household, but these are the same schools under the most pressure to meet attendance goals tied to funding, so scheduling

flexibility is minimal (Scott et al., 2020). Additionally, consider that nationally only 20% of K-12 students are enrolled in a foreign language class (American Councils for International Education, 2017) despite at least 350 different languages being spoken in the U.S., including over 41 million native Spanish[23] speakers (US Census Bureau, 2015).

> Response 131: The school did well in providing adequate accessibility, availability, and acceptability. I said no to adaptability, because looking back the needs of the Hispanic community were ever changing and I don't think that the school did well in adapting norms for that population as quickly as they should have, if ever. For example, my high school years were when Alabama's immigration bill came out so many of the students stopped coming to school or were afraid to come back.

Failure to recognize the social and cultural settings children live in not only denies their right to an adaptable education, but also prevents the building of a stable foundation which would allow them an education that meets other needs as well.

For example, children must be able to "seek, receive and impart information and ideas of all kinds," (ICCPR, Article 19). This relatively novel conception of freedom of thought is preserved in U.S. schools in part because of the separation of religion and public schooling, and because of the (mostly theoretical[24]) right to free speech. However, Common Core and school district rigidity can prevent teachers from adapting to the needs of the individuals in their classrooms. When students need more time to digest a concept, it means a teacher, with

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[23] Spanish is the second most commonly spoken language in the U.S. after English.

[24] Children are often casually denied the right to free speech particularly in hierarchical institutions like schools. However, the U.S. Supreme Court recently ruled in *favor* of a high school cheerleader's First Amendment rights after an out-of-school incident (Mahanoy Area School District v. B. L, 2021).

already limited time to cover a vast number of topics, must choose to either ignore that need and move on, or skip a different part of the curriculum in favor of properly teaching the concept at hand. Further, an over-reliance on the banking method of education is based on a static view of consciousness, which inhibits children's' creative potential and denies the principle of adaptability at its core.

General Comment No. 13 of the ICESCR states that an "active mind, able to wander freely and widely, is one of the joys and rewards of human existence." At the Martin Luther King Jr. K-8 school in Boston, when asked what freedom means to them (in anticipation of Juneteenth), multiple students simply wrote "walking in the halls." The "no excuses" pedagogy employed in the King school leaves very little space for activity and freedom. Children are expected to walk in straight lines, sit still when learning, and be quiet when asked. Adaptation to the needs of individual students is challenging, even for those teachers who want to make changes, due to the overwhelmingly strict nature of the school as a whole. When sixth grade students from the same school created a small survey for their peers, 76% responded "sort of" or "I don't know" when asked if they liked school, although just 13% said "no." Anyone who works with children knows that they have an inherent desire to learn, but it is evident that children in many U.S. schools are not being provided with the resources and flexibility needed to make it an engaging and joyful pursuit.

Racism in Schools Today

The saying goes that crabs in a bucket will never escape, not because they are physically trapped, but because any time one crab tries to climb out, others cling to its limbs and pull it back down. This phenomenon is often used as a metaphor for human envy and spite. What is rarely discussed is the artificial nature of the bucket; an unnecessary and

coercive environment for which the crabs did not consent to. It is an unnatural place that they do not wish to be. This does not happen in the wild.

Anti-racist education is at the forefront of many minds in 2021. Racism is one of many unnatural divide-and-conquer tactics employed by capitalists, and the ruling class has established schooling to be both a product and producer of systemic racism in this sense. Consider that the main role of education within a state is to transmit culture, language, and customs from one generation to the next. This is how the United States has built a national identity, despite being a nation of immigrants, and how it theoretically fosters a democratic society. Imagining the time of chattel slavery, one can see how public education would have been disadvantageous to slaveholders. Human rights education and anti-racism would have contrasted sharply with the national identity white people wanted to create in the earliest days of this country, when economic success depended almost entirely on forced labor. The class system that intensified during and after slavery has far from disappeared; in fact, the perpetuation of it is the only reason the U.S. was able to gain economic significance on the global level and therefore find political power. The creation of race has helped to create a permanent division among the working poor, and racial disparities in education continue to serve a similar purpose as anti-literacy laws did during the period of chattel slavery.

As mentioned, many disparities in schools come from segregated neighborhoods and the policies which created them. Low-income schools have fewer resources and poorer outcomes, and for a variety of institutional reasons that are beyond the scope of this research, people of color in the U.S. are more likely to be low-income than white Americans. In this way, schools as they are, are a product of racism.

When we think of how to raise anti-racist children, many people think first of how to change the curriculum in schools. As we have seen, students around the U.S. are receiving racially biased information in their social studies and civics curricula. Learning about race, class, and injustice, as well as historical resistance movements, takes a backseat in many state curricula, which, in addition to non-participatory and non-critical pedagogy, prevents a truly democratic education. This is how schools reproduce racism and diminish the ability of the majority to question the existing government.

Racism and the lack of human rights education work hand-in-hand to achieve the same goal: preserving the existence and strength of a ruling class in the United States. While the dire wealth stratification the United States experiences is not explicitly forbidden by any international treaty, allowing racism and racial segregation to persist in public schools is. In the name of preserving national power and sovereignty, the U.S. is not party to many universally ratified international conventions like the ICESCR, CEDAW, and CRC. This is because the U.S. has actively created an education system that disenfranchises BIPOC, in addition to women, people with disabilities, immigrants, and the poor. Education may appear to be a cause and a symptom of racism, but racism itself is part of a much larger struggle for freedom in the U.S. With this lens, education may also become part of the solution: a place where children can be socialized to an entirely different culture, one that seeks equity among all citizens. Democratic citizenship like this must be *experienced*, not learned by rote memorization or in lectures. As Freire says, “liberation is a praxis” (1970, p. 66).

Conclusions

We should think of education as the quest for “betterness,” as Merin suggests (Mink, 2019, p. 19). She writes that education is simply the pursuit of betterness; not settling for

compromises, even when they seem necessary. Merin gives the Civil Rights Movement and Barack Obama's presidency as examples of compromises that were not sufficient to end oppression. We must take risks, she says, to actually end oppression, because education should be synonymous with collective liberation (p. 20). Anti-racist schools will necessarily be less discriminatory toward *all* students, more economically accessible to *all* children, with increasingly acceptable curricula and culturally adaptive pedagogy benefitting *every* child. As children learn to ask questions and learn from each other, they will naturally challenge oppression of themselves and others; something parents know inherently. "Problem-posing education does not and cannot serve the interests of the oppressor," (Freire, 1970, p. 74) so education that is anti-racist will inherently challenge the existing, visibly dysfunctional public school system described above.

It is evident that the current U.S. K-12 public school system is not fulfilling the human right to education for a variety of reasons. Whether or not the U.S. wants to be beholden to its international obligations, children in this country deserve better. Despite challenges in availability, accessibility, acceptability, and adaptability, there are parents, educators, and even entire schools that are committed to more liberatory human rights education for students, which will be explored in the next chapter.

Chapter Four: Liberation

They will not gain this liberation by chance but through the praxis of their quest for it, through their recognition of the necessity to fight for it. Paulo Freire

What does the ideal classroom look like? The simple answer is that one does not and cannot exist. Education must adapt to its learners, and communities will always have differing needs and desires for their learning. The ability of a state to serve as many children as well as possible, however, does rely heavily on the notion of education as a public good. Human rights discourse has referred to education as a public good for quite some time now, and with the universally legislated goal of states providing free primary education, we can see how international law hinges upon the concept of education as part of the public domain. However, giving the state a leading role in education can be as dangerous as the increased involvement of non-state actors we see today (particularly with for-profit schools), as both can narrow the purpose of education to serve specific interests (Locatelli, 2018, p.2). There are various interpretations of what "public good" means, and when this research supports continued public education in the U.S. it is in the sense of a vision and policy which safeguards the greater public's interest and sharply contrasts with utilitarian and economic approaches, not as a principle of government claiming that the state is the custodian of education (pp. 3-4). The preservation of public education is vital to reducing market influences in the field, particularly in a country that relies heavily on capitalist exploitation to preserve its economic and political systems.

Just as activists were integral to the civil rights movement, self-education efforts heavily impact public education. Both activists and the self-taught have been and may

continue to be instrumental in bettering our societies. Radical pedagogy developed within resistance movements has a lot to offer traditional education. There is a widely recognized need for more participatory democratic spaces in most of today's societies, and the education projects described in this chapter all create such spaces. These projects will be discussed in an attempt to discover what *liberating* pedagogy, or the "freedom to seek, receive and impart information and ideas of all kinds," "to the full development of the human personality," has looked like in different contexts and how it might be applied in U.S. public schools today. Not coincidentally, connected pedagogies arise in all of these projects: horizontalism, democracy, critical literacy, and self-directed learning, as well as a commitment to schools as safe and caring places. To determine what education for collective liberation, or a true human rights education, might look like in U.S. schools, we can examine existing attempts around the globe.

What Is Education for Collective Liberation?

The Combahee River Collective, mentioned in the introduction to this document, was a collective of queer Black feminists in Boston, Massachusetts during the 1970s. Their original statement still resonates today and provides reasons for why *collective* liberation, rather than individual, is the only attainable option.

> We realize that the liberation of all oppressed peoples necessitates the destruction of the political-economic systems of capitalism and imperialism as well as patriarchy...we are not convinced, however, that a socialist revolution that is not also a feminist and anti-racist revolution will guarantee our liberation...we need to articulate the real class situation of persons who are not merely raceless, sexless workers, but

for whom racial and sexual oppression are significant determinants in their working/ economic lives (Taylor, 2017).

Despite national rhetoric eternally revolving around freedom and democracy, in a nation like the U.S. where individualism is a virtue it can be challenging to imagine what mutual aid, direct democracy, or cooperative education would look like in practice. Luckily, we are not without examples.

While most teachers are meant to maintain a facade of neutrality, Paulo Freire argues that there is no such thing as a neutral education. All education is inherently political. Horizontal, democratic, critical, and self-directed pedagogies recognize this fact and could therefore help the U.S. better fulfill human rights standards. If these ideas and methods were integrated into the current public school system, they would address many of the areas where the U.S. fails, such as categories of non-discrimination and global citizenship education.

2021 is an ideal time to consider alternative pedagogies since the global pandemic has already shocked school systems across the world and forced adaptation in both curricular and pedagogical ways. As racial tensions continue to soar, even after the 2020 U.S. presidential election, schools are also being forced to reconsider how well they act as anti-racist spaces. As previously argued, anti-racist schools will naturally be the ones that challenge the ruling class and redefine democratic participation for their young people. The openness of both educators and school districts to methods that center students' rapidly evolving needs may never be so high again.

Horizontal Pedagogy: Teachers as Learners

A traditional classroom features a teacher in the front, lecturing to a group of students all facing toward her. Inevitably, students' backs will be to one another. Silence is encouraged, and any variety of tools will be employed to limit physical activity while "learning" is taking place. Freire points out that another place where silence and stillness are encouraged are prisons. Melissa Merin reminds liberal circles that the often used Martin Luther King Jr. quote, "riots are the language of the unheard," applies to children as well, "who are often misinterpreted, pathologized, and misunderstood, and whose voices are rarely heard or valued" in education settings (Mink, 2019, p. 8).

The narrative relationship between teacher and student in which the teacher is all-knowing prepares students to live as oppressed objects rather than active citizens, preventing them from engaging fully with human rights. This "banking" education model reduces people to things and thinks of them in terms of what things (knowledge) they do or do not have, which is inherently dehumanizing. It is impossible to "fight as men," as Freire writes, when teachers can manipulate students (p. 55). Freire shows how banking education perpetuates an oppressive society using common classroom examples such as "the teacher is the subject of the learning process, while the pupils are mere objects" and "the teacher confuses the authority of knowledge with his own professional authority, which he sets in opposition to the freedom of the students," (p. 59). Banking education considers knowledge as a gift bestowed by those who think they are knowledgeable, upon those who they believe know nothing. Projecting ignorance onto others is a common characteristic of oppression and "negates education and knowledge as a process of inquiry," (p. 58). Encouraging children to accept a passive role in the classroom can lead to them accepting reality outside the classroom just as

passively, leaving little hope for human rights defenders. Instead, Freire advocates for co-intentional education, which would be much more revolutionary. Teachers and students can both be viewed as subjects, intending to critically *know* and *re-create* reality for themselves (p. 56). The common action teachers and students take together in this model allows students to be involved and committed to their education, just as equity-based liberatory education should be. Teachers must learn how to stand in true solidarity with students to employ horizontal pedagogy.

The Paideia Escuela Libre (The Paideia Free School) in Mérida, Spain, has recently celebrated its 40th year of operation. Spain has a long anarchist history, with half a century of anarchist organizing occurring before the Spanish Revolution in 1936. During the Revolution, village councils were temporarily revived, and the Catholic church's presence was more lastingly removed from public schools. It was just after the death of fascist leader Francisco Franco that previously clandestine groups like the FAI and CNT were free to operate again, and the Paideia Escuela Libre welcomed students for the first time.

The Paideia school follows in anarchist tradition and its name comes from the Roman-Greco word for educating an ideal citizen[25]. In contrast to some free schools, Paideia requires active engagement from all involved to create a community based around the anarchist ideals of equality, justice, solidarity, freedom, nonviolence, culture, and happiness (Fremeaux & Jordan, Edited by Haworth, 2012, p. 108). "Encouraging interactive experimentations is one of the linchpins of their pedagogy. Learning is a continuous feedback process fueled by free will...and learning to learn is a big step toward autonomy," (p. 118). Teachers at Paideia do not hold power over the students, aside from exceptional "mandate"

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[25] In Greece, *paideia* is less about being a well-read person and more about what you learn at home and within the community.

times when a student is struggling or during the beginning of the school year when students return from vacation and are learning to self-manage again. There are no rows of desks all facing a blackboard. Students are free to seek assistance from other children and adults alike, depending on the expertise sought. All decisions, from what's for lunch to conflict resolution, are made by the entire school in assemblies led by the students themselves. The adults in the school participate as equals in these sessions, offering ideas and suggestions, but the assemblies are always organized and chaired by a student. Students self-evaluate and make lists of actions they will commit to take throughout the year. At the end of each year, they sit in the assembly with their peers and discuss how well they fulfilled their commitments, and what their peers believe needs to change moving forward. The school has excellent results when its students take state exams (Haworth, 2012, p. 116).

Importantly, freedom is not simply given to students by teachers at Paideia. It is an active process which helps to break down the individualistic freedom often apparent under capitalist regimes. The students *learn* how to be free by working together to create a free community at Paideia with direct and frequent feedback from everyone around them (p. 121). This focus on action can help students break away from what is referred to as a "fixed" mindset. The opposing "growth mindset" is widely recognized as preferable: a person with the belief they can *learn* to change their habits or mind, rather than those with a fixed mindset who might eternally believe they're bad at math because their third grade teacher told them so. Here again we see the disproportionately negative effects of discrimination in schools. Micro and macro aggressions by adults in school teach, whether consciously or not, classism, racism, and sexism and project fixed mindsets on vulnerable, yet highly impressionable, children (Mink, 2019, p. 10). John Mink writes about these "seemingly intractable structures" in schools, both physical and otherwise, that bring with them implicit support for the status

quo (2019, p. 2). This is particularly harmful to marginalized groups and perpetuates the injustices of society.

We learn to accept hierarchical structure as children in school and therefore rarely question it as adults. Dr. Elizabeth Bishop says we must work with young people as leaders in the present, not just as future leaders. An asset-based model of learning acknowledges that students know things educators don't. This is a practice that can be employed in many ways. Consider the Occupy Wall Street movement, which was intentional in employing horizontalism within the movement, like at assemblies and during educational workshops (Sitrin & Azzellini, 2012, pp. 36-41; Backer 2016). Because of the movement's broad fight against economic inequality, children and youth were also affected by the topic at hand and inevitably involved. Parents for Occupy Wallstreet organized family and children sleepovers in New York City (Gray & Samakow, 2011), and soon children began to appear at Occupy protests around the world as they learned about equity and anti-capitalism (Flock 2011; Rojas, 2012). Perhaps most importantly, these children watched their parents exercise democracy in a tangible way, and older youth participated actively themselves. Children with these experiences may be best prepared for the following practice to be employed in the classroom: direct democracy.

Direct Democracy: Students as Citizens

In contrast to representative democracy, direct democracy (sometimes called "pure democracy") uses referendums and citizen initiatives to propel decision-making. Because the current U.S. education system is created and maintained via the state, it is heavily influenced by representatives holding political power, rather than by citizens themselves.

Target 4.7 of the Sustainable Development Goals requires education for human rights and global citizenship, among other things. Truly democratic schooling empowers students to make decisions and participate actively in their education, preparing them to be global citizens who are attuned to human rights abuses and who are willing to protect the rights of others. This kind of education can happen both in and out of the classroom, as we will see. A recent study of teacher training programs in Oaxaca showed how they explicitly develop new teachers' capacities to operate as political actors who are prepared to support democratic action in their classrooms and communities (Bracho, 2019), and the visibility of both teachers and government in Oaxaca is high because of union action. In this manner, teachers may exemplify direct democracy both in their classrooms, and on the streets.

Oaxaca, Mexico, sees massive numbers of tourists each year for its Guelaguetza. Radical journalist Scott Campbell writes that the word is Zapotec for reciprocity, or mutual aid, which is a central ideal of communal Indigenous life (Mink, 2019, p. 313). This summer festival traditionally marked the beginning of planting season in Indigenous communities, but over the years had turned into the biggest event in Oaxaca, run by the state government which sold tickets at a price point most locals could not afford. In June of 2006, a month before the Guelaguetza, the teacher's union[26] in Oaxaca organized a plantón (peaceful sit-in) for it's 25th consecutive annual strike in the city center. That year, just like many others, they demanded better wages for teachers and more resources for students. Growing discontent regarding human rights violations, government corruption, and poverty brought more than just teachers to the sit-in, which reached over 20,000 people. On June 14, thousands of police officers were sent to break up the peaceful protest, bringing tear gas and open-firing on the

[26] CNTE, the National Coordinator of Education Workers, is a radical faction of the SNTE, the National Union of Education Workers, the largest union in Latin America (Mink, 2019).

mostly female teachers and community workers. This state-sponsored violence led to an additional demand from Oaxacan citizens: *desaparición de poderes*: the forced resignation of governor Ulises Ruiz Ortiz, who failed to fulfill his responsibilities to the public (Denham & C.A.S.A Collective, 2008, p. 25). Solidarity marches happened with residents from all over the state who traveled to Oaxaca to support the teachers there.

Quickly, parents, teachers, and civil society organizations decided to fight back, and convened to form the Popular Assembly of the Peoples of Oaxaca (APPO) in open rebellion against the state government. APPO's first statewide popular assembly had almost 300 attendees from indigenous groups, social organizations, unions, student collectives, and different regions. The director of EDUCA[27] says that Churchgoers, artists, and academics joined these ranks, with additional forums open to all citizens. The space for reflection and horizontal decision-making was borrowed from traditions of Indigenous communities (Denham & C.A.S.A Collective, 2008, pp. 77, 82). The general assembly of APPO makes decisions by consensus, and representatives from far away would often return to their hometowns to seek input from others unable to travel before returning to APPO with any decision. Every decision they made was collective and creative. In fact, APPO took over and ran the city of Oaxaca for six months, from June - December 2006, occupying radio and tv stations, municipal buildings, and roads as they fought "to reclaim life and culture outside of an authoritarian state and neoliberal system that impoverishes them" (Mink, 2019, p. 313). Demonstrators faced sometimes lethal violence from both state and federal police during these months. Opposition and violence was so widespread that the Guelaguetza that year was cancelled. APPO decided to hold its own Peoples' Guelaguetza though, focusing on truly

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[27] This nonprofit teaches rights education, and supports autonomous governance in indigenous communities (Denham, 2008).

Indigenous culture, and offering it at no cost to the public. This was harshly opposed by the state government.

Derwin, a 9-year-old, watched as his father, an APPO spokesperson, was arrested and held in prison without charges for six months. After his father's release, Derwin said,

> I kept participating in the marches after my dad was released. The children's march was on April 30th. We were at the head of the march… It's good what my dad has done. He's defending people's rights… When I grow up, I want to be a dentist. When I'm a dentist, I'll be able to help poor people too, at least in something. I'm also going to keep fighting for a better society, (Denham, pp. 310-311).

There are myriad other ways in which adults and children learned from each other during these months without school. The People's Guelaguetza, which has been held every year since 2006, "embodies decolonial democracy" with its basis in indigenous culture and involvement of children in the many performances (Affourtit, 2019). Because of the festival's connection to APPO and its participatory democratic model of operation, it serves as a political event as well, allowing citizens to learn about local government and ways in which resistance is still strong in Oaxaca to this day.

Again, teachers went on indefinite strike in May of 2013, with demands to repeal the neoliberal educational reforms of President Pena Nieto which intended to privatize the public education system and weaken the teacher's union. The president and pro-business lobbying groups like COPARMEX amended some parts of Mexico's constitution (Articles 3 and 73) to allow for a monoculture education system and to grant schools the "autonomy" to privatize. These top-down imposed systems were created without input of teachers and allowed the

federal government to disown its responsibility to financially maintain schools. Teacher and union delegate Laura Martinez showed her students video clips of the protests and state violence, showing them the gravity of the situation but also proving to students that they have opinions worthy of expressing and rights that should be protected (Favela, 2010, p. 64). Giving students accurate information and allowing them to decide collectively what to do with it was empowering for many youths in Oaxaca.

In 2016, rather than having its annual strikes in individual states, CNTE announced a coordinated strike across the country. This was strongest in places like Oaxaca and the capitol, and several police actions were taken against teachers (p. 316). On June 19, federal police fired machine-guns at teachers defending a highway blockade designed to prevent federal forces from reaching Oaxaca. Children were out of school for 124 days, until the end of the strike in September when teachers decided they and their students had suffered too much loss in relation to what they had gained (pp. 319-320). Some students and parents continue to support the teacher's union, while others worry about lost school days and disturbances to public life (Shepherd, 2015). Either way, all children grow up with a very real sense of the way democracy works or doesn't work in Oaxaca because the strikes affect everyone. This story from Oaxaca highlights the link between democracy and education, not only in Mexico, but in the U.S. because hundreds of thousands of Oaxacans immigrate to the U.S. in search of better educational and work opportunities (Favela, 2010, p. 63). The question is whether better education can be found in the U.S.?

To see how participatory democracy works in a school setting, one can look at the Sudbury Valley School in Massachusetts (U.S.). With the Sudbury model, students have total control over what they learn, how they learn, and how they are evaluated. Responsibility and self-trust are cultivated in students in Sudbury schools, where students decide for themselves

what pedagogy works best and what "official knowledge" they should have (Traxler, 2015, p. 272). Completely free and democratic learning like this challenges both our dominant model of education and beliefs about American politics and culture (p. 273). The pedagogical model most frequently used in public school teaches children something before they even begin class; there are rules and ways to "win" at school because hierarchical schooling is a game which children are forced to play. There are specific ways to please the teacher, to get good grades, to avoid calls home. Since its foundation, the Sudbury model has not faced the numerous changes traditional public education has, because the Sudbury model is inherently dynamic; school rules and curricula are based on the current students' needs, because the current students decide what they are (p. 294).

The constantly evolving and community-centered nature of directly democratic learning have been highlighted here in two very different ways to show that there is no universal model for this kind of education. Participatory democracy is simply one tool that can be used to offer creative, innovative, and empowering education which nurtures democratic values, as defined in the Montreal Declaration.

Critical Pedagogy: Children as Revolutionaries

Grounded in Freirian theory, critical pedagogy or critical literacy is the active practice of examining power dynamics in and around media, considering different socio-political viewpoints. Proponents of "crit lit" praxis suggest that this is an effective way to promote an activist model of citizenship, focusing on social action (Bishop, 2014). This is not a new goal in the U.S. As early as 1800 Thomas Jefferson advocated for education that would allow people to actively protect the rights and liberties of their fellow citizens. Similarly, Dr. Bishop

reminds us that education should serve both the individual and the collective community. At present, she says, students only serve institutions (TeachThought, 2015).

Critical pedagogy is simply learning how to be a skilled citizen, which is integral to political agency (Giroux, 2020, p. 82). It attempts to close the gap between learning and life, helping students understand the connection between power and knowledge, while exploring things that affect them personally. Social and political agency are key concepts here. Critical pedagogy recognizes that all knowledge we receive has moral and political implications, and that to have a truly substantive democracy, we must be confident enough to ask challenging questions and fight against injustices. It is a form of political intervention as a different regime of knowledge and truth are uncovered by asking critical questions. As Richard Shaull says in the forward to Freire's book, "education is once again a subversive force" when critical pedagogy is employed (1970, p. 9). A student who is free to critique racist systems and institutions will naturally have questions about other oppressive systems. Thus, an anti-racist school will also be a feminist, democratic, anti-capitalist school.

The need for this type of education is apparent. Dr. Bishop points out that in the U.S., those who create education standards are rarely the ones who must teach them, leaving educators feeling like they do not have much control over what happens in their own classrooms. It is also difficult to reach critical literacy when silence and order are encouraged, as they are in many public schools. Critical pedagogy is inherently disruptive, however, and is sometimes dangerous for educators in conservative districts to use. Still, Dr. Bishop says there are ways to align critical inquiry work with state standards, such as Common Core, to mitigate career risk. We may also ask if out of school learning can help children go back to school and ask harder questions, so that they do not have to rely so heavily on their teachers.

Can youth organizers help children develop critical consciousness outside the classroom that can be employed once they return to school?

A 2020 National Youth Organizing Study highlights the impressive activism and critique of young people today (Valladares et al., 2011). The presidential election turnout among young people was at a record high in 2020 (p. 20), increasing number of youth activist organizations can be seen nationwide, with a massive increase in Southern states (p. 20), and there has been an increase in younger, middle school-aged leaders in these organizations (p. 23). The top four primary issues addressed by youth groups in 2020 were education, systems reforms, health, and voting; all things that ostensibly affect students (p. 26). These projects may not be led by teachers but certainly affect students in the classroom. Take for example the Boston Student Advisory Council (BSAC). This body of elected high schoolers from across the district each represent their school in the Boston School Committee. BSAC has recently called for the resignation of the superintendent over downplaying issues with a problematic education nonprofit working with students in Boston Public Schools, despite the BSAC itself being co-administered by that nonprofit (Cohan, 2021). In this way, the high schoolers involved are advocating on behalf of their fellow students while also learning valuable skills themselves while dealing in local politics and bureaucracy.

Critical literacy can also be taught in classrooms. Citizenship schools, inspired by Danish Folk Schools, gained some traction in the U.S. during the 1950s and 60s[28]. These schools in the U.S. facilitated increased Black participation in civic activities, and trained many future grassroots activists (Levine, 2004). The citizenship schools later inspired the Black Panther Liberation Schools, most famously the Oakland Community Learning Center

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[28] Tennessee The Tennessee Folk School sponsored the first Citizenship Schools in the U.S. (1957-85), which directly tied literacy and freedom.

(OCLC). Initially highly structured, these after-school programs were led by community volunteers beginning in 1969, around the beginnings of racial integration[29] (Choi, 2019). Culturally relevant education was part of the Black Panther Party (BPP) Ten Point Program[30], which included various community demands and areas for BPP programming (Newton & Seale, 1966) As co-founder Huey P. Newton said in a 1978 interview, schools were not teaching Black students anything about themselves or their culture at the time (WGBH Boston). The OCLC operated from 1973-82 and used critical pedagogy which "places Black students inside history, culture, science...rather than outside...while encouraging students to cultivate critical consciousness through which they confront oppression," (Abioye, 2019, p. 15). The OCLC helped to disprove the dominant narrative that Black children were uneducable and simultaneously served the community by feeding and teaching children (Bahls & Zarni, 2016). Mary Williams was one student at the OCLC and continues her activism today as the founder of a nonprofit aiding Sudanese refugees in the U.S. (Williams, 2013). Rodney Gillead, an educator at OCLC, said that all teachers at the school read Freire's work on critical pedagogy (Gillead, 2020). As Freire writes, education should be the practice of freedom (Giroux, 2020, p. 175).

Murad Tamini, a Palestinian teacher in the West Bank, agrees. Education in the West Bank was run by the Israeli military for a number of decades, and curriculum forbade the teaching of Paestinian history, despite teachers being Palestinian themselves (2019). Tamini says that teachers' goal was to control the class and cover the text, to do a sort of machine programming. Most children Tamini worked with said they wanted to be soldiers when they

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[29] Jim Crow (de jure segregation) ended in 1964.

[30] A list of demands (end of police brutality, decent housing, free healthcare, etc.) and a governing document created in 1966 by BPP co-founders Huey P. Newton and Bobby Seale.

grow up, which he believes is the goal of the corrupt system; to reduce literacy and questioning in order to produce good soldiers. Tamini himself faced backlash from his supervisor when he tried to teach outside of the curriculum, incorporating activities and storytelling. However, during the First Intifada (1987), popular education arose for a few years. Because Israelis would close the schools for months, students held classes in the streets or in their homes, and activists began teaching classes in social centers. Teaching methods became more radical and children became more invested in their own education. After the signing of the Oslo Accords and reopening of schools though, Tamini says the old methods of education returned. Today, the Al-Quds Bard College for Arts and Sciences in Jerusalem enrolls a small number of Palestinian students in its teaching program, where they learn how to bring critical thinking and creativity back into the classroom (Mink, 2019, p. 55). This is not to say that other activist efforts have not been present in Palestine. The Popular Art Centre is a Palestinian nongovernmental organization established by local artists in 1987 to teach creative arts and culture and to preserve Palestinian heritage. The Our Kids program they established in 2000 in response to intensified Israeli military activity was the most extensive community arts outreach program in the West Bank and Gaza Strip at the time, providing dance, drama, and music workshops to thousands of children in refugee camps and villages. The program uses what it calls “humanizing pedagogy,” which is based in Freirian concepts and critical literacy, with the intent to foster autonomy and reflection without the influence of international organizations (Rowe, 2016). This intention of the program itself inspires critical thinking in children who may question why the Popular Art Centre refuses to accept international aid.

Most schools across the world today claim that they emphasize critical thinking with their students. There has also been an increase in anti-racist and feminist education in the

U.S., seemingly in line with critical pedagogy (Jones, 2020). Despite this, the U.S. has never seen a major change in issues between economic classes. Black children in Oakland are still poor. Palestine is not free. This implies that the problem lies in larger structural issues that education cannot address. Surely critical pedagogy is not a panacea, but it is also not being utilized by all educators universally so it is difficult to tell what the real effect would be if implemented more widely.

Self-Directed Learning: Schooling as Autonomy

Self-directed education, or in some cases discovery learning, takes many forms but in its ideal state allows exactly the freedom to seek and receive information that international legislation mandates. This inquiry-based learning takes a constructivist approach in which students *construct* their own education. Discovery learning generally implies direction from a teacher but allows students to ask their own questions to discover a hidden curriculum. A 2009 study on discovery learning in science classrooms showed significant increases in academic achievement and retention of learning in students who participated in self-directed learning versus those who engaged in traditional classroom instruction (Balim, 2009).

The idea of individual autonomy initially presented by Rousseau necessitated collective decision-making and social membership in a community. The capacity for independent judgement, however, is still necessary for each person to understand the importance and existence of a common good (Neuhouser, 2011). At its best, self-directed learning focuses on autonomy under this collective-centric umbrella. Consider the Albany Free School, where autonomy is the main principle driving all activity. The founder admits that there is no true theory behind the way they educate at the Albany School, although it is

loosely based on the English Summerhill[31] model (Root & Suchak, 2011). Founded in 1969 and still operating today in New York, this school is one of the few remaining from the free school movement of the 1960s and 70s. The Albany school has no set schedule and does not grade students. Instead, students pursue various projects which they elect, although they can also choose to attend structured math and reading classes with teachers. Students engage in volunteering and support local social justice efforts, as they are not confined to the classroom or even the school during the day. The end of the year culminates in multi-day community service class trips. The school owns a 200 acre plot of land where students can also learn wilderness skills and explore nature at their own pace (The Free School, n.d.). These schools are defining success differently than public schools that rely heavily on standardized tests to measure learning. A 1986 study at Boston College of similarly democratic and self-directed schools showed that graduates had no difficulties being admitted to traditional colleges and reported that the skills they learned in school helped them adjust well to their chosen careers (Gray & Chanoff). A 1991 study of Sudbury Valley School graduates showed similar results.

When allowed to self-direct, children are more likely to engage with students of different ages, and children often behave in more advanced ways when they are with older adolescents (Gray & Feldman, 2004, p. 139). Older children frequently help facilitate games that would be difficult for younger children to play alone, and model advanced ways of thinking and talking. Conversely, young children encourage older ones to be more creative and noncompetitive in their play and provide opportunities for adolescents to nurture and take leadership roles within school (p. 140). The social-emotional education received through

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[31] The Summerhill school was founded in 1921 England as a boarding school run as a directly democratic community to serve the needs of children. Children select their classes and progress at their own pace.

discovery learning is greater than direct instruction. However, this type of learning is not always most effective.

Some research has shown that explicit instruction works better than discovery learning when students do not already have knowledge of a topic (Kirschner et al., 2004). The traditional school system tends to give the youngest students the most leeway, and older children more structure, yet this research shows that children would benefit from the opposite approach. Other research shows that only certain types of education activities are well suited to self-directed learning (Mayer, 2004). Success, however, is measured differently by different communities, and self-directed learning may lead to success beyond standardized testing at all ages in certain environments.

Consider that Indigenous communities around the world have long had extremely localized education, sharply contrasting the externalist and paternalistic nature of Western community education (Fettes, 1998, p. 252). Self-directed education in this sense means more than just the children selecting what they learn and how but creating space for entire tribes or communities to decide what is necessary for their kids. Because of the long history of Native American boarding schools equating to cultural genocide in the U.S., the naturally self-directed discovery learning that happens in Indigenous communities can go unseen (Adams, 1995; Davis, 2001; Kunze, 2017). In most native groups, children are not forced to contribute to community life (Rogoff et al., 2007). In fact, children are provided with significant independence to choose how they use their time. Learning by observation and imitation is key; children are rarely separated from “adult work” and thus quickly learn how important adaptation and flexibility are to the elders in their community, simply by watching them (Urrieta, 2013). Because “native ways of knowing” relies heavily on storytelling and intergenerational knowledge, children in a social and collaborative community learn quite

naturally when they are allotted time to discover concepts and skills on their own (Barnhardt & Kawagley, 2005).

Decades of failed assimilation in punitive boarding schools offered no form of self-direction, and intentionally tried to "sever ties to traditional tribal life" (Roy, 1998, p. 59). Here we see the failure of a teacher-directed system with students who are culturally accustomed to self-directed learning. A 2020 report showed that Native American students in the U.S. performed multiple grade levels below their white peers in reading and math, and were two times more likely to drop out of school, which was also true in the previous 2007 study (Jinghong, 2020). This is not to say that Indigenous communities have not fought back, even in the traditional school system. For example, Mukayuhsak Weekuw (The Children's House) in Cape Cod, Massachusetts, is a relatively new Montessori school for young children which teaches mainly in the local tribe's Wôpanâak language. The school and facilities were donated by the Mashpee Wampanoag tribe, and an elder Wampanoag board member shared that the school was created to provide children with something she did not receive in schools: "the irreplaceable connection between our Native language and our culture," (Weston, 2019). The Mashpee Wampanoag Tribe also has an education department which seeks to increase the enrollment and graduation of Wampanoags in high school and college programs, partnering with local school districts and educational institutions to do so (MWT Education Department, n.d.). They also offer cultural presentations for all grades K-12 and "Indian Ed" after-school programs. All of these programs use what the tribe calls a decolonizing pedagogy, allowing young people to discover traditional culture at their own pace.

While self-directed learning may be the most controversial of the learning methods analyzed in this section, it can still have tremendous benefit to children when implemented

effectively. Part of the human right to education is creating learning opportunities adapted to all students and learning styles, which self-direction can facilitate for many children.

Safe Schools: A Call for Police Abolition

Dr. Bettina Love, researcher and abolitionist educator, says that activism can mean loving, protecting, destroying, or building. Oftentimes, these practices overlap. For example, the 1992 Los Angeles Riots, or sometimes called L.A. Uprisings, were a series of incidents following one of the first instances of video-recorded police brutality against a Black man. The white Los Angeles policemen accused were *acquitted* of the beating of Rodney King, despite video evidence. Carl Crozier argues that this movement and the anger behind it began in the late 1950s and grew throughout the ‘60s and ‘70s in Black communities (2016). Some people sought to *destroy* the institutions that refused to protect them, while others desperately wanted to *protect* themselves and their families. Organizers worked to suggest alternatives, *building* a better future, and teachers tried to create a *loving* space for their students. Regardless of individual actions, the national visibility of the 1992 riots influenced people across the U.S., inevitably including children. Christopher Wallace describes his experience as a middle school student in Los Angeles during the time of the riots:

> While the notoriously segregated and ever-dangerous playground of Los Angeles degraded into trench warfare, our public schools mirrored it in microcosm. My own sun-dappled Neutra-designed homeroom was rife with anxiety -- racial and otherwise -- and more and more cliques were cohering along ethnic lines (Wallace, 2012).

Mónica Novoa was 12 years old when the riots occurred. It reminded her of the civil war in El Salvador which her family had recently fled (Race Forward, 2012). Twenty years later, students reflect that few things have changed in their eyes; poverty, racial tension, and violence are still common in their community. Students at one L.A. school agreed that if the same events happened today, they would not be surprised. Further, students said they would not call it a riot, they'd call it a revolution (Kahn, 2012). According to Encyclopedia Britannica:

> **Riot**, in criminal law, [is] a violent offense against public order involving three or more people. Like an unlawful assembly, a riot involves a gathering of persons for an illegal purpose...A riot involves violence.

> **Revolution**, in social and political science, [is] a major, sudden, and hence typically violent alteration in government and in related associations and structures.

Students are able to differentiate between these two terms because they recognize the irrelevance of legality in a revolution. They see the need for structural change in their communities and in their government because of the illegality of violence against them and their families[32].

Both international and domestic law protect children from violence, regardless of its catalyst. Yet, police officers are common in schools, even though there have only been six days in 2021 during which police officers did not kill someone. Further, 98.3% of killings by

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[32] Collective protests are often demeaned and distorted by being labeled as "riots" by the ruling class, who find these movements extremely threatening (Burton, 1984; McGraw, 2017; Dastagir, 2020; King, 2020).

police from 2013-2020 did not result in officers being charged with a crime (Mapping Police Violence, 2021). How can schools be harbors of safety for children when modern policing, which has roots in slave patrols and the loophole of the 13th Amendment to the Constitution, has a strong presence in K-12 schools? Children who saw the L.A. uprising against police, who heard of 12-year-old Tamir Rice being murdered by police, who watched George Floyd die on camera by the hands of police, still had to face police officers in their schools the very next day.

School districts across the country have contracts with local police departments, many of which began in the 1950s although policing in schools did not become widespread until the 1990s, particularly after the Columbine High School shooting[33] (Lindberg, 2015). It is no coincidence that this policing began after Brown v. Board of Education (1954) desegregated schools. Today, zero-tolerance disciplinary practices are far more common in schools with more students of color, creating what is known as the school-to-prison pipeline (Lindberg, p. 22). Many under-resourced schools, which we already know serve higher percentages of children of color, rely on police to discipline students.

The notions of student freedom and non-hierarchy mean nothing in a school where police are able to arrest a misbehaving student. Collective liberation in an academic setting requires a community commitment to restorative justice[34] without the external influence that comes from collaborating with police departments. During an era of calls for defunding or abolishing the police in the U.S. at large, the collective benefit of abolition is becoming clearer (Kaba, 2021; Angela Davis on Democracy Now!, 2020). Children who are able to

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[33] Columbine occurred in 1999, and policing worsened again after the 2012 Sandy Hook shooting.

[34] Restorative justice is a theory of justice that focuses on repairing the harm caused by criminal behavior, connecting the victim and the offender.

learn in police-free schools can become adults willing and able to exercise their fundamental rights, perhaps in a newly police-free state.

If we view education as a public good and a public right, then schools must serve the public interest. There may have been a time during which fear propelled the desire for police in schools, or when non-critical pedagogy served the economic needs of most people. However, to teach respect for human rights and freedoms today, as the UDHR mandates, students must not only be aware of their rights but have the means to actively observe and defend them. The methods of education described in this section have been tested in real, violent, non-democratic, and even fascist contexts yet have still shown signs of success in creating knowledgeable, participatory citizens. If this is the goal of modern, progressive education, then these are the methods that need to be integrated into the U.S. K-12 school system.

Opportunities and Obstacles

Some of the methods described in this previous section are simpler to implement than others. Many can happen at the classroom level and do not necessarily need to be school-wide initiatives. Critical pedagogy, for example, can be employed in virtually any classroom or any subject. The critical analysis skills students learn while in a history class can be applied easily once they leave that teacher. Horizontal pedagogy, though, is difficult to achieve if adults in the school refuse to actively participate. Obviously the greater the participation in any of these methods, the greater the impact on students. Luckily, very little funding is required for a school to implement any of the suggestions from Chapter Four. What may be most challenging is defeating the authoritarianism and hierarchy in schools that are inherent to state-wide systems and familiar to most if not all of today's educators and

administrators. Retraining educators and providing the professional development necessary to restructure schools may be the most time consuming and potentially expensive part of this partial education revolution. It would be naive to assume that all teachers are both willing and able to change their methods of instruction and professional ways of being just for the sake of better fulfilling the human right to education. As we have seen reflected in national discrimination data, every educator does not share the same motives regarding student wellbeing and achievement.

Keira Flynn-Carson[35], from the Brookline High School's School Within a School (SWS) in Massachusetts, says that teachers do have to be philosophically aligned with liberatory pedagogy in order to run democratic spaces like SWS does. She says that some educators get into teaching because they like authority, rather than having a passion for children or their subject (2021). Training students to be sources of authority and agents of direct democracy is not possible if one is unwilling to give up their own authority. The School Within a School is an excellent example of how public schools can implement the liberatory pedagogies discussed in the previous chapter without completely dismantling their existing school. SWS is a program that began in 1970 and operates to this day, albeit with some changes sparked by student desires. SWS is located on the 4th floor of the Brookline High School, and students in 10-12th grades may consider the model of education used there and apply. Participation is voluntary, which creates buy-in from the youth (Brookline High School, n.d.). SWS works within three big circles: democracy and justice, academics and learning, and care. Different students are drawn to the program by different circles. Town halls are held weekly, led primarily by students who vote on everything from what classes they will take that year to how to manage poor attendance. Milan, a recent graduate of

[35] Flynn-Carson is an English teacher at the School Within a School, whom I interviewed in 2021.

Brookline's SWS, says that she loved her high school experience because it required students to "be responsible for your own education, not responsible for following a set curriculum."

Students in SWS still take non-core classes in the main school so even the students who aren't in the program get to see the model of their confident peers, and learn what it's like being in charge of everything they do. Community events are welcome to all, so SWS students share their activism and projects with others. Flynn-Carson says that over time SWS has become a very safe space because of the focus on care. Many students who would otherwise have had to leave the school to receive proper mental health care receive ad-hoc social-emotional support in SWS which prevents them from needing more serious, and more expensive, intervention. This serves the whole school, if not also the district, in a cost-effective way.

Flynn-Carson says that the magic of SWS is in the small details: sitting in a circle, with no one person at the front, or calling teachers by their first names to lessen authority. "All of those little things are things that really significantly help them understand that school is *for* them, it's not happening *to* them," she says. The goal of SWS is to have school feel like an academic playground. As Flynn-Carson tells her students, "you're going to do really sophisticated things, but you have to find the joy first."

The Brookline High School and SWS model provides a space for educators who are ready to use transformative pedagogy with students, while also giving other students and teachers the option to stick with a familiar style of learning. It is easy to see why some teachers, children, and parents would be wary of trying a different model. In a traditional public school setting, it is risky to revolt against a system that produced *you*, and everyone you know. The potential damage to children feels high if we think that the current education system is producing fine, educated adults. Looking at the reality though, we see that children

are already not retaining information they learn by rote memorization, as opposed to project-based learning, in school (Klemm, 2007; Orlin, 2013; Merritt et al., 2017). They are often depressed, dread going to school, and are bored (Miron et al., 2019; Sparks, 2021; Weybright et al., 2020). If we consider that we are already failing children, the risk of trying something new can seem much lower.

Akilah S. Richards, a Black mother in Atlanta Georgia, felt that the risk of leaving her children in public school outweighed the risks of trying something different. Richards felt that at public school, she was being forced to choose between her daughters' expressed needs and institutionalized ideas about what the girls needed, in addition to worrying about the myriad discrimination discussed in previous chapters. Richards' daughters are now unschooled; what she defines as "a child-trusting, anti-oppression, liberatory, love-centered approach to parenting and caregiving," (Richards, 2020, p. 11). Essentially, she employs a very intentional homeschooling approach. As a bridge between traditional schools and homeschooling, unschooling centers have been popping up around the country in recent years. Here lies another implementable addition to public schools - for current public school students and homeschooled students alike. These unschooling centers offer a space where children can attend classes or create with others just a few days per week, without committing to an entirely free school. In Massachusetts, for example, the Bay State Learning Center offers full-time, part-time and custom alternative plans for students who want to test out autonomous learning. The Montreal Declaration states that education should be participatory and operational, creative, innovative and empowering at all levels of civil society (p. 1). The methods of unschooling centers could easily be applied to public school after-school programming, or to certain elective, non-state tested courses during the school day. This way, children can dive more deeply into subjects than they would traditionally, and

educators can slowly acclimate themselves to less structured environments. Most unschooling families say their children are happier and that the benefits outweigh the challenges (Gray & Riley, 2013).

Further in the Montreal Declaration it states that:

> ...Incremental changes can no longer be considered satisfactory. Education should aim to nurture democratic values, sustain impulses for democratization and promote societal transformation based upon human rights and democracy (p. 1).

Berkeley High School, part of the public Berkeley Unified School District in Berkeley, California, attempted to make a significant change when it created "small schools" within its school officially in 2005 as part of a program called Academic Choice (Albertson et al., 2012). Today, Berkeley High consists of two larger schools and three smaller schools, which its 3,200 students may choose from based on their interests and learning objectives. Miriam Klein Stahl was the founder of the Arts and Humanities Academy (AHA) small school program and says the program was created to help address inequity in resource distribution that served only the most privileged children. Stahl said that her students made huge jumps in achievement in Math and English, and believes they feel more seen and heard because of the interdisciplinary, project-based environment (Mink, 2019, pp. 80-81). There are no final exams in AHA, but instead, large exhibitions created by the students at the end of the year to tie classroom themes to broader social justice themes in their community (p. 82). Teachers feel that this helps students to better reach their "fullest potential," as required by Article 29 of the CRC. This is not to say that small schools have solved all equity issues at Berkeley high, but it does allow more individualized attention for students who face struggles outside

the classroom that would traditionally prevent them from being successful at school (Fix, 2017; Walker, 2019). The small school movement bloomed briefly in the early 2000s, and the spirit of innovation and disruption of traditional learning it inspired, even if just temporarily, helped some schools transform to better serve their students in the long run. However, small schools require increased, sustained funding, which is rarely available for public education in the U.S. (Murphy, 2009).

Conclusions

Liberatory education is something that changes as we do. At this moment in time, the liberatory pedagogies described in the previous chapter may offer the best solutions to current insufficiencies regarding the human right to education. What may be most useful as a home for these pedagogies is a combination of Brookline's School-Within-a-School and Berkeley's small school model, particularly with the pedagogy employed in AHA. Without necessitating separate buildings and programs with small class sizes (which are difficult to preserve when budget cuts are made), multiple "small schools" could exist within a single school building. Change would not be physical, but students could still choose pathways that appeal most to them, and project-based, self-directed learning could become more commonplace. The interdisciplinary collaboration among students and "schools" would remain, but each student would have a choice as to what path or school they select and which courses are most interesting to them. A shift like this could feel dramatic enough to existing educators in the school that they would also be willing to, or have to, resign some control to students and allow for more democratic decision-making, if only for the inability to coordinate all of these different pathways *without* student assistance. Allowing students to participate as equals with adults in their academic ventures would set an example of what equitable, liberatory

governance can look like, and force anyone in the school to ask more critical questions of governing structures *outside* of the school setting. Again, in this way, liberation is praxis.

Chapter Five: General Conclusions

That what we cannot imagine we cannot bring into being. bell hooks

Ultimately, there are normative and practical gaps in the human right to education in the United States and the U.S. will never completely fulfill this right under a capitalist and racist regime. What can be aspired to is an increased application of existing law and inclusion of different schooling pedagogies that will help to educate children on human rights violations and injustices so that they may, in the future, do the work of dismantling biased institutions and building a better world themselves.

Many of history's most renowned education theorists have something in common with today's well-known education researchers (Bettina Love, bell hooks, Paulo Freire, Gloria Ladson-Billings): a focus on hope and love. Often dismissed by academia at large, we must ask ourselves why these universal human concepts are rarely validated in traditional U.S. public education. Do these notions fail to fit the efficiency model that has been deeply ingrained in citizens? Are they too difficult to measure in a system that is obsessed with numerical assessment? Despite an obsession with test scores, educators have an immense impact on children and the adults they become. As such, educators should be held accountable for the stories they produce and the way they share them, as they are permanently shaping the public memory that will undoubtedly affect the future of the country (Giroux, 2020, p. 87). Teaching is ultimately a practice of love and requires hope for a better future. Today, however, the promise of a radical democracy, as Giroux puts it, sits far away from existing reality (2020, p. 84). The promise of human rights for all requires exactly such a democracy though, and requires that people can…

> become more than they are now, to question what it is they have become within existing institutional and social formations, and to give some thought to what it might mean to transform existing relations of subordination and oppression (p. 84).

The United States owes its children a more concerted effort to improve the human right to education. Federal funding is available for programs that glorify standardized testing or serve wealthy individuals in private schools and could be easily diverted to encourage more liberatory practices in school districts across the nation. Individual schools and educators can also be supported, rather than blocked, in attempts to integrate more human rights-centered pedagogy into their classrooms. The fulfillment of all human rights is at stake in a country where children are not aware of their rights or their charge to defend the rights of others. The United States has every reason, from reverence for its own Constitution to its involvement in international human rights legislation creation, to act as an example for other countries. As we have seen, there are clear reasons why maintaining education as it is, or even *defunding* public education, would support the existing ruling class and their aspirations. As such, the United States has not yet achieved fulfillment of the human right to education but it is very much possible if those who are already committed to collective liberation can educate more critical, radical thinkers to help dismantle oppressive institutions and support such education in the future. As individuals, we must be actively committed to the process of showing our children what love looks like in practice, and we must maintain hope.

Appendices

Appendix A: Adult Education Survey Questions

Title: U.S. K-12 School Research

Section One

Feel free to leave any fields blank. Please focus on your grade school experiences (not college) while answering, and only respond if you attended school in the United States.

- Name (Short answer text. Optional)
- Age (Multiple choice range. Required)
- What is your race or ethnicity (Short answer text. Optional)
- What is your gender identity? (Multiple choice: Female, Male, Non-binary, Prefer not to say, Other/short response. Optional)
- What kind of school(s) did you attend for K-12? (Checkboxes: Public school, private school/charter, private school/religious, homeschooled, unschooled/other. Required.)
- Which state(s) did you attend K-12 school in? (Short answer text. Required)

Section Two: The 4 A's

- Thinking about your own K-12 experience, do you think your school met the standard of AVAILABILITY as defined as providing "buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials." (Multiple choice: Yes, no, not sure. Optional).

- Do you think your school met the standard of ACCESSIBILITY as defined as "Accessible to everyone, without discrimination, especially to the most vulnerable groups. Within safe physical reach at some reasonably convenient geographic location or via modern technology. Economic accessibility…primary education shall be available 'free to all.'" (Multiple choice: Yes, no, not sure. Optional).
- Do you think your school met the standard of ACCEPTABILITY as defined as "the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents." (Multiple choice: Yes, no, not sure. Optional).
- Do you think your school met the standard of ADAPTABILITY as defined as "flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings" (Multiple choice: Yes, no, not sure. Optional).

Section Three: Not Meeting Standards. Only answer this question if you responded "No" or "Maybe" to any of the questions regarding ACCESSIBILITY, AVAILABILITY, ACCEPTABILITY, or ADAPTABILITY

- Which standards above do you think your school failed to meet or are unsure about? How/why? Write N/A if you answered Yes or Not Sure to all of the questions in the previous section, unless you want to elaborate. (Long answer text. Optional).

Section Four: Your K-12 School Experience

- Overall, did you enjoy school? (Multiple choice: Yes, no, not sure. Required).
- What was your perception of the racial make-up of your school? If you attended multiple schools, please pick one to focus on. Write "N/A" if homeschooled. (Short answer text. Optional).

- What is the most memorable thing that happened to you in school? This can be good or bad. (Long answer text. Optional.)
- Did you leave/graduate high school knowing what your interests or passions were? (Multiple choice: Yes, no, maybe. Required).
- What do you wish you had learned in school but didn't? (Long answer text. Optional).
- Could anything have improved your experience in school? (Long answer text. Optional).
- Are you okay with your responses being used in an academic paper? (Multiple choice: Yes, no, yes but without personal identifiers, yes but only my ideas and not direct quotes)
    - If yes, forwarded to contact information section.

Appendix B: Participatory Action Research Student Survey (designed by 6th grade students)

Title: HEY, what's up with schools?

- Name (Short answer text. Optional).
- Age (Multiple choice: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18. Required).
- What school do you go to? (Short answer text. Required).
- Do you like school or not? (Multiple choice: Yes, no, sort of, I don't know. Required).
- Why did you select your previous answer? (Long answer text. Required).
- What is your favorite subject in school? (Short answer text. Required).
- What is your least favorite subject in school? (Short answer text. Required).

- How do you feel about online learning? (Linear scale 1-5 with 1 being “save me, I hate this” and 5 being “OMG YES I love being at home. Required).
- Is there anything challenging about virtual school? If so, what is it? (Long answer text. Optional).
- What is one thing you wish your school would change? (Long answer text. Required).
- What is one thing at your school you want to stay the same? (Long answer text. Required).

Appendix C: Interviews and School Sources

- Interview with Milan, a recent graduate from the Brookline High School School-Within-a-School (Brookline, MA) on 6/14/2021
- Interview with Keira Flynn-Caron from the Brookline High School School-Within-a-School (Brookline, MA) on 6/25/2021
- Information regarding the Martin Luther King Jr. K-8 (Dorchester, MA) school came from personal experience as a non-profit partner with the school and AmeriCorps members over the 2020-2021 school year.

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IMPEGNO DI RISERVATEZZA DA PARTE DEL LAUREANDO

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The Human Right to Education in the United States: Learning for Collective Liberation

con relatore il Prof. Pietro De Perini

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che le informazioni, le conoscenze e i materiali riservati, ossia non pubblicamente accessibili, che gli verranno messi a disposizione dal relatore e/o dal gruppo di ricerca per lo svolgimento del lavoro di tesi/prova finale, possono rientrare nell'ambito di applicazione della normativa sulla proprietà industriale (D.lgs. n.30 del 10 febbraio 2005 e successive modificazioni) o essere oggetto di eventuali registrazioni di tipo brevettuale, o possono rientrare nell'ambito di progetti finanziati da soggetti pubblici o privati che hanno posto a priori particolari vincoli alla divulgazione dei risultati per motivi di segretezza.

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