

A Human Rights Violation:  
An Examination of the American Education System

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## I. Introduction

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Every day in the United States 2,806 students drop out of school and 7,297 public school students are suspended.<sup>1</sup> Twelve percent of new teachers have no training,<sup>2</sup> and the percentage of secondary school teachers who have a formal degree in the subject they teach has decreased.<sup>3</sup> Such statistics illustrate the crisis facing the education system in America. Insufficient and inequitable funding, inadequate educational materials, under-qualified teachers, understaffing, unmanageable class sizes and violence in schools have created an environment hostile to learning. These adverse circumstances affecting American children have made education a hot topic of debate and pushed it to become a top priority in the past presidential election. Issues of funding, the allocation of resources and the setting of national education requirements separated the candidates, and moreover, the American public. Gore advocated additional funding because “accountability without investment is doomed to fail.”<sup>4</sup> Bush, on the other hand, promoted a stricter usage of funds because the “federal government will no longer pay schools to cheat poor children.”<sup>5</sup> He proposed incentive funds for schools that demonstrate consistent improvement. The attention that the nation and these candidates have focused on education underscores its importance. It is an issue that people from both ends of the spectrum acknowledge merits improvement.

In 1966, the United Nations General Assembly adopted the International Covenant on Economic, Social and Cultural Rights. This covenant legally commits its

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<sup>1</sup> Children’s Defense Fund, The State of America’s Children Yearbook 2000 (Washington: Children’s Defense Fund, 2000) 160.

<sup>2</sup>Barbara Kantrowitz and Pat Wingert, “Teachers Wanted” Newsweek Magazine 2 Oct. 2000: 40.

<sup>3</sup> Children’s Defense Fund 64.

<sup>4</sup> Diane Weaver Dunne, “Gore and Bush Comment on Teacher Accountability,” Education World 2000: 1 <[www.educationworld.com/a\\_issues/issues129d.shtml](http://www.educationworld.com/a_issues/issues129d.shtml)> (29 Feb. 2001).

<sup>5</sup> Dunne 2.

signatory states to recognize and to guarantee the specified rights to all people within its resource capabilities. This protection of what is known as second-generation rights is the subject of this text; it identifies the minimal environmental and material conditions necessary for people to flourish.<sup>6</sup> Education ranks among these fundamental rights. Article 13 states that “education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.”<sup>7</sup> A nation’s education system should “enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups...”<sup>8</sup> Furthermore, “education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education...” and the “development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.”<sup>9</sup>

While the United States touts itself as a progressive leader in the field of human rights, its actual involvement and investment in protecting these rights are limited. The majority of nation states, one hundred and forty-two governments, have ratified the ICESCR, and the United States is not among these signatory states. However, if the United States were to ratify the covenant, its current state of education would be in violation of the above-articulated human right to a basic level of education. While

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<sup>6</sup> “First-generation” rights refer to political and civil liberty rights; they do not reflect any primacy over “second generation” rights. For further information, visit <<http://www.humanrightswatch.org>>.

<sup>7</sup> “U.N.T.S. No. 14531, vol. 993 p. 3 The International Covenant on Social, Cultural and Economic Rights,” n.d.: 4 <<http://www.tufts.edu/departments/fletcher/multi/texts/BH497.txt>> (16 Apr. 2001).

<sup>8</sup> “U.N.T.S. No. 14531, vol. 993 p. 3 The International Covenant on Social, Cultural and Economic Rights” 4.

several public schools in the United States adequately and superbly educate their students and thereby fully protect this right to education, there are a significant number of American schools that violate the stipulations of this covenant. First of all, the education such students receive fails to prepare them fully for an “effective participation” in society. Moreover, the development of the failing school districts in the United States is plainly being overlooked. The fellowship system is clearly not adequate, and the material conditions of the teaching staff are blatantly neglected instead of “continuously improved.” With over 47 million children enrolled in over 90,000 public schools today, and with projections of record breaking enrollments for each year until 2006, it is imperative that the issues surrounding education be addressed and resolved with urgency.<sup>10</sup>

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<sup>9</sup> “U.N.T.S. No. 14531, vol. 993 p. 3 The International Covenant on Social, Cultural and Economic Rights” 4.

<sup>10</sup> National Center for Education Statistics, “Digest of Education Statistics, 1999 Chapter 1. All Levels of Education,” n.d.: 1 <<http://www.nces.ed.gov/pubs2000/digest99/chapter1.html>> (15 Nov. 2000).

## II. The Role of Education in the Context of Social Justice

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It is first relevant to identify the source of discipline from which the International Covenant on Economic, Social and Cultural Rights draws: Social Justice Theory. While several theories of justice exist, some of which claim to achieve justice through equality, liberty or utility, Social Justice Theory approaches justice from the perspective of a steadfast commitment to human dignity. It attempts to assess and to understand someone as a person, not, for example, as a function of utility. While it also recognizes that there are different attitudes toward and conceptions of the human person, it holds that all humans have an equal intrinsic value. It seeks proactively to free people from oppression and suffering, and it attributes this responsibility to all people, to society as a whole. This alleviation may come in the form of social, economic or legislative measures so long as it seeks to create justice.<sup>11</sup>

It is important to note that Social Justice Theory has its roots in Catholic Social Thought. Several of the principles of this theory echo those articulated in the various encyclicals and major documents and tenets of Catholicism. For example, the inviolability of human rights is affirmed by Pope John XXIII in *Pacem in Terris* of 1963. He states,

Since men are social by nature they are meant to live with others and to work for one another's welfare. A well-ordered human society requires that men recognize and observe their mutual rights and duties. It also demands that each contribute generously to the establishment of a civic order in which rights and duties are more sincerely and effectively acknowledged and fulfilled. It is not enough, for example, to acknowledge and respect every man's right to the means of subsistence if we do not strive to the best of our ability for a sufficient supply of what is necessary for his sustenance.<sup>12</sup>

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<sup>11</sup> Darlene Weaver, "Introduction to Justice and Peace," Georgetown University, Washington, 28 Mar. 2000.

<sup>12</sup> "Catholic Social Teaching: Notable quotations from the papal encyclical *Pacem in Terris* (Peace on Earth) Pope John XXIII, 1963" n.d.: 2 <[http://www.osjspm.org/cst/q\\_pt.htm](http://www.osjspm.org/cst/q_pt.htm)> (3 Apr. 2001).

It is incontestable that education is critically linked to a person's well being, and in turn, to social justice. It is one of the most salient factors that determines the level of a person's integration and performance in society. As William Stanley asserts, "it is not whether the schools shall or shall not influence the course of future social life, but in what direction they shall do so and how."<sup>13</sup> Educational institutions do indeed play a principal role in the process of socialization, the facilitation of growth and the improvement of health, family and community life and the workplace.

A result of this recognized importance of education is the high level of expectations Americans have concerning the role of schools. As David Purpel notes in The Moral and Spiritual Crisis in Education: A Curriculum For Justice and Compassion in Education, we, as Americans,

want children to learn to love their country, to honor and respect authority and tradition, and we want them to develop initiative and critical thinking; we want the schools to help students at least deal with, if not overcome, their difficulties with nutrition, health, sexuality, death, morality, interpersonal relations, the maturation process, and sibling rivalry; we want the schools to provide community for the student and to be a focus of community for adults; we want the schools to teach students how to participate in sports, to be musical, to sew, cook, clean, do woodworking, printing, to paint, sculpt, and dance; we want some decent place to send our children so that adults can work (or play) without worrying about them; we want schools to provide psychological, vocational, and social counseling to our children; we want students to be evaluated intellectually, socially, psychologically; and we want to know how they rank with other students and what their prospects are. We want the schools to provide opportunities for exercise, celebration, play, hobbies, eating, ritual, friendship, and competition.<sup>14</sup>

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<sup>13</sup> William B. Stanley, Curriculum For Utopia: Social Reconstruction and Critical Pedagogy in the Postmodern Era (Albany: State University of New York Press, 1992) 49.

<sup>14</sup> David E. Purpel, The Moral and Spiritual Crisis in Education: A Curriculum For Justice and Compassion in Education (New York: Bergin & Garvey, 1989) 4.

In summary, the primary responsibility that we assign to educators is “to provide conditions under which all people can express their full human potential.”<sup>15</sup> Education is not merely concerned with academic achievement, though this is important. The overall development of a person’s well being is the true objective of education. This conception of education is clearly manifested in the ICESCR where it identifies the effective participation in a free society as the responsibility of schools.

There are indeed several indicators that measure and demonstrate that education has a direct bearing on the development, and similarly, underdevelopment of a person, ultimately shaping his/her wellbeing. The correlation between employment and level of education, for example, serves as testament to this relationship. See Figure 1.

**Figure 1. Unemployment rates of persons 25 years old and over by highest level of education: 1998**<sup>16</sup>

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<sup>15</sup> Purpel 10.

The unemployment rate of people with less than a high school degree is almost three times that of a person holding a bachelor's degree or more. A relationship also exists between labor force status and high school completion: 39% of high school dropouts were not in the labor force compared to 20.4% of high school graduates excluded from the work force.<sup>17</sup> These numbers mean that almost twice as many high school dropouts were not working, nor were they looking for employment, than people who finished high school. Clearly, the relationship between education and economic status is one of high correlation.

The importance attached to educational attainment, and even more specifically, its correlation with economic inequality has grown significantly with the recent “explosion in ‘credentialism.’”<sup>18</sup> R.W. Connell notes, as “new degree programs multiply in human kinetics, leisure studies, business administration, etc., it becomes more and more difficult to get a job as a sports coach, camp administrator, company manager, etc., without the corresponding degree,” and in this way, the “education system becomes more and more important as a gatekeeper.”<sup>19</sup> Consequently, people without acquired degrees in these very specific areas of study are denied prominent positions in their respective fields. The people that end up being protected “inside the gate” are those with degrees, and people with other pertinent qualifications but without degrees find themselves excluded. The end result is that younger people with a certain level of educational attainment have higher unemployment rates than previous generations that have achieved the same level

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<sup>16</sup> National Center for Education Statistics, “Digest of Education Statistics, 1999 Chapter 5. Outcomes of Education,” n.d.: 3 <<http://www.nces.ed.gov/pubs2000/digest99/chapter5.html>> (15 Nov. 2000).

<sup>17</sup> National Center for Education Statistics, “Digest of Education Statistics, 1999 Chapter 5. Outcomes of Education” 4.

<sup>18</sup> R.W. Connell, Schools and Social Justice (Philadelphia: Temple University Press, 1993) 26.

<sup>19</sup> Connell 14.

of education. A college degree is necessary today for a job that merely required a high school diploma in the past.

The ways in which schools actually “share in the building of the social order of the future depends on the particular social forces and movements with which they ally,” and in more than one way, American schools serve as a “gatekeeper” at a very basic and fundamental level.<sup>20</sup> As Connell notes, “education systems...are deeply involved in the production of social inequities; they do not merely reflect them.”<sup>21</sup> The current structure of the education system functionally caters to class lines, thereby making inequity inherent. Children who cannot afford to opt for private schooling are mandated to attend failing schools. Thus the “state, by requiring attendance, but refusing to require equity, effectively requires inequality. Compulsory inequity, perpetuated by state law, too frequently condemns our children to unequal lives.”<sup>22</sup> Intrinsic to this perpetuation of status is the “cyclical replacement of the ‘fittest’ by their artificially advantaged offspring.”<sup>23</sup> Children who come from stations of wealth and high educational attainment move up in educational ranks not because they merit such ascension, but because they are up against students who have next to nothing. It is not only unrealistic, but unfair and cruel to entertain the idea that children from deficient schools can compete fairly with students from well endowed schools.

The administrators of the American education system recognize the reality of inequity and claim to strive towards achieving “equal educational opportunity.” This concept of equal educational opportunity does not entail the equality of outcome. Factors

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<sup>20</sup> Stanley 49.

<sup>21</sup> Connell 74.

<sup>22</sup> Johnathan Kozol, Savage Inequalities: Children in America’s Schools (New York: Harper Perennial, 1992) 56.

such as ability, effort, support, preparation and luck contribute to differences in achievement between students. Equal educational opportunity means that representatives from any racial, gender and socioeconomic origins have the same chance to achieve status and reach different educational outcomes as persons born into other social classes.<sup>24</sup> If equal educational opportunity were in place, the average child from any social origin would begin his adult life with equal chances of success relative to that of a child from another stratum.<sup>25</sup> An appropriate conception of schooling is one that recognizes the social structural sources of unequal opportunities and perceives the schools as a vehicle that in some fashion complements this structure. The school must work in conjunction with existing institutions that make up the fabric of society, namely the family.<sup>26</sup> The U.S. attempts to realize an equality of educational opportunity through various measures, namely, scholarships, affirmative action, programs, such as Head Start, and the development of compensatory education, but these attempts clearly fall short of the goal.

The philosophy of compensatory education is such that children who come from disadvantaged backgrounds should receive a different type of education that corresponds to the students' individual needs and circumstances. Justice is defined not as a way of treating everyone the same way, but rather, by the appropriateness and sufficiency of

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<sup>23</sup> Kozol 206.

<sup>24</sup> Henry M. Levin, "The Necessary and Sufficient Conditions for Achieving Educational Equity," Outcome Equity in Education, Ed. Robert Berne and Lawrence O. Picus (Thousand Oaks, CA: Corwin Press, Inc., 1994) 168.

<sup>25</sup> Henry M. Levin, "Equal Educational Opportunity and the Distribution of Educational Expenditures," Educating the Disadvantaged, Ed. Erwin Flaxman (New York: AMS Press, Inc., 1976) 54.

<sup>26</sup> James S. Coleman, Equality and Achievement in Education (Boulder: Westview Press, 1990) 310.

treatment to the functional characteristics and needs of the student.<sup>27</sup> The difficult question subsequently arises, how does one define the “disadvantaged” population? Do only learning disabled children, non-native English speakers and poor children qualify as disadvantaged? It is a difficult term to exact. While the United States government does consider learning and speaking abilities as well as income, its efforts are minimally effective. Nominal efforts for compensatory education include the provision of very basic dental services and free or reduced price meal programs. It hardly seems fair to claim that the individual needs and circumstances of such students are being accounted for and that equal educational opportunity is provided.

This overlooking of inequity is precisely where the problem of the American education system lies. The disparities between advantaged and disadvantaged students are not only perpetuated, but augmented. In this sense, schools act as an influential force of social, intellectual, economic and personal oppression. Subsequently, the educational gaps between the different segments of society are widening. The human right to education is therefore most definitely guaranteed for the children who attend schools in wealthy areas since their education is a function of the wealth of their parents and neighbors. It is the children who live in poverty who are being denied their right to education since their schooling is a function of neglect, insufficient funding and inadequate techniques. As Paulo Freire puts it, the prevention of acquiring adequate skills is a “violation of the human spirit and are acts of violence.”<sup>28</sup> It is mandatory to

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<sup>27</sup> Edmund W. Gordon and Carol Bonilla-Bowman, “Equity and Social Justice in Educational Achievement,” Outcome Equity in Education, Ed. Robert Berne and Lawrence O. Picus (Thousand Oaks, CA: Corwin Press, Inc., 1994) 30-31.

<sup>28</sup> Purpel 20.

investigate whom the education system is actually serving and, then, to examine whom the education system should be serving.

### III. An Examination of the State of the American Education System

#### *A. Educational Funding*

There are several different factors that affect the environment of the classroom and in turn influence a child's ability to learn. Given the enormous expectations we have of education, "it is rather extraordinary that we provide so little in the way of resources to support this enterprise."<sup>29</sup> The amount of investment that we have in the school system does not reflect the supposed importance that we assign to the value of education. While money is certainly not the panacea for all problems that afflict failing school districts in the United States, the polarized manner of financing schools is a main source of educational inequity. Most of the difficulties facing schools stem from an inadequacy of funding and other material resources.

Schools are funded by local, state and federal taxes. In the 1996-1997 school year, states provided 48% of educational revenue, a decline from previous years.<sup>30</sup> Local taxes covered 45.4% of educational expenses, an increase from the past, while the federal share amounted to 6.6%.<sup>31</sup> This system, known as the "foundation program," serves the suburban and wealthy communities of the United States well, but puts the poorer areas at a major disadvantage. Local taxes on homes and businesses are levied to cover the operational expenses for schools. For wealthy districts, sufficient revenue is usually generated, but for poorer districts, there is simply not enough property wealth to tax in order to raise enough funds for the adequate functioning of a school. These inadequacies do not reflect a lack of commitment to education on the behalf of parents in poorer areas.

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<sup>29</sup> Purpel 5.

<sup>30</sup> National Center for Education Statistics, "Digest of Education Statistics, 1999 Chapter 2. Elementary and Secondary Education," n.d.: 3 <<http://www.nces.ed.gov/pubs2000/digest99/chapter2.html>> (15 Nov. 2000).

In fact, poor areas typically spend more money percentage-wise than wealthy areas.<sup>32</sup> The state's responsibility is to provide funds in order to raise the level of education or to establish a "foundation," a level that all schools are supposed to have. This system is designed to give districts roughly the same amount of money. This method fails, however, to take into account the greater needs of certain districts, which often have greater numbers of retarded, handicapped or Spanish-speaking children.<sup>33</sup> Compensatory education seems to be forgotten. For this reason, sources that provide national statistics about school funding are often deceptive. Reports, for example, may show that per pupil expenditures have risen in the past decade. What they fail to communicate is which pupils are receiving such benefits. Often times the children who need the money the least are the ones who are allocated such funds. The disparities that exist between the advantaged and disadvantaged are not only perpetuated but camouflaged behind such numbers.

This inequity of funding is a national phenomenon. As Johnathan Kozol illustrates in his book Savage Inequalities: Children in America's Schools, affluent districts receive several times as much funding as poorer school zones. In the United States, the richest school districts spend 56 percent more per student than the poorest do.<sup>34</sup> For example, during the 1988-89 school year in the Chicago area, expenditures per pupil ranged from \$5,265 to \$9,371, almost double the funding for the prosperous areas.<sup>35</sup> In New Jersey, the wealthy district of Princeton spent \$7,725 per pupil while Camden

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<sup>31</sup> National Center for Education Statistics, "Digest of Education Statistics, 1999 Chapter 2. Elementary and Secondary Education" 3-4.

<sup>32</sup> Children in America's Schools with Bill Moyers, dir. Jeffrey Hayden, South Carolina ETV, 1996.

<sup>33</sup> Kozol 208.

<sup>34</sup> Children's Defense Fund 62.

<sup>35</sup> Kozol 236.

spent \$3,538 on each student.<sup>36</sup> In New York's suburb of Manhasset, student expenditures reached \$15,084 per student compared to the \$7,299 spent per pupil in the city.<sup>37</sup> Statistics demonstrate that this gap has only increased in recent years. School districts with smaller concentrations of children living in poverty still spend considerably more per student than districts with larger concentrations. For example, in 2000, the wealthy Long Island public schools of Stratford Avenue School in Garden City and Shelter Rock Elementary School in Manhasset, spent an average of \$13,693<sup>38</sup> and \$20,594<sup>39</sup> per pupil, respectively. These suburban statistics contrast starkly with the funds available to New York City's schools under registration review. The Belmont School (P.S. 32) and P.S. 54 in the Bronx spent an average of \$9,442<sup>40</sup> and \$7,111<sup>41</sup>, respectively. This is a shocking difference of double, almost triple, times the funding. Again, the districts that face the toughest challenges are left with the least amount of funds.

While the need for financial reform seems obvious, its realization is not so easy. Parents of a disadvantaged social status are often discouraged from affecting and initiating change. The poorest parents, often the products of inferior education themselves, lack the information access and the skills to channel their children to the

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<sup>36</sup> Kozol 236.

<sup>37</sup> Kozol 237.

<sup>38</sup> The State Education Department; The University of the State of New York, "The New York State School Report Card for Stratford Avenue School in Garden City Union Free School District," 18 Mar. 2001: 4 <<http://www.emsc.nysed.gov/reprcd2001/overview/280218030004.pdf>> accessed via <<http://www.emsc.nysed.gov/reprcd2001/>> (8 Apr. 2001).

<sup>39</sup> The State Education Department; The University of the State of New York, "The New York State School Report Card for Shelter Rock Elementary School in Manhasset Union Free School District," 18 Mar. 2001: 4 <<http://www.emsc.nysed.gov/reprcd2001/overview/280406030004.pdf>> accessed via <<http://www.emsc.nysed.gov/reprcd2001/>> (8 Apr. 2001).

<sup>40</sup> Board of Education City of New York, "1999-2000 Annual School Report District 10 P.S. 32," n.d.: 3 <<http://www.nycenet.edu/daa/00asr/210032.pdf>> (8 Apr. 2001).

<sup>41</sup> Board of Education City of New York, "1999-2000 Annual School Report District 10 P.S. 54," n.d.: 3 <<http://www.nycenet.edu/daa/00asr/210054.pdf>> (8 Apr. 2001).

better schools, to obtain the applications and to help them get ready for the necessary tests.<sup>42</sup> Frequently, they have trouble reading, thereby limiting their ability to reform. When they do initiate such changes, they often encounter hostility and are intimidated by such opposition. Furthermore, politicians have little or no vested interest in bringing about such changes. They are elected to office in order to represent their constituents' concerns. Generally speaking, politically active Americans come from middle to upper class segments of society. The financial contributions and ballots of such voters are what enable politicians to survive. Initiating any sort of resource reform or reallocation of funds would most likely translate to political suicide, a risk most politicians would not consider.

Critics of additional funding often cite other reasons, such as family circumstances, not money, for the reasons underlying poor student performance. They refer to the law of diminishing returns as a reason to refrain from increasing spending. They claim that this fixation on numbers is making people lose sight of what really makes a child learn. Because money only makes "slight" improvements, they preach and caution against "wasting" further financial investment in schools where less than half as much money is spent than in others.<sup>43</sup> However, this counter-argument, if valid at all, is most applicable to wealthy schools. According to this logic, the wealthy districts will only receive minimal benefits from each increase in funding. Poorer schools, on the other hand, will make more of additional funds since they have a greater need for

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<sup>42</sup> Kozol 60.

<sup>43</sup> Kozol 134.

resources. This argument, therefore, should be used to curb the expansion of funds for wealthy school districts, instead of further limiting options for poor children.<sup>44</sup>

### *B. Physical Environment and Classroom Materials*

The physical environments of schools around the nation vary drastically. It is not surprising that the dichotomy of state-of-the-art facilities and those which are sub-standard reflects the polarization of funding in the American education system. It is difficult to obtain a general sense of the physical state of schools in the United States because the specifics of conditions are not generally recorded. There is no data that shows that due to a lack of space, the school band room is located right next to the math department. There are no statistics that reveal that the cafeteria does not have ovens or refrigerators, thereby forcing students to buy their lunches out of vending machines. There are no records that indicate that there is no grass on the football field. There are no numbers that tell about the decaying walls and falling paint chips from classroom ceilings. There are no surveys that show that the majority of a school's blackboards are badly cracked, in turn limiting effective teaching. But such is the reality for children in schools all across the nation. As Jonathan Kozol observes about a school in Chicago,

There are no science labs, no art or music teachers. There is no playground. There are no swings. There is no jungle gym. Soap, paper towels and toilet paper are in short supply. There are two working bathrooms for some 700 children.<sup>45</sup>

Needless to say, such conditions are demoralizing for students and teachers alike.

The only nationally comprehensive statistic concerning the physical condition of schools examines the building code standards. Many of the nation's school buildings do not meet these minimum health and safety standards. The average public school is 42

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<sup>44</sup> Kozol 134.

years old, and school buildings usually begin rapid deterioration after 40 years.<sup>46</sup> Furthermore, 29% of schools were built before 1970 and have never been renovated or were last renovated before 1980.<sup>47</sup> It seems unfair to require a child to “educated” in a building that is legally deemed unsafe or is falling apart, but such is the case.

The differences in quality of educational materials again echo the overarching disparities that exist between well-funded and poorly funded districts. According to a 1997 U.S. Department of Education analysis, 70% of teachers in schools with a high concentration of low-income students reported lacking some necessary materials for their classes.<sup>48</sup> Textbooks often times are completely useless. They have answers and missing parts, and cuss words litter the pages. The outdated content of these materials is shocking. According to one journalist, Bonita Brodt, “teachers use materials in class long since thrown out in most suburban schools. Slow readers in an eighth grade history class are taught from 15-year-old textbooks in which Richard Nixon is still president.”<sup>49</sup> Books that predict that humankind will someday land on the moon are still in use. Is it acceptable to think that such texts qualify as learning material?

The availability of technology in schools again reflects class lines. In 1999, there was an average of six students per computer, an incredible improvement from 1983, when there was an average of 125 students per computer. Also, Internet access was estimated to be around 95% in all public schools in 1999. An in-depth look at the distribution of computers, however, reveals the advantages of well-off districts compared

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<sup>45</sup> Kozol 63.

<sup>46</sup> Children’s Defense Fund 62.

<sup>47</sup> National Center for Education Statistics, “The Condition of Education; Section 4 Quality of Elementary and Secondary Educational Environments,” n.d.: 5  
<<http://www.nces.ed.gov/pubs2000/coe2000/section4/index.html>> (15 Nov. 2000).

<sup>48</sup> Children’s Defense Fund 64.

<sup>49</sup> Kozol 63.

to poorer districts that are so familiar in educational research. Only 39% of instructional rooms in schools with high concentrations of poverty had Internet access, whereas 62%-74% of schools with lower concentrations of poverty had Internet access. Furthermore, the quality of computers is often sub-standard. A 1998 national probability sample of 655 schools revealed that ““over half of the computers are out of date...[and] in elementary schools almost two-thirds are of limited capacity.””<sup>50</sup>

Ultimately, the following question must be asked: what kind of message does this send to the children of these schools? What are the values we are defending when as one of the richest nations in the world, we spend more money on video games than we do on textbooks?<sup>51</sup> This blatant neglect communicates to children that they are worth little investment, that they have little intrinsic value, which is in direct contrast to the message of Social Justice Theory.

### *C. Teachers and the Quality of Instruction*

As David Purpel notes, “It becomes the task of educators to provide conditions under which all people can express their full human potential.”<sup>52</sup> Out of the multitude of people who fall under this label of “educators,” such as administrators, policy-makers, and parents, teachers single-handedly have the most direct influence on a student’s learning. Consequently, they “cannot escape the responsibility for assisting in the task of social change (or maintenance)....”<sup>53</sup> The quality of teachers therefore is an important factor in the evaluation of the condition of education. Recent studies indicate a rather

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<sup>50</sup> National Center for Education Statistics, “Monitoring School Quality: An Indicators Report,” Dec. 2000: 28-29 < <http://nces.ed.gov/pubs2001/2001030.pdf> > (10 Apr. 2001).

<sup>51</sup> Children in America’s Schools with Bill Moyers.

<sup>52</sup> Purpel 10.

<sup>53</sup> Stanley 49.

bleak report concerning the quality of teachers, particularly and unsurprisingly, for students of poverty or minority status.

A successful teacher must be able to convey information, to guide groups, to relate to pupils, to manage time and to control his/her own emotions. Subsequently, good teaching qualities include interpersonal skills, flexibility, public speaking skills, creativity and enthusiasm. The academic performance of a teacher is another key factor in assessing his/her qualifications. While it is certain that test scores are not the only measure of a good teacher, high scores on standardized tests have indeed been found to be synonymous with high student achievement: “higher teacher test scores are positively correlated with higher student test scores.” Similarly, the higher the quality of the institution a teacher attends, the more students learn. It is therefore sound to conclude that “the more able teachers have students with higher scores.”<sup>54</sup>

With this understanding of the pertinence of teachers’ academic skills, the current state of teacher qualifications is alarming and should deeply concern the public. There is a plethora of statistics that indicate the low quality and decline in quality of educators’ skills. For example, in 1998 almost half of Massachusetts’ prospective teachers failed the state’s licensing exam.<sup>55</sup> Evidence, such as a decline in IQ scores, the profile of less selective colleges and the poor performance on college entrance examinations, all indicate the low level of skills of incoming teachers.

In the past thirty years, teachers with low academic skills have been entering the profession in much higher numbers than teachers with high academic skills. Teacher IQ scores have decreased since the 1960’s, and students from less selective colleges are

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<sup>54</sup> National Center for Education Statistics, “Monitoring School Quality: An Indicators Report” 6.

<sup>55</sup> National Center for Education Statistics, “Monitoring School Quality: An Indicators Report” 5.

more likely to enter the teaching profession.<sup>56</sup> See Figure 2. Furthermore, college graduates with high SAT scores are consistently less likely than their peers to teach in public schools. Teachers who are in the top quartile of this college entrance exam are more than twice as likely than teachers in the bottom quartile to teach in private schools (26% verses 10%). Only 10% of such high scoring teachers are likely to teach in high poverty schools compared to 31% of low scoring teachers who are willing to teach in such schools. See Figure 3. The end result is that students who are already at a socio-economic disadvantage are receiving a second rate quality of instruction.

This inferior quality of instruction is also evident in the lack of qualifications faculty members have to teach their classes. One study shockingly revealed that 14% of social studies teachers, 23% of English/language arts teachers, 18% of science teachers and 30% of math teachers did not have formal degrees in the subjects they were teaching.<sup>57</sup>

**Figure 2. Percentage of teachers at various stages of new teacher recruitment, by college ranking: 1976-1991<sup>58</sup>**

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<sup>56</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 7-8.

<sup>57</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 12.

<sup>58</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 8.

**Figure 3. Percentage of 1992-1993 college graduates who prepared to teach, where they taught, and who left teaching by SAT scores: 1997<sup>59</sup>**

Teacher experience is another factor that has a positive correlation with student achievement. In one study, experts found that children taught by a teacher with five years of experience were three to four months ahead of children who were taught by a first year teacher in reading skills.<sup>60</sup> The recent teacher shortage has augmented the employment of new, inexperienced teachers. In 1994, there were more first time teachers than transfers and re-entrants: 46% of new hires were first time teachers, 31% were transfers, and 23% were re-entrants.<sup>61</sup> Furthermore, it is not surprising that there is a higher concentration of inexperienced teachers among districts of high poverty and minority status. In 1998, the highest-poverty schools and schools with the highest concentrations of minority students had nearly *double* the proportion of inexperienced

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<sup>59</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 9.

<sup>60</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 13.

<sup>61</sup> National Center for Education Statistics, Learning about Education through Statistics (Washington: U.S. Department of Education, 1999) 8.

teachers than schools with the lowest concentrations of minority students (21% versus 10%) and the lowest poverty rates (20% versus 11%). See Figure 4.

**Figure 4. Percentage of teachers with three or fewer years of experience by level of minority and low income enrollment: 1998<sup>62</sup>**

Teacher attrition is another serious factor that affects student learning. In 1993-1994 and 1994-1995, 17% of teachers with three or fewer years of teaching experience left the profession.<sup>63</sup> Nine percent left after teaching for less than a year, a statistic that is particularly applicable for schools of high poverty concentration.<sup>64</sup> Furthermore, reports show that the most academically skilled teachers do not remain in the profession long term. Teachers who perform in the top 25 percentile of the SAT are twice as likely to leave the profession in less than four years as teachers who were in the bottom 25% of SAT scores (32% versus 16%).<sup>65</sup> The overall picture of the field is one which generally

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<sup>62</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 13.

<sup>63</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 14.

<sup>64</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 14.

<sup>65</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 9-10.

attracts a low caliber of professionals and fails to maintain the few high quality teachers that enter it.

Teachers give a variety of reasons for leaving the education profession. Common cited explanations include inadequate support from their administration, poor student motivation to learn and student discipline problems.<sup>66</sup> It is certain that the low monetary compensation of the profession has some correlation with the high level of job dissatisfaction. Education is among the lowest ranking degrees in terms of income. Education majors in 1992-93 had the lowest salaries one year after receiving their bachelor's degree, along with Mathematics majors. See Figure 5. Furthermore, since 1969, there has been relatively little increase in salary. See Figure 6. It is also important to recognize that teachers are often obliged to spend substantial portions of their own modest salaries to buy learning materials for their students simply because the means to acquire such things as paper, books, notebooks and pencils are not provided for adequately in the school budget. Because teachers represent the largest source of paid employment in the city, critics often cite this fact as a reason not to increase their income.<sup>67</sup>

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<sup>66</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" 14.

<sup>67</sup> Kozol 37.

**Figure 5. Salaries of recent bachelor's degree recipients  
1 year after graduation, by field: 1987, 1991, and 1994<sup>68</sup>**

**Figure 6. Average annual salary for public  
elementary and secondary school teachers: 1969-70 to 1997-98<sup>69</sup>**

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<sup>68</sup>National Center for Education Statistics, "Digest of Education Statistics, 1999 Chapter 5. Outcomes of Education" 5.

#### *D. Violence in Schools*

It is indisputable that the safety of schools is mandatory in order to create an environment conducive to learning. Researchers have found that a positive disciplinary climate is directly linked to student learning: “Controlling for several background characteristics such as race/ethnicity, and socioeconomic status, students in schools with substantial violence...are 5.7% points less likely to graduate than students in schools with minimal violence.”<sup>70</sup> In the United States, extreme issues of discipline affect the public school system. In 1997, 71% of public school teachers claimed that they felt as if they are able to maintain and discipline their classrooms.<sup>71</sup> This statistic means that almost 30% of teachers do not feel that they have control of their classes. Reports further confirm that crime is indeed a problem in American public schools. Ten percent of all public schools in 1996-1997 reported one or more serious violent crimes, which include murder, rape, sexual battery, suicide, physical attacks or fights with a weapon, or robbery.<sup>72</sup> During the 1996-1997 school year, reports for the nation’s public schools cited about 4,000 incidents of rape and sexual battery, 11,000 incidents of physical attacks or fights in which weapons were used, 7,000 incidents of in school robberies, 190,000 fights or physical attacks not involving weapons, and 98,000 incidents of vandalism.<sup>73</sup>

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<sup>69</sup> National Center for Education Statistics, “Digest of Education Statistics, 1999 Chapter 2. Elementary and Secondary Education” 6.

<sup>70</sup> National Center for Education Statistics, “Monitoring School Quality: An Indicators Report” 43.

<sup>71</sup> National Center for Education Statistics, “The Condition of Education; Section 4 Quality of Elementary and Secondary Educational Environments” 4.

<sup>72</sup> National Center for Education Statistics, “NCES Fast Facts: School Safety,” n.d.: 1  
<<http://www.nces.ed.gov/fastfacts/display.asp?id=49>> (27 Feb 2001).

<sup>73</sup> National Center for Education Statistics, “Incidents of Crime and Violence in Public Schools,” n.d.:1  
<<http://nces.ed.gov/pubs98/violence/98030003.html>> (27 Mar. 2001).

The statistics, however, show that violence is not a problem for all schools. Patterns of violence emerge and are concentrated in certain types of schools: 43% of public schools report no incidents of crime, while 37% report one to five crimes and about 20% report six or more crimes.<sup>74</sup> Violence is most prevalent at large, urban schools where the minority enrollment and the percent of students eligible for free or reduced price lunch is high. Only 38% of small schools reported any criminal incidents, while 60% of medium schools and 89% of large schools reported such activity.<sup>75</sup> Furthermore, schools in cities were at least twice as likely as rural or town schools to experience some form of violence. In 1996-1997, 17% of schools in cities reported at least one serious violent crime while 8% and 5% of rural and town schools, respectively, reported such incidents.<sup>76</sup> Studies also reveal that 10% of black students reported being injured by a weapon in 1996, compared to only 4% of white students.<sup>77</sup> Each year, a larger proportion of black and Hispanic students than white students fear attacks at school, and the percentage of black students who feared for their safety nearly doubled from 1989 to 1995.<sup>78</sup> It is not surprising that medium or small-sized, suburban and predominantly white schools do not fit this profile. Violence merely coincides with a series of other problems facing these disadvantaged schools, such as overcrowding and under-financing. The only exception to this pattern of violence is the recent epidemic of school shootings, of which there have been about twenty such incidents since 1996.<sup>79</sup>

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<sup>74</sup> National Center for Education Statistics, "NCES Fast Facts: School Safety" 1.

<sup>75</sup> National Center for Education Statistics, "NCES Fast Facts: School Safety" 1.

<sup>76</sup> National Center for Education Statistics, "NCES Fast Facts: School Safety" 1.

<sup>77</sup> National Center for Education Statistics, "NCES Fast Facts: School Safety" 2.

<sup>78</sup> National Center for Education Statistics, "Monitoring School Quality: An Indicators Report" vi.

<sup>79</sup> ABCNEWS.com, "An Explosion of Violence," 2000: 1-2 <<http://www.abcnews.go.com/sections/us/DailyNews/schoolshootings990420.html>> (37 Mar. 2001).

These shootings have taken place all over the nation, in rural and urban schools where the student population is not predominantly of minority background.

School responses to violence vary widely, as does the effectiveness of these measures. Standard reactions to serious disciplinary issues include out-of-school suspensions, transfers to alternative schools or programs and expulsions. During the 1996-97 school year, about 40% of all public schools reported having taken at least one of these actions in response to a variety of some 331,000 offenses, such as the possession or use of fire arms, weapons, alcohol and drugs, including tobacco, and physical attacks.<sup>80</sup> Out-of-school suspensions are the most common type of reaction. Each day in the United States, 17,297 public school students are suspended.<sup>81</sup> Several schools have also taken to implementing “zero tolerance policies” which “mandate predetermined consequence/s or punishments for specific offenses.”<sup>82</sup> The effectiveness of such policies is debatable since serious crimes are more prevalent among schools that have zero tolerance policies than those that do not.<sup>83</sup>

#### *E. Student Achievement & Standardized Tests*

Standardized test results are another indicator used to evaluate the effectiveness of education. Recent results show that while some students have demonstrated progress in certain areas, scores have remained static and even declined in several subjects. In 1996, for example, national scores for writing achievement showed no improvement since 1984 for both fourth and eighth graders.<sup>84</sup> In the eleventh grade, there was actually a decline in

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<sup>80</sup> National Center for Education Statistics, “School Actions and Reactions to Discipline Issues,” n.d.: 2 <<http://www.nces.ed.gov/pubs98/violence/98030008.html>> (27 Mar. 2001).

<sup>81</sup> Children’s Defense Fund 160.

<sup>82</sup> National Center for Education Statistics, “School Actions and Reactions to Discipline Issues” 2.

<sup>83</sup> National Center for Education Statistics, “School Actions and Reactions to Discipline Issues” 3.

<sup>84</sup> National Center for Education Statistics, “Digest of Education Statistics, 1999 Chapter 2. Elementary and Secondary Education” 3.

writing performance since 1984.<sup>85</sup> In terms of math achievement, 17 year olds were performing at the same level in 1996 as in 1973.<sup>86</sup>

Results that best explain performance, however, are those that are stratum reflective, not national. Again, it is not surprising that there are fewer urban students at or above the “proficient” level than their peers in other types of locations. Comparing New York City urban district scores with Long Island’s suburban district scores perfectly illustrates this disparity that exists in education quality. In 2000, only 20.7% of students attending the urban Public School 54 met the state and city standards in all tested grades for language arts, and only 16.2% met the math standards.<sup>87</sup> Public School 32, the Belmont School, also in an urban district, had 26.5% of its students meet the state and city standards in all tested grades for language arts, and only 20.0% of students met the same standards for mathematics.<sup>88</sup> In Long Island, on the other hand, the elementary level Stratford Avenue School had 78% of its students meet the state standards for language arts, and 93% met the math standards.<sup>89</sup> Similarly, Shelter Rock Elementary School in Manhasset, Long Island had 80% of its students meet the language arts state standards, and 91% met the math standards.<sup>90</sup> Clearly, the difference in the effectiveness of instruction is obvious.

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<sup>85</sup> National Center for Education Statistics, “Digest of Education Statistics, 1999 Chapter 2. Elementary and Secondary Education” 3.

<sup>86</sup> National Center for Education Statistics, “Digest of Education Statistics, 1999 Chapter 2. Elementary and Secondary Education” 3.

<sup>87</sup> Board of Education City of New York, “1999-2000 Annual School Report District 10 P.S. 54” 4-5.

<sup>88</sup> Board of Education City of New York, “1999-2000 Annual School Report District 10 P.S. 32” 4-5.

<sup>89</sup> The State Education Department; The University of the State of New York, “The New York State School Report Card for Stratford Avenue School in Garden City Union Free School District” 1-2.

<sup>90</sup> The State Education Department; The University of the State of New York, “The New York State School Report Card for Shelter Rock Elementary School in Manhasset Union Free School District” 1-2.

The percentage of students far below state standards also is indicative of the quality of education. Thirty percent of students at Public School 54 in the Bronx were far below the language arts state standards, and 39.9% were below the math state standards.<sup>91</sup> Likewise, at Public School 32, 30.4% of students failed to meet the language arts standards, and 40.3% of students did not meet the state math standards.<sup>92</sup> In the suburban school of Stratford, however, only 1% of students had “serious academic deficiencies” for language arts, and 0.0% of the students had serious academic deficiencies for mathematics during the 1999-2000 school year.<sup>93</sup> Shelter Rock Elementary School of Manhasset reflects the same trend. Only 2% and 1% of its students had serious academic deficiencies for language arts and math standards, respectively.<sup>94</sup>

The use of standardized testing often comes under sharp criticism as a way to compare fairly the performance of students from different schools. First of all, some question testing as a valid way to measure learning at a very basic level. David Purpel views this “absurd process” as overly simplistic in measuring educational quality: “Give students and teachers a test, teach them how to pass the test, and Eureka! the test scores go up—which the public is told means that excellence has been achieved.”<sup>95</sup> In spite of the uncertainty of testing as an accurate measure of learning abilities, the impact that such test results make on people’s lives is incontestable. “Both the educational and occupational roles of uncouneted individuals have been determined by the scores on presumed aptitude and achievement tests...[and its] effect...has not promoted equality of

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<sup>91</sup> Board of Education City of New York, “1999-2000 Annual School Report District 10 P.S. 54” 4-5.

<sup>92</sup> Board of Education City of New York, “1999-2000 Annual School Report District 10 P.S. 32” 4-5.

<sup>93</sup> The State Education Department; The University of the State of New York, “The New York State School Report Card for Stratford Avenue School in Garden City Union Free School District” 1-2.

<sup>94</sup> The State Education Department; The University of the State of New York, “The New York State School Report Card for Shelter Rock Elementary School in Manhasset Union Free School District” 1-2.

<sup>95</sup> Purpel 17.

opportunity which American education claims for its goal.”<sup>96</sup> Nevertheless, testing is generally accepted and remains largely unquestioned as a method of evaluating students.

A second criticism concerns the situational constraints of students. Because the circumstances and conditions surrounding students’ learning environments are so different, how is it justifiable to administer the same exam? Some urban schools simply do not have the means to provide as their suburban counterparts do. As one urban teacher in notes,

For the brightest kids, the ones who have a chance at four-year college, we cannot provide an AP program. We don’t have the funds or the facilities. We offer something called ‘AT’-‘academically talented’ instruction—but it’s not the same thing as AP classes in the suburbs. So when they take the SATs, they’re at that extra disadvantage. They’ve been given less but will be judged by the same tests.<sup>97</sup>

The quality of academic preparation is not uniform, therefore, the outcome of inequity can only be expected. Circumstances outside the classroom also factor into the performance of students. Students, for example, who live in poverty, amidst violence, and without health care, are clearly less likely to excel at such exams. A teacher from Camden, New Jersey observes, “My students...have to work much longer hours than suburban children to earn money after school. Then there is the lack of health care and the ugly poverty on every side. Nonetheless, they have to take the same tests as the kids in Cherry Hill.”<sup>98</sup> The positive correlation of ‘test results’ with ‘socio-economic status’ can only be expected. This relationship “should only surprise those who think testing is a socially neutral, purely technical activity. On the contrary: testing is a form of social

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<sup>96</sup> Wilbur B. Brookover, Richard J. Gigliotti, Ronald D. Henderson, Bradley E. Niles and Jeffrey M. Schneider, “Quality of Educational Attainment, Standardized Testing, Assessment, and Accountability,” Educating the Disadvantaged, Ed. Erwin Flaxman (New York: AMS Press, Inc., 1976) 243.

<sup>97</sup> Kozol 150.

<sup>98</sup> Kozol 149.

judgement, and the correlation with social class, is in a basic sense, *intended*.”<sup>99</sup> The injustice seems evident, yet it is clearly not recognized, nor compensated for, in the American education system.

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<sup>99</sup> Connell 77.

#### IV. The Recognition of Other Factors that Affect Education

There are several factors that clearly affect the effectiveness of education that transcend the boundaries of the classroom. While in one sense, such factors are beyond the scope of this study—they are not the responsibility of the American education system—it is nevertheless important not to overlook entirely their relevancy. In other words, when discussing equality of educational opportunity, it is not possible to identify the classroom as the only, isolated environment that affects learning. The circumstances of the family, some may say, influence a student’s learning ability the most. They influence opportunities for learning educational skills and mold academic interests. Such family circumstances include the structure of the family, the economic means available to the family and the education levels attained by students’ parents.

The role of the family is critical in terms of influencing a child’s education. Family members can emphasize the importance of education by reading with a child, going over homework or just asking how the school day went. Such attention, however, is not always possible for parents who single-handedly are raising a family. Single parents usually must work to support the family, thereby limiting the time and individual attention each child’s education gets. Statistics confirm the negative correlation between single parents’ marital status and children’s performance in school. In 1999, 41% of children ages 3-5 years old who had two parents demonstrated having three to four “school readiness skills,” such as recognizing all letters of the alphabet, counting to 20 or higher, writing his/her name, and reading or pretending to read a storybook.<sup>100</sup> Only 33%

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<sup>100</sup> United States Census Bureau, Statistical Abstract of the United States: 2000 (120<sup>th</sup> Edition) (Washington: United States Bureau Census Bureau, 2000) 163.

of children with one or no parents demonstrated this same level of skill.<sup>101</sup> Other reports show evidence of the positive impact the role of a father has on a child's ability to learn. Children who report more positive and warm social interactions with their fathers receive high achievement scores in standardized school tests, and teachers rate these children as exhibiting fewer behavior problems in school than their counterparts with little adult male contact.<sup>102</sup> With the teen unmarried birth rate (births per 1,000 unmarried females ages 15-19) registering at 42.4% in 1997, its impact on education cannot be overlooked.<sup>103</sup>

The economic means of the family bears a great significance on a child's learning ability in many different ways. First of all, financial constraints limit a family's capacity to provide important learning materials, such as notebooks, calculators and computers. Poverty, however, affects the lives of America's children at a very basic level. The quality of shelter and food these families are able to provide is often poor. Several children receive hot meals at school because if they did not, they would not eat at all. At P.S. 32 in the Bronx, for example, the percentage of students eligible for free/reduced-price lunch was at 98.9% in the year 2000.<sup>104</sup> At the Belmont School or P.S. 32 officials reported 95.7% of its students eating free or reduced price lunches.<sup>105</sup> It is not coincidental that the previously mentioned poor academic performance of these schools comes from students living in these circumstances. These shocking numbers stand in stark contrast to the suburban schools of Stratford and Shelter Rock which report that

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<sup>101</sup> United States Census Bureau 163.

<sup>102</sup> Rebekah Levine Coley, "Children's Socialization Experiences and Functioning in Single-Mother Households: The Importance of Fathers and Other Men," Child Development volume 69 Feb. 1998: 227.

<sup>103</sup> Children's Defense Fund 127.

<sup>104</sup> Board of Education City of New York, "1999-2000 Annual School Report District 10 P.S. 54" 2.

<sup>105</sup> Board of Education City of New York, "1999-2000 Annual School Report District 10 P.S. 32" 2.

0.0%<sup>106</sup> and 5.3%<sup>107</sup> of their students are eligible for free or reduced-price lunches, respectively. A positive correlation between poverty and performance hence is to be expected, and statistics further confirm this relationship. In 2000, students who were eligible for the free/reduced-price lunch program had a lower average [reading] score than students who were ineligible for the program: 14% of eligible students performed at or above the *Proficient* level in comparison to 41% of noneligible students.<sup>108</sup> The high concentration of poverty hence demonstrates a relationship with the failing status of certain school districts. Finally, socioeconomic stations have a definite bearing on educational attainment. One study showed that 71% of students who had “high” IQ’s and were of “high” socioeconomic status went to college while only 23% of students who had “high” IQ’s but were from “low” economic status went to college.<sup>109</sup>

The education levels attained by parents also show a relationship with children’s educational performance. Fifteen percent of children whose mothers had less than a high school degree demonstrated 3-4 of the above mentioned “school readiness skills.”<sup>110</sup> In contrast, 54% of children whose mothers had a college degree and 57% of children whose mothers had a graduate degree demonstrated this level of skill.<sup>111</sup> These differences in performance stem from the amount of parental involvement in a child’s education. In 1999, 61% of children whose mothers had less than a high school degree

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<sup>106</sup> The State Education Department; The University of the state of New York, “The New York State School Report Card for Stratford Avenue School in Garden City Union Free School District” 4.

<sup>107</sup> The State Education Department; The University of the state of New York, “The New York State School Report Card for Shelter Rock Elementary School in Manhasset Union Free School District” 4.

<sup>108</sup> National Center for Education Statistics, “The Nation’s Report Card: Fourth-Grade Reading 2000,” Apr. 2000:3 <<http://www.nces.ed.gov/nationsreportcard/pubs/main2000/2001449.asp>> accessed via <[http://www.nces.ed.gov/commissioner/remarks2001/4\\_6\\_2001.asp](http://www.nces.ed.gov/commissioner/remarks2001/4_6_2001.asp)> (9 Apr. 2001).

<sup>109</sup> David C. McClelland, “Testing For Competence Rather Than For ‘Intelligence,’” *Educating the Disadvantaged*, Ed. Erwin Flaxman (New York: AMS Press, Inc., 1976) 263.

<sup>110</sup> United States Census Bureau 163.

<sup>111</sup> United States Census Bureau 163.

were read to at least three times a week, 35% were told a story at least three times a week, and 18% visited a library at least once in a month.<sup>112</sup> In comparison, 91% of children whose mothers had a college degree were read to at least three times a week, 55% were told a story at least three times a week, and 50% visited a library at least once in the past month.<sup>113</sup> The amount of parental involvement in a child's education more than doubles in some instances depending on the parent's level of educational attainment. Perhaps parents establish low expectation levels of their children concerning educational attainment by their example. Nevertheless, it is important to note this relationship since 2,316 babies in America are born to mothers who are not high school graduates everyday.<sup>114</sup>

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<sup>112</sup> United States Census Bureau 197.

<sup>113</sup> United States Census Bureau 197.

<sup>114</sup> Children's Defense Fund 160.

## V. Specific Violations of ICESCR

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The International Covenant on Economic, Social and Cultural Rights states that “education shall be directed to the full development of the human personality and the sense of dignity, and shall strengthen the respect for human rights and fundamental freedoms.” Currently, the United States has not yet ratified the ICESCR. However, if the United States were to become a signatory state, it would be found in violation of this right. The American education system fails to protect this human right to education in several ways: in light of the poor qualifications and expertise of teachers in schools today and of the pervasiveness of violence in schools in the United States, the American government violates the clause of the ICESCR’s Article 13 which states that the “development of a system of schools at all levels shall be actively pursued...”; in light of the polarized, property tax-based system of funding schools, the United States violates the clause of the ICESCR’s Article 13 which states that “an adequate fellowship system shall be established...”; and, in light of the deterioration of school buildings across the nation and of the poor, outdated quality and insufficient availability of classroom materials, the United States violates the clause of the ICESCR’s Article 13 which states that “the material conditions of teaching staff shall be continuously improved.” The above-specified conditions illustrate that education in America is not being directed at the full development of the human personality and his sense of dignity. The current education system clearly does not enable *all* persons to participate effectively in a free society.

## VI. Recommendations

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In order to remedy effectively this violation to the human right of education, the United States must invest substantially in its education system. The following recommendations are directed to the American system of education:

- The system of funding schools shall no longer be primarily based on local property taxes. The reallocation of financial resources will reduce the disparities that exist between wealthy and poor school districts.
- The quality of the physical environments of schools shall be improved so that all school buildings meet health and safety standards. School buildings shall be maintained and renovated before rapid deterioration begins. Facilities shall be of more or less equal quality throughout the nation's school districts.
- All second-rate classroom materials shall be upgraded. Out-dated and damaged education materials, including textbooks and computers, shall be replaced with up-to-date, high-quality equivalents.
- All teachers shall be required to demonstrate high levels of academic skill. Students from failing districts, in particular districts of high poverty concentration and high percent minority enrollment, shall be taught by teachers of comparable academic skill levels and experience as students from wealthy, high performing districts.
- Teachers shall be required to have a formal degree in the subject that they teach at the secondary level of education.
- Teacher salaries shall be made more competitive with salaries of other fields so as to increase teacher job satisfaction and decrease the rate of teacher attrition.

- Measures to decrease violence in schools shall be continuously implemented.
- Efforts to offset the disadvantages many students face shall be instituted or augmented, such as scholarships, the provision of school supplies, the availability of tutors, programs for free or reduced-priced meals, health and dental services, etc.

Ultimately, in order for this violation of the human right to education to be addressed and remedied, public opinion needs to play a critical role. Such significant changes are contingent upon public support for the principle of equality as the basis of the American educational system; unwillingness to recognize inequities in public education on the behalf of the public is what allows for their perpetuation. This, in turn, means that the culture of justice should be publicly pursued in order for the practical suggestions to gain any ground.

## VII. Conclusion

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It is irrefutable that education plays a crucial role in shaping the integration, performance and ultimately well being of a person. Its importance is substantiated not only by the huge amount of public investment that it receives, but more importantly by its formal recognition as a human right in the International Covenant on Economic, Social and Cultural Rights by the United Nations General Assembly. The current state of American education, however, suffers from several inadequacies and defects. If this covenant were to be ratified, the United States would be found guilty of not protecting this human right to education. The financing system of education appropriates to wealthy districts several times the funding that poor districts receive. The effects of this fiscal polarization manifest themselves in a variety of ways. The physical environments of poorly funded schools are of such inferior quality, they fail to meet health and safety standards, which is demoralizing for students and teachers alike. In these schools, the condition of classroom tools hardly qualifies them as learning materials. In addition, students receive a second-rate quality of instruction with teachers that show low levels of academic skill and have little experience. Furthermore, it is not uncommon for teachers to teach subjects in which they do not have formal degree. Finally, the pervasiveness of violence in schools creates an environment unfavorable to learning. Indeed, this dire state of education in the United States merits substantial and immediate public concern; the welfare of America's children depends on it.

The state must recognize its obligation to bridge the gap between schools in well to do areas and the ones that are in poverty-stricken urban districts. Unlike other influences in children's lives, namely the family, the government bears the responsibility

for inequities in public education: “the school is the creature of the state; the family is not.”<sup>115</sup> Only once such drastic measures are taken will the human right to education be protected in the United States.

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<sup>115</sup> Kozol 123.

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