

United Nations Forum on Minority Issues

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I am John Payton, President and Director-Counsel of the NAACP Legal Defense and Educational Fund. We are the oldest and I believe the finest human rights law firm in American history. From our founding in 1940, LDF, as we are commonly known, has challenged the crippling racism that African Americans have faced in the United States – racism in the criminal justice system, in voting and political participation, in housing, in the economic and social spheres, and, most prominently, in education. We are currently involved in efforts across the United States seeking to obtain equal and high quality education for African American children, and, in fact, for all children..

We therefore welcome this Forum. LDF believes education must be a human right equally enjoyed by all. In order for this right to be effectuated, however, national governments must have clear responsibilities and obligations with regard to implementing this right. This Forum can clarify that responsibility.

The United States has no national right to education, though every local jurisdiction has a comprehensive educational system that requires attendance by children. Equally significant, education has become far more important in the United States and in its economy and today high quality education is a virtual necessity. Lack of high quality education often precludes meaningful participation in the American economy where almost every job requires proficiency in reading and writing, and often much more. Currently, virtually all children have access to schools, there is a gross disparity along racial lines with respect to educational outcomes. Attending some school and graduating with a high quality education are two very different outcomes.

African American and other non white students are on average not obtaining the high quality education that is now a necessity. A comparison of high school graduation rates paints a very disturbing but clear picture. In its fifty largest public school districts, United States high schools fail to graduate almost half of their students, and the overwhelming majority of those ungraduated students are Black or Latino. In some school districts which have very high minority populations the graduation rates are far worse. In Detroit it is 25%. In Cleveland it is 34%. In Baltimore it is 35%. In the New

York public schools it is 45%. For comparison, the overall graduation rate for white students in these same fifty school districts is 76%. That is, the overwhelming majority of white students graduate from high school, while the majority of African American students, and in cities like Detroit the overwhelming majority, do not graduate. This is a clear and dramatic failure by the government to see that all students receive the high quality education necessary to be meaningful and thriving participants in the economic and political life of the country.

The reasons for the failure to graduate these high numbers of African American and Latino students are complex, but they include actions by the schools themselves – discriminatory disciplinary systems or other policies or actions that encourage those students to leave school before graduation. These schools have not embraced as their mission providing high quality education to all of their students.

Differential graduation rates in terms of race and ethnicity are a critical measure of school system failures. There is another useful measure that school districts and local governments utilize – test results and improvement in test results. But by definition, that data only apply to the students that are in school and cannot reveal the fact that so many of the students are not in

school. Let me be clear here. Appropriate tests are an important tool to understand the quality of the education students are receiving; but without the crucial obligation on the part of the school of seeing that all students in fact graduate from high school, test results can obscure the real picture as to whether or not a school district is providing all of its students with the high quality education required today.

That is why it is important that this Forum insist that there be uniform standards by which to judge a government's actions to meet its responsibility for educating its children. Outcomes are important. In the United States, high school comparative graduation rates and tests that measure achievement are crucial standards. Whether or not those would be appropriate standards in other countries with different economies, it is clear that there must be standards by which government's actions may be evaluated to see that its children are adequately educated in order to participate in the economic life of the society.

Education has never been more important than it is today, just as the responsibility of government with respect to education has never been more critical.

Virtually all children can be educated. Poor children and wealthy children; African American children, Latino children, Asian American children, Native American children and white children..

The draft recommendation should make it clear that it is the responsibility of government to see that every student obtains the education necessary to meaningfully participate in the economic and political life of the country. And to facilitate this, the draft recommendation should make it clear that governments need to articulate standards by which their actions can be judged.