



# **A VISION FOR BLACK LIVES:** **POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE**

## **A Constitutional Right at the State and Federal Level to a Fully-Funded Education Which Includes a Clear Articulation of the Right To: A Free Education For All, Special Protections For Queer and Trans Students, Wrap Around Services, Social Workers, Free Health Services, A Curriculum that Acknowledges and Addresses Student's Material and Cultural Needs, Physical Activity and Recreation, High Quality Food, Free Daycare, and Freedom From Search, Seizure or Arrest**

### **What is the problem?**

- Under the current U.S. Constitution, education is not a constitutional right, which means that states within the U.S. make their own laws and allocate their little-to-no resources for public schools. As a result, education in this country is grossly unequal and underfunded. 76 percent of the nation's low income students attended public schools in districts with a per pupil expenditure below the national average. The same is true for almost 66 percent of Black students in the U.S. Black and Brown students are less likely to have access to advanced math and science classes and veteran teachers. Black students of any age, even the youngest preschoolers, are more likely to be suspended. And students with disabilities are more likely than other students to be tied down or placed alone in a room as a form of discipline.
- Areas where Black and Brown low-income residents attend schools have high rates of:
  - School closings, turnarounds, phase-outs, co-locations and charter school expansion;
  - Inequitable school funding, race-based school inequity and budget cuts;
  - Mayoral control, state takeovers and the lack of meaningful parent and community engagement in district-wide education policy decisions and school-based governance; and
  - Zero-tolerance discipline policies and the pushout crisis
- The U.S. is an outlier in not clearly articulating a right for all of its people to be educated. Nearly every other country (174) besides the U.S. has some type of constitutional or statutory right to an education, and has constructed law around education as a fundamental right of citizens, at least until the age of adulthood. In 1948, the United Nations, under Article 26, recognized education as a human right, setting a clear international standard.

### **What does this solution do?**

- A constitutional amendment guaranteeing the right to a fully-funded education would clarify and enhance the role of the national government in ensuring finance and resource adequacy, address the education needs and priorities of the U.S. as a whole, and

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provide necessary guidance to state and local governments to help raise the baseline of education quality, achievement, attainment, and accountability.

- A constitutional amendment would also provide a chance to clearly articulate the necessary components of a quality education, which include the right to: a free education for all, wrap around services, a social worker for every 40 students, free health services (including reproductive body autonomy and dental care), a curriculum that acknowledges and addresses youth's material and cultural needs, physical activity and recreation, high quality food, free daycare, freedom from unwarranted search, seizure or arrest and art. The amendment would also acknowledge the right of students to respect and dignity.

## Federal Action:

- Target: Legislative
- Process: The Constitution provides that an amendment may be proposed either by the Congress with a two-thirds majority vote in both the House of Representatives and the Senate, or by a constitutional convention called for by two-thirds of the State legislatures. There are very real concerns about the possibility that if a constitutional convention was convened that a flurry of amendments might be proposed and passed that would not be beneficial to our people.

## State Action:

- Target: Legislative and often popular ballot initiative
- Process: States can also guarantee the right to a fully funded education through a state constitutional amendment. There are a number of different ways that state constitutions can be changed. They include:
  - Legislatively referred constitutional amendment (proposed constitutional amendment that appears on a state's ballot as a ballot measure after being voted on by the state legislature).
    - Every state except for Delaware allows the legislature to go through this process.
  - Eighteen states allow voters the right to amend their constitution through the a ballot initiative process:
    - These states are Arizona, Arkansas, California, Colorado, Florida, Illinois, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon and South Dakota.
  - Florida allows constitutional amendments to be referred through a commission process.
  - In Delaware, a constitutional amendment can be passed through the direct action of the state legislature with no vote of the people.

## Model Legislation

- In November Mississippi had [a ballot initiative](#) for a constitutional right to a fully funded education. It was narrowly defeated.



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## **Resources:**

- [No Time to Lose: Why America Needs an Education Amendment to the US Constitution to Improve Public Education](#)
- [National Student Bill of Rights for All Youth](#)
- [How Grossly Underfunded are Public Schools?](#)

## **Organizations Currently Working on Policy:**

- National Organizations:
  - Journey 4 Justice
  - National Student Bill of Rights
  - Education for Liberation Network
  - Californians For Justice
  - Southern Education Foundation
- Local/Regional Organizations:
  - Project South, Atlanta, Georgia
  - Baltimore Algebra Project (BAP) – Baltimore, Maryland
  - Boston-area Youth Organizing Project (BYOP) Boston, Massachusetts
  - Sunflower Community Action – Wichita, Kansas
  - Youth United for Change (YUC) – Philadelphia, Pennsylvania
  - Coleman Advocates – San Francisco, California
  - One Voice – Mississippi

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