

## **Unfinished Business: Education as a Civil Right**

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I'm truly honored to see so many of you here today.

I am excited to be in Albany, which is becoming a national battleground in the struggle to ensure children equal educational opportunity.

Yesterday, I had the privilege of touring Brighter Choice, a school that caught my favorable attention when I headed the Office of Civil Rights, and also several new charter schools that just opened and offer great promise.

I'm glad to be back in New York State, where I was educated in public schools in the Bronx and Queens.

In my first major speech since my appointment as Chairman of the United States Commission on Civil Rights, I am here today to outline our nation's need for a new civil-rights vision.

This new civil-rights vision is centered on ensuring that every child in America, regardless of race or income, is provided a high quality education. Central to this vision is a commitment to creating thousands of good schools around the nation and giving parents the right to choose which individual school – district, charter, or private – is best for their sons and daughters.

In urban America, let's be frank, the failure to create enough good urban schools and empower parents to choose means that millions of children, mostly poor and mostly black and Latino, are being denied the opportunity for a quality education.

That's what I would like to talk to you about today.

I believe it would be helpful if I spent a little time first discussing my view of what civil rights is all about.

At the end of the day, civil rights are the various methods and techniques men and women use to expand different facets of freedom.

Harriet Tubman did not file briefs at the Supreme Court, nor participate in sit-ins. No, these methods were effectively used at a later point in our history. Tubman used other means to advance the cause of freedom. She literally shepherded slaves out of bondage.

Although he did sponsor some litigation, Booker T. Washington concentrated his efforts on providing an education and skills to recently freed blacks.

Despite their different approaches to expanding freedom, Booker T. Washington, Fredrick Douglass, John Brown, Ella Baker, W.E.B. du Bois, Martin Luther King, Jr., Thurgood Marshall and Robert Moses are all members of the civil rights family. It is a tragic mistake to claim that a particular method for advancing freedom is the only official and legitimate form of civil rights. But that is the mistake some of us are making.

As the nation debated the proposed civil rights legislation in the 1960s, the economy was in the last stages of a transition to a knowledge-based economy, an economy that requires workers to possess a relatively high level of knowledge and education in order to earn their way into the middle class.

My wife's family left Georgia, landed in Flint, Michigan and got jobs in manufacturing plants owned by the Big Three. By the time their children were ready to enter the workforce, however, many of those jobs were no longer plentiful in the United States.

The American economy has evolved from an agricultural economy to an industrial economy, to a borderless knowledge-based economy. Now the market provides good paying jobs to Americans based on what they know and what they are capable of learning.

For most of our nation's history, most blacks were among the "have nots" because a racist society blocked most avenues of progress. Today, however, race is no longer an insurmountable barrier to progress. While some Americans continue to engage in invidious forms of discrimination, blacks now have opportunities to seek legal remedies for discrimination on the federal, state or local levels.

Serving as Assistant Secretary of Education for Civil Rights in the U.S. Department of Education and in my current position as Chairman of the U.S. Commission on Civil Rights has provided me with unique opportunities to reflect upon the legacy I have been handed by those who fought the earlier battles. But, my work has also drawn me to the conclusion that the civil rights agenda is far from finished.

Litigation is a robust and effective tool combating certain forms of discrimination, but litigation over the last two decades has failed to raise our children's test scores.

The next frontier of civil rights is improving the quality of education received by all students, regardless of their race or economic background.

Many urban school districts have failed to provide their students with the tools needed to compete. To give you sense of the magnitude of the failure, let's look at standardized test scores. The average 17-year old black male student reads on the same level as his 13-year old white counterpart. The same is true in math. Overall black students remain almost 200 points below the national average on the Scholastic Assessment Test.

When we do not act with urgency – when we let ideology crowd out common sense – when we fail to push our children to study harder – when we fail to hold our politicians accountable – then we increase the likelihood that our children will lead aimless lives in the future.

Those statistics that I just cited are all the more disappointing considering that we are now more than five decades removed from what I believe is one of the most important Supreme Court rulings in history – *Brown v. Board of Education*. Five decades later, and we still have many youngsters dropping out of school before they have acquired the skills or knowledge necessary to adequately provide for a family.

So long as this knowledge gap exists between the races, there will be significant racial disparities in income, wealth accumulation, and rates of homeownership. So long as this gap exists, blacks, as a group, will not have an opportunity to enjoy their citizenship to the fullest degree.

The battle for equal rights under the law has been fought, and largely won. Equality of the law cannot define the full scope of the civil rights movement.

We still have prejudice. We still have violations of civil rights. But as far as civil rights that must be protected under the law, those rights have been secured by an earlier generation.

As the newly appointed chairman of the U.S. Commission on Civil Rights, I am committed to tackling the foremost civil rights challenge of our generation: making sure that every child in America, regardless of race or income, has the opportunity to receive the education that they need to participate fully in our democracy, our economy and intellectual life of the nation.

To make this happen, we all must honor our commitments. Families must make education one of the highest values in their homes and communities. Families and community organizations must reinforce and support the educational process in our homes and neighborhoods.

Like families and communities, the government must also honor its commitments. The government is responsible for ensuring that our public schools prepare our children for college and the world of work.

On the federal level, there are reasons for us to be cautiously optimistic.

There are individuals who believe that black children are incapable of learning. This view is not new, and has been held by both racists and those who believe they are on the side of the angels. The President and Congress challenged the “soft bigotry of low expectations” by approving the No Child Left Behind Act.

NCLB rests on the presumption that all children can learn. NCLB has forced school districts across America, especially urban school districts where most black and Latino children are taught, to concentrate on improving the quality of education for all students.

There are hopeful signs that NCLB is working. For example, an elementary school in the Kansas City area “showed extraordinary improvement in student performance....” Many of the students that attend this school are racial minorities and are from low-income families.

With dogged determination, the principal, teachers and parents set out to satisfy NCLB’s requirements. The results were stunning. The school nearly doubled the percentage of students who scored at the proficient level in reading. Similar improvements in performance were reported for math, science and social studies.

Partly these results are so stunning because of the stark contrast with the results being achieved in many other urban school districts. About 90 percent of black students in Atlanta, Boston, Chicago, Cleveland, D.C., Houston, L.A., New York City, and San Diego scored “below proficient” on NAEP math and reading exams in grade four. That’s right, a 90 percent failure rate.

Right here in Albany, almost 9 out of every 10 black and Latino students fail the state’s English language arts examination in 8th grade. That similar numbers are found in Buffalo, Rochester, and Syracuse shouldn’t make Albany complacent. Taking comfort in the failure of others is not a strategy that will help children.

Yesterday, in addition to Brighter Choice’s two elementary schools, I visited three new charter middle schools that just opened in Albany: the Albany Preparatory Charter School, the KIPP Tech Valley Charter School, and the Achievement Academy Charter School.

These new public charter schools have a laser-like focus on academic achievement and creating a positive school culture and safe environment for learning.

Just across the street from KIPP and Achievement is Livingston Middle School, run by the Albany district. Livingston has the dual distinction of being officially designated as a school in need of improvement, because of low test scores, and as one of the five most dangerous public schools in New York State.

The contrast could not be more striking.

In New York City this week, Schools Chancellor Joel Klein announced a \$250 million facilities initiative to expand charter schools in my former hometown. In many ways, Chancellor Klein and Mayor Michael Bloomberg have extended a welcome mat to those who would create quality charter schools.

The Albany district has taken the opposite approach, which can be summed up easily in one word: obstruction.

Every advance in civil rights has been met by those who would obstruct. The focus is not on the children but protecting the status quo.

I referred to Albany as a national battleground in civil rights because the district has made it one. When parents and community members come together to create new educational options, new choices, the district obstructs.

When faced with a large racial achievement gap, the district changes the subject to money and funding formulas.

But, do they really believe that the central civil right of our children today – the right to a quality education - should be denied because of a financial dispute? Let's hope not.

Education is the most salient civil rights issue of the 21st century. While no child can or should receive guaranteed outcomes, we owe our children an opportunity to receive a good education, regardless of race, ethnicity or income.

To sum up our current struggle, consider some of the questions posed by Dr. Howard Fuller, chairman and founder of the Black Alliance for Educational Options: "Did we start rebellions on the master's plantation to sit here...having our children unable to read and write? Did we get to sit in the Woolworth store in Greensboro, North Carolina, on February 1, 1960 and demand to be served, just to arrive at another lunch counter today where we are now welcome but we can't read the menu?"

The reality today is that employers demand an educated workforce. They want people who are knowledgeable and able to master new subject matter.

Race, ethnicity, and gender were barriers in the past. Today, the barrier to the marketplace is knowledge. It sounds like a cliché, but it is still true – "knowledge is power."

This barrier to progress is being knocked down right before our eyes here at the Brighter Choice Charter School for Girls and the Brighter Choice Charter School for Boys. If every child in America could go to schools like Brighter Choice, we would not have an educational crisis in urban communities.

This school is also a reminder that we have too many traditional district schools that are not providing our children with a sound education, and that we have the ability to create new institutions that can do the job.

I support public schools in all of their forms. I support private schools, too. We need to support new learning opportunities whenever and in whatever form they may present themselves.

Advancing civil rights in the country has never been easy or achieved without first confronting obstructionism and controversy.

But, today I call on all Americans to embrace the new civil-rights vision of ensuring that every child in America, regardless of race or income, is provided a quality education.

Even if you are not willing to accept education as a civil right, we should be able to agree that we cannot allow obstacles to thwart educational reform.

First, let's be frank and admit that we have too many bad schools and not enough good schools. What we want is simple: less bad schools and more good schools.

Second, given the magnitude of failure – literally millions of children in bad schools – we need to be open to options outside of the traditional district structure. That means parents also need to have the opportunity to send their children to public charter schools and private schools, including faith-based schools.

Third, parental choice is not a gift from the state to parents, it's their right. A parent's right to choose the best school for their children should not be a privilege of only the wealthy.

This is an education-focused civil rights agenda around which we should be able to come together.

For the sake of our children, we need to act now.

In the 1950s, Martin Luther King, Jr, in the midst of an earlier civil rights battle, explained why we couldn't wait.

Let's commit ourselves today that not another day will be lost in fulfilling the civil rights of every child in America to a quality education.