

The human right to school choice

Public funds for parental choices in education would benefit everyone

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For decades, advocates of school choice programs have made their case to city and state officials. They have rightly argued that allowing parents to use public funds to send their children to private schools helps minority students overcome the challenges to learning that exist in many urban public schools.

It's time to take this argument to a less familiar place: the United Nations.

We will have just that opportunity later this month, when a United Nations expert committee meets to discuss the International Convention on the Elimination of All Forms of Racial Discrimination, an international treaty adopted in 1965. This group — the Committee on the Elimination of Racial Discrimination (CERD) — should use the occasion to consider how countries can protect education rights, combat prejudice and promote tolerance by providing public funds for school choice.

Parents in Europe, North America and South America have for centuries chosen to educate their children in Catholic elementary and secondary schools. In many countries, governments provide tuition assistance to parents or funds to Catholic and other K-12 religious schools, the former of which arrangements the U.S. Supreme Court has approved.

Nevertheless, during the 19th century, many states adopted constitutional amendments that prohibit the direct or indirect use of public funds for “sectarian” purposes. These so-called Blaine Amendments (named after the congressman who attempted, but failed, to secure the adoption of a comparable amendment to the U.S. Constitution) were based on anti-Catholic prejudice and were designed to limit the educational options of immigrant families.

Now, even as the educational futures of children from low- and middle-income families and the prospects of many of the large cities in which they reside are dimming, school choice opponents rely on Blaine Amendments to challenge the constitutionality of K-12 voucher, tax credit scholarship, and education savings account programs. This is unfortunate, because the Catholic educational system is important to the civic and cultural health of our nation.

In a report recently submitted to the CERD, the Roman Catholic Archdiocese of Atlanta and Solidarity Center for Law and Justice — the organizations which we represent — explain how Catholic elementary and secondary schools are realizing the objectives of the U.N. treaty designed to help eliminate racial or ethnic discrimination.

They do so in part by providing opportunities for better academic outcomes, character education, civic education and community building than those available in most urban public schools. Catholic schools also help build social capital, a critically important role that is threatened by the unfortunate closing of so many urban Catholic schools. This role will become increasingly important with the growth of the Latino population in America's largest cities. We need to provide Latino parents with the opportunity to educate their children in K-12 schools that will adequately prepare them for a career, democratic participation and, if they choose, a meaningful role in their faith communities that can help revitalize the urban areas in which they live.

During his recent visit to the United States, Pope Francis highlighted that the Catholic Church fights against unjust discrimination, educates children from low-income immigrant families, and builds and strengthens society. Yet, many states and school choice opponents continue in their attempts to thwart educational and religious freedom. In a hopeful sign, the U.N.'s special rapporteur on freedom of religion or belief recently observed that "there can be no doubt that the erosion of parental rights by undue State interference is a serious problem and a source of grave violations of freedom of religion or belief."

Perhaps, as the CERD and other human rights treaty committees monitor the performance of countries, they can encourage governments to abandon their outdated monopolistic and discriminatory K-12 education funding practices to enable parents to partake of a broader range of educational options, including religious ones, that best meet the needs of their children.

As so many people regard the U.N. (and the U.N. regards itself) as the global leader in protecting and promoting human rights, the racial and ethnic minority families residing in America and elsewhere should expect nothing less than the U.N.'s total embrace of the school choice movement.

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