

# Children's Defense Fund

## Children's Rights

<https://www.childrensdefense.org/blog/a-fundamental-right-to-literacy/>

## Public Facing Advocacy Writing

Last week, [a federal appeals court ruled that the U.S. Constitution guarantees children the right to basic literacy](#), which is a departure from existing federal court precedent and a potentially monumental win for children.

The decision by the 6<sup>th</sup> Circuit Court of Appeals comes in response to a case brought by students who attended five Detroit, MI, schools who alleged that inadequate and unsafe school conditions, teacher shortages, and inadequate resources created a learning environment so poor that it actually prevented these students from developing basic literacy.

When we released our portrait of the [U.S. education system in The State of Americas Children 2020](#), we used the truly appalling conditions articulated in this lawsuit to illustrate how we are failing too many American children. The plaintiffs in the suit described schools that were so hot during the summer that students and teachers vomited and fainted, while at the other extreme, children wore coats, hats, and scarves to class when their schools were unheated during frigid winter months. In one nearly unbelievable incident, an eighth grade student was asked to teach math to seventh and eighth grade classmates for a month after a teacher suddenly quit.

While federal courts have previously held that students do not have a constitutional right to education, past rulings have been based on arguments of inequity that students in one school are denied the basic right to education that students in another are enjoying. The plaintiffs in this case, however, successfully argued that [the ability to read and write is essential for a citizen to participate in American democracy](#), meaning that denying students the chance to become literate denies them their rights under the Due Process Clause of the 14<sup>th</sup> amendment. In short, our children will not be able to exercise their rights and duties as citizens (vote, serve on a jury, or pay their taxes) without basic literacy.

The consequences of a failure to provide basic education are on the minds of many today as we look at how COVID-19 has pushed schools and students to online learning. Specifically, under-resourced schools and under-served students are being hurt by discrepancies that deny them the basic right to literacy, because they don't have the tools to access a minimum education.

It's important to note that this case may be appealed further, and while encouraging, this decision will not trigger immediate changes for the millions of American children who are receiving substandard education. We should also make clear that basic literacy is still a very low bar. However, [in a country where more than 78% of lower-income and more than 82% of Black 4<sup>th</sup> and 8<sup>th</sup> graders perform below proficiency in reading](#), a federal acknowledgement that this is wholly inadequate and even un-American is a welcome step.

A gift today helps children get the help they need

The Children's Defense Fund is a 501(c)(3) nonprofit organization. Our Federal Tax ID number is 52-0895622.

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