

Universal Periodic Review

(22nd session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

United States of America

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	07/12/1973, Ratification	Declared not to be bound by the provisions of Article 16(1)		Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not state party to this Convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not state party to this Convention			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. **The Constitution of United States of America** 17 September 1787¹ plus the Bill of Rights² and Amendments 11-27³ include human rights guarantees, but not specifically the right to education.

Legislative Framework:

3. “According to the Tenth Amendment to the US Constitution: “*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States.*” In accordance with this Amendment, the federal government has no authority to establish a national education system, nor do federal agencies ordinarily prescribe policy or curriculum for local schools. Such decisions are made at the state or district level. Because of this decentralization, laws governing the structure and content of education programmes may vary greatly from state to state, district to district.[...]⁴”

4. The federal legislative framework is composed of:

- a) “**The Education for All Handicapped Children Act of 1975** [...] requires all states to identify children with one of seven conditions (speech impairment, learning disability, emotional disturbance, mental retardation, hearing impairment, and orthopaedic/medical impairment) and provide them with special education. Children with disabilities are to be educated, whenever possible, in regular classrooms without separation from their non-handicapped peers. When disabled children cannot be educated with other children, they are to receive instruction in hospitals, their homes, or in other public or private institutions at no cost to their parents.”⁵
- b) “**The National Literacy Act of 1991**⁶ (Public Law 102-73) established new literacy programmes, provided higher authorization levels for some existing adult literacy programmes, and restored eligibility for various programmes to the freely

¹ http://www.archives.gov/exhibits/charters/constitution_transcript.html

² http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html

³ http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html

⁴ World Data on Education, 6th Edition 2006/07, p. 1, accessible at: http://www.ibe.unesco.org/Countries/WDE/2006/NORTH_AMERICA/United_States_of_America/United_States_of_America.pdf (Accessed 2 March 2014)

⁵ World Data on Education, 6th Edition 2006/07, p. 41, accessible at: http://www.ibe.unesco.org/Countries/WDE/2006/NORTH_AMERICA/United_States_of_America/United_States_of_America.pdf (Accessed 2 March 2014)

⁶ <http://www.gpo.gov/fdsys/pkg/STATUTE-105/pdf/STATUTE-105-Pg333.pdf>

associated states (i.e., the Republic of the Marshall Islands and the Federated States of Micronesia). [...]It also established the National Institute for Literacy, the National Institute Board, and the Interagency Task Force on Literacy.

- c) **The Education Council Act of 1991** (Public Law 102-62) established the National Education Commission on Time and Learning and the National Council on Education Standards and Testing. [...]
- d) The reauthorization of **the Higher Education Act of 1965** (1992, Public Law 102-325) [...] [was]to expand student access to post-secondary education, encourage educational excellence, and ensure integrity in making service delivery. [...] The Higher Education Amendments of 1998 (Public Law 105-244) substantially amended, and reauthorized, through fiscal year 2003, the Higher Education Act of 1965.
- e) **The Rehabilitation Act Amendments of 1992** expanded the scope of previous legislation by (1) requiring the states to develop evaluative studies and performance indicators for many of their programmes, (2) vesting authority in the Secretary of Education to increase client choice within the vocational rehabilitation process, and providing authority to support business partnerships to develop model projects that give unemployed workers with disabilities the opportunity to acquire the knowledge and skills needed to advance employment. The purpose of this bill was to bring greater integrity to existing programmes and expand the educational opportunities for disabled Americans.
- f) **The Student Loan Reform Act of 1993** (Public Law 103-66) reformed the student aid programme by phasing in a system of direct lending which will eliminate private lenders and guaranty agencies, empowering the U.S. [...]
- g) **The Goals 2000: Educate America Act of 1994** (Public Law 103-227) established a new federal partnership through a system of grants to states and local communities to reform the nation's education system.[...]
- h) **The School-to-Work Opportunities Act of 1994** (Public Law 103-239) established a national framework within which states and communities can develop School-to-Work Opportunities programmes to prepare young people for first jobs and continuing education[...]
- i) **The Educational Research, Development, Dissemination and Improvement Act of 1994** (Part of Public Law 103-227) reauthorized the educational research and dissemination activities of the U.S. Department of Education's Office of Educational Research and Improvement (OERI). It established five institutes which will conduct research in direct support of the national education goals: the National Institute on Student Achievement, Curriculum and Assessment; the National Institute on the Education of At-Risk Students; the National Institute on Educational Governance, Finance, Policy-Making, and Management; the National Institute on Early Childhood Development and Education; and the National Institute on Post-secondary Education, Libraries, and Lifelong Education. It also established an Office of Reform Assistance and Dissemination, and a National Library of Education. The legislation also authorized continuation of the regional educational laboratories and university-based research and development.

- j) **The Improving America's Schools Act of 1994** (Public Law 103-382) reauthorized the Elementary and Secondary Education Act of 1965, with [...] the federal government's largest programme providing educational assistance to disadvantaged children; professional development and technical assistance programmes; safe and drug-free schools and communities provision; and a provision promoting school equity by focusing federal funds for high poverty areas. It also requires states to develop high-quality content and performance standards and assessments in order to qualify for certain kinds of federal funding; emphasizes local control and flexibility in exchange for accountability; shifts the focus away from remedial programmes and emphasizes overall school performance.”⁷
- k) The **Carl D. Perkins Vocational–Technical Education Act Amendments of 1998** (Public Law 105–332) was signed into law on October 31, 1998. This legislation restructures and reforms programs previously authorized by the Carl D. Perkins Vocational and Applied Technology Education Act, setting out a new vision of vocational and technical education for the 21st century.⁸
- l) Signed into Law on August 7, 1998, the Workforce Investment Act of 1998 (**WIA—P.L. 105-220**) reforms Federal employment, adult education, and vocational rehabilitation programs to create an integrated, "one-stop" system of workforce investment and education activities for adults and youth. Entities that carry out activities assisted under the **Adult Education and Family Literacy Act** are mandatory partners in this one-stop delivery system.⁹
- m) In Subpart 21 that may be cited as the '**Women's Educational Equity Act of 2001**', section 5612 states that: “It is the purpose of this subpart — (1) to promote gender equity in education in the United States; [...]”.¹⁰
- n) “**The No Child Left Behind Act of 2001** (NCLB) is [...] designed to improve student achievement and change the culture of America's schools. [...] Under the NCLB, each state must measure every public school student's progress in reading and mathematics in each of grades 3 through 8 and at least once during grades 10 through 12.”¹¹
- o) “With passage of [NCLB], Congress reauthorized **the Elementary and Secondary Education Act** (ESEA), the principal federal law affecting education from kindergarten through high school. [...] It is built on four common-sense

⁷ World Data on Education, 6th Edition 2006/07, pp. 6-9, accessible at:

http://www.ibe.unesco.org/Countries/WDE/2006/NORTH_AMERICA/United_States_of_America/United_States_of_America.pdf (Accessed 2 March 2014)

⁸ <http://www2.ed.gov/offices/OVAE/CTE/legis.html>

⁹ <http://www2.ed.gov/policy/adulted/leg/legis.html>

¹⁰ WEEA 2001,

<http://www2.ed.gov/policy/elsec/leg/esea02/pg86.html>

¹¹ World Data on Education, 6th Edition 2006/07, p. 5, accessible at:

http://www.ibe.unesco.org/Countries/WDE/2006/NORTH_AMERICA/United_States_of_America/United_States_of_America.pdf

pillars: accountability for results; an emphasis on doing what works based on scientific research; expanded parental options; and expanded local control and flexibility.”¹²

- p) “The **Individuals with Disabilities Education Act (IDEA)** of 2004 is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities.”¹³
- q) “The **Higher Education Opportunity Act (Public Law 110-315) (HEOA)** was enacted on August 14, 2008, and reauthorizes the **Higher Education Act of 1965, as amended (HEA)**. In accordance with the Higher Education Opportunity Act of 2008 (HEOA), by October 29, 2011, each postsecondary institution in the United States that participates in Title IV student aid programs must post a net price calculator on its Web site that uses institutional data to provide estimated net price information to current and prospective students and their families based on a student’s individual circumstances. To assist institutions in meeting this obligation, The National Center for Education Statistics, in cooperation with the Office of Postsecondary Education and IT Innovative Solutions Corp., has designed and developed a fully functional net price calculator available to all Title IV postsecondary institutions for use on their institutional Web sites.”¹⁴
- r) “The President has called on Congress to work across the aisle to fix the law even as his Administration offers solutions for states to help prepare all students for college and career readiness. In March of 2010, the Obama Administration sent to Congress a **Blueprint for Reform of the Elementary and Secondary Education Act**¹⁵, addressing the issues created by No Child Left Behind, while continuing to shine a bright light on closing the achievement gap. [...] Because Congress would not act to reauthorize ESEA, the Administration moved forward to offer states flexibility within the law – as authorized by provisions in the law itself – to pursue comprehensive plans to improve educational outcomes for all students, close achievement gaps, and improve the quality of teaching. This **ESEA flexibility**¹⁶ will let states, schools, and teachers develop and implement effective ways to give our children the skills they need to compete for the jobs of the future, while maintaining a high bar for the success of all students. [...] To date, 41 States have been awarded [...] flexibility from No Child Left Behind [...].”¹⁷

¹² World Data on Education, 6th Edition 2006/07, p. 9, accessible at:

http://www.ibe.unesco.org/Countries/WDE/2006/NORTH_AMERICA/United_States_of_America/United_States_of_America.pdf

¹³ <http://idea.ed.gov/>

¹⁴ <http://www2.ed.gov/policy/highered/leg/hea08/index.html>

¹⁵ <http://www2.ed.gov/policy/elsec/leg/blueprint/index.html>

¹⁶ <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>

¹⁷ <http://www.whitehouse.gov/issues/education/k-12/reforming-no-child-left-behind>

- s) “In January 2013, Congress passed the “**Uninterrupted Scholars Act (USA)**” which amended the **Family Educational Rights and Privacy Act of 2000 (FERPA)** to permit educational agencies and institutions to disclose education records of students in foster care to State and county social service agencies or child welfare agencies. The statute also amended the requirement that educational agencies and institutions notify parents before complying with judicial orders and subpoenas in certain situations.”¹⁸

Policy Framework:

A) General information

5. “This **FY 2011–2014 Strategic Plan** (this Plan) addresses the key outcome-oriented goals below, focusing on reaching the President’s 2020 goal. [...] This Plan lays out a strategy that ties the day-to-day work of the Department to accomplishing the President’s 2020 Goal. Specifically, this plan includes:

a) National Outcome Goals

6. The National Outcome Goals are the improvements in student achievement needed at every level of education to achieve the President’s 2020 goal. Improving these outcomes will require a concerted effort from all stakeholders in the education system.

b) Agency Performance Goals

7. To meet the National Outcome Goals, the country needs to modernize education delivery. The six Department Performance Goals will guide the day-to-day work of the Department’s staff. 1. Postsecondary Education, Career-Technical Education, and Adult Education. Increase college access, quality, and completion by improving higher education and lifelong learning opportunities for youth and adults. 2. Elementary and Secondary. Prepare all elementary and secondary students for college and career by improving the education system’s ability to consistently deliver excellent classroom instruction with rigorous academic standards while providing effective support services. 3. Early Learning. Improve the health, social-emotional, and cognitive outcomes for all children from birth through 3rd grade, so that all children, particularly those with high needs, are on track for graduating from high school college- and career-ready. 4. Equity. Ensure effective educational opportunities for all students regardless of race, ethnicity, national origin, age, sex, disability, language, and socioeconomic status. 5. Continuous Improvement of the U.S. Education System. Enhance the education system’s ability to continuously improve through better and more widespread use of data, research and evaluation, transparency, innovation, and technology. 6. U.S. Department of Education Capacity. Improve the organizational capacities of the Department to implement this Strategic Plan.”¹⁹

8. This Strategic Plan was renewed for the period 2014-2018 setting the same six goals.²⁰

¹⁸ <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html>

¹⁹ The FY 2011-2014 Strategic Plan for Education,
<http://www2.ed.gov/about/reports/strat/plan2011-14/draft-strategic-plan.pdf>

²⁰ The FY 2014-2018 Plan,
<https://www2.ed.gov/about/reports/strat/plan2014-18/draft-strategic-plan.pdf>

9. The Guide to U.S. Department of Education Programs Fiscal Year 2012 lists the following programs²¹:

- 9.1. Academic Improvement: 21st Century Community Learning Centers; Education Jobs Fund; High School Graduation Initiative; Improving Literacy through School Libraries; Investing in Innovation Jacob K. Javits Gifted and Talented Student Education; Race to the Top – Assessments; – District; – Early Learning; Challenge Race to the Top; State Grants Rural and Low-Income School Program; Small, Rural School Achievement Program; Smaller Learning Communities; Supplemental Education Grants.
- 9.2. Adult Education: Adult Education—Basic Grants to States; Adult Education—National Leadership Activities.
- 9.3. Assessment: Grants for Enhanced Assessment Instruments Grants for State Assessments; National Assessment of Educational Progress; Statewide Longitudinal Data Systems
- 9.4. Career and Technical Education: Career and Technical Education—Basic Grants to States; Career and Technical Education National Programs; Native American Career and Technical Education Program (NACTEP); Native Hawaiian Career and Technical Education Program; Tech Prep Education; Tribally Controlled Postsecondary Career and Technical Institutions Program.
- 9.5. Child Care: Child Care Access Means Parents in School Program
- 9.6. Civics: Civic Education: Cooperative Civic Education and Economic Education Exchange Program; Civic Education: We the People Program
- 9.7. Correctional Education: Grants to States for Workplace and Community Transition Training for Incarcerated Individuals;
- 9.8. Disability and Rehabilitation Research: Advanced Rehabilitation Research Training Project; Disability and Rehabilitation Research and Related Projects; National Institute on Disability and Rehabilitation Research (NIDRR); NIDRR Field-Initiated Projects; NIDRR Research Fellowships Program; Rehabilitation Engineering Research Centers; Rehabilitation Research and Training Centers; Spinal Cord Injury Model Systems.
- 9.9. Disadvantaged Persons: Advanced Placement Incentive Program; Advanced Placement Test Fee Program; Education for Homeless Children and Youths—Grants for State and Local Activities; Gulf Coast Recovery Grant Initiative; Improving Basic Programs Operated by Local Education Agencies (Title I, Part A); Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk.
- 9.10. English Language Acquisition; English Language Acquisition State Grants; Native American and Alaska Native Children in School Program.

²¹Guide to U.S. Department of Education Programs Fiscal Year 2012, <http://www2.ed.gov/programs/gtep/gtep.pdf>

- 9.11. Federal Student Aid Academic Competitiveness Grants (ACG) and National Science and Mathematics Access to Retain Talent (SMART) Grants; Federal Family Education Loan (FFEL) Program; Federal Pell Grant Program; Federal Supplemental Educational Opportunity Grant (FSEOG) Program; Federal Work-Study (FWS) Program; Grants for Access and Persistence Program; Iraq and Afghanistan Service Grants; Leveraging Educational Assistance Partnership (LEAP) Program; Teacher Education Assistance for College and Higher Education (TEACH) Grants; William D. Ford Federal Direct Loan Program
- 9.12. Foreign Language Instruction: Foreign Language Assistance Program/LEA-IHE Partnerships; Foreign Language Assistance Program (LEAs); Foreign Language Assistance Program (SEAs).”

B) Inclusive Education

a. Students with disabilities

10. “The Education for All Handicapped Children Act of 1975 [Individuals with Disabilities Education Act–IDEA] [...], by mandating that handicapped children be educated in the least restrictive environment possible, led to the practice of “mainstreaming.” Mainstreaming refers to serving handicapped children within the regular school programme, rather than placing them in special classes in isolation from their non-handicapped peers. [...] The federal programme **Education for Children with Disabilities** provides special services for about 4 million children with disabilities in elementary and secondary schools. It assists states to provide opportunities for education to students with disabilities. The goal is to ensure that all such children acquire basic academic skills and thus enhance their opportunity to participate fully in society and to share equally in its benefits.”²²

11. In 2011, “the U.S. Department of Education's Office for Civil Rights (OCR) issued guidance through Dear Colleague Letters to elementary and secondary schools and institutions of higher education along with a Frequently Asked Questions document on the legal obligation to provide students with disabilities an equal opportunity to enjoy the benefits of technology.”²³

12. “The **National Institute on Disability and Rehabilitation Research (NIDRR)**, a component of the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS), is the main federal agency that supports applied research, training and development to improve the lives of individuals with disabilities.”²⁴

13. “The purpose of the **Disability and Rehabilitation Research and Related Projects** program is to plan and conduct research, demonstration projects, training, and related

²² World Data on Education, 6th Edition 2006/07, pp. 41-42, accessible at:

http://www.ibe.unesco.org/Countries/WDE/2006/NORTH_AMERICA/United_States_of_America/United_States_of_America.pdf (Accessed 2 March 2014)

²³ <http://www.ed.gov/news/press-releases/department-education-issues-guidance-rights-students-disabilities-when-education>

²⁴ <http://www2.ed.gov/about/offices/list/osers/nidrr/index.html>

activities to improve the lives of individuals with disabilities. These projects are quite varied, though all are aimed at fulfilling NIDRR’s overarching goals of inclusion, integration, employment, and self-sufficiency for people with disabilities.”²⁵

14. **American Printing House for the Blind** “produces and distributes educational materials adapted for students who are blind or legally blind and enrolled in formal education programs below the college level. These materials are distributed to public and private non-profit institutions serving individuals who are blind through allotments to the states [...].

15. **Early Intervention Program for Infants and Toddlers with Disabilities** provides grants [...] to assist in maintaining and implementing state-wide systems of coordinated, comprehensive, multidisciplinary, interagency programs of early intervention services for infants and toddlers with disabilities and their families. [...]

16. **Special Education— National Activities— Technical Assistance and Dissemination :** The purpose of this program is to promote academic achievement and improve results for children with disabilities by providing technical assistance, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research. [...]

17. **Special Education—National Activities—Technology and Media Services :** The purpose of this program is to: 1. Improve results for children with disabilities by promoting the development, demonstration, and use of technology; 2. Support education media services activities designed to be of educational value in the classroom setting for children with disabilities; and 3. Provide support for captioning and video description of educational materials that are appropriate for use in the classroom setting. [...]

18. **Special Olympics Education Program** is designed to assess progress in the implementation of *IDEA*, including the effectiveness of state and local efforts to provide: 1. Free appropriate public education (FAPE) to children with disabilities; and 2. Early intervention services to infants and toddlers with disabilities. [...]²⁶

b. Indigenous students

19. **“Indian Education— Demonstration Grants for Indian Children** helps eligible IHEs [Indian Higher Education] increase self-sufficiency by providing funds to improve and strengthen their academic quality, institutional management, and fiscal stability. [...]

1. **Indian Education—Formula Grants to Local Education Agencies** is designed to improve the educational opportunities and achievement of preschool, elementary, and secondary school Indian children by developing, testing, and demonstrating effective services and programs. [...]

2. **Indian Education—National Activities:** Funds support such activities as after-school programs, early childhood education, tutoring, career preparation, and substance abuse and dropout prevention. [...]

²⁵ The Guide to U.S. Department of Education Programs Fiscal Year 2012, p 37

²⁶ The Guide to U.S. Department of Education Programs Fiscal Year 2012, pp 234-247

3. **Indian Education—Professional Development Grants** is designed to prepare and train Indian individuals to serve as teachers and education professionals. Professional development grants are awarded to: increase the number of qualified Indian individuals in professions that serve Indians; provide training to qualified Indians to become teachers, and administrators; and improve the skills of those qualified Indians who serve currently in those capacities. Individuals trained under this program must perform work related to their training and that benefits Indian people or repay the assistance received.”²⁷

c. Disadvantaged students

23. **The Advanced Placement Incentive Program** “provides grants to eligible entities to enable them to carry out activities designed to increase the participation of low-income students in both pre-AP and AP courses and tests.”²⁸

24. **Education for Homeless Children and Youths—Grants for State and Local Activities** “provides grants to states to enable them to pay all or a portion of advanced placement test fees on behalf of eligible low-income students.”²⁹

C) Teachers

25. “The Department of Education started the **Teacher-to-Teacher Initiative (T2T)** in 2004 to support teachers in implementing NCLB at the school and classroom levels. This project required identifying the needs of classroom teachers and supporting teachers to achieve the goals of the new law.”³⁰

26. “Attracting newly qualified professionals who are committed to supporting children in disadvantaged areas is one way to extend the teaching force to these areas. **Teach for America** was founded as a non-profit organization in 1989 to reduce inequity in education and redress teacher shortages by recruiting outstanding recent college graduates and sending them to high need schools throughout the United States for a minimum of two years. [...] Their impact, across different groups of students, has been roughly equivalent to an additional month of instruction.”³¹

27. “In the United States, the **ProComp programme** was implemented in Denver, Colorado, between 2003 and 2010, providing bonuses to teachers based on their ‘value added’ – the gains in learning that could be ascribed to teachers by adjusting for students’ previous achievement and demographic characteristics. However, test scores increased not just for students whose teachers participated in the programme, but also for other students (Goldhaber and Walch, 2012). [...] Its use in the United States in relation to the No Child Left Behind Act has been seen as punishing rather than empowering teachers and school administrators, discouraging teachers from working with the lowest-performing students and

²⁷ The Guide to U.S. Department of Education Programs Fiscal Year 2012, pp 115-118

²⁸ The Guide to U.S. Department of Education Programs Fiscal Year 2012, p 46

²⁹ The Guide to U.S. Department of Education Programs Fiscal Year 2012, p 48

³⁰ National Report submitted for the 48th session of the International Conference on Education, p. 36, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/usa_NR08.pdf (Accessed 2 March 2014)

³¹ EFA GMR, 2013-2014, p 253

generating unintended consequences, such as refusal to admit low performing students (Ravitch, 2010). In response to these difficulties, the Obama administration released a Blueprint for Reform on March 2010, giving autonomy to districts and schools in identifying ways to improve student achievement. Teacher evaluation includes classroom observation, peer reviews and professional development, along with test scores (US Department of Education, 2010).”³²

28. “The Fund for the Improvement of Education (FIE), which is authorized by Section 5411 of *ESEA*, supports nationally significant programs to improve the quality of elementary and secondary education at the state and local levels and help all children meet challenging academic content and achievement standards. The Full-Service Community Schools program, which is being carried out under FIE, encourages coordination of education, developmental, family, health, and other services through partnerships between: Public elementary and secondary schools; The schools’ LEAs; and CBOs, non-profit organizations, and other public or private entities. Such collaboration is intended to provide comprehensive education, social, and health services for students, families, and communities. [...]

29. **School Leadership Program** provides grants to support the development, enhancement, or expansion of innovative programs to recruit, train, and mentor principals (including assistant principals) for high-need LEAs [Local Education Agency]. [...]

30. **Teacher Incentive Fund** supports efforts to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools. [...]

31. The **Teacher Quality Partnership Grants program** seeks to improve student achievement and the quality of teachers working in high-need schools and ECE programs by improving the preparation of teachers and enhancing professional development activities for teachers; holding teacher preparation programs accountable for preparing effective teachers; and recruiting highly qualified individuals, including minorities and individuals from other occupations, into the teaching force. Projects also may include a component for training school leaders in high-need or rural LEAs and a component for partnering with a public broadcast television station or another entity that develops digital education content, to improve the quality of teacher preparation programs. The program is intended to help create effective pathways into teaching and support the nation’s teaching force in effectively improving student outcomes. [...]³³

D) Quality education

32. “The United States has no centralized authority exercising national control over postsecondary educational institutions. The states assume varying degrees of control over education, but, in general, institutions of higher education are permitted to operate with considerable independence and autonomy. As a consequence, U.S. educational institutions can vary widely in their missions and the quality of their programs. In order to ensure a basic level of quality, the practice of voluntary accreditation arose in the United States as a means of conducting nongovernmental, peer evaluation of educational institutions and programs. The entities that conduct accreditation are associations of higher education institutions and academic specialists. These associations define procedures for assessing the quality of

³² EFA GMR, 2013-2014, p 262

³³ The Guide to U.S. Department of Education Programs Fiscal Year 2012, pp 252-261

institutions and programs and formally recognize those institutions meeting their standards while withholding or withdrawing recognition from those that do not.”³⁴

33. **21st Century Community Learning Centers:** “This program supports community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend low-performing schools. The program is intended to help students meet state and local performance standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities to complement their regular academic programs; and offers literacy and other educational services to the families of participating children.”³⁵

E) Curriculum

34. “The *We the People* program provides teacher training and curricular materials to public and private elementary and secondary schools [...]. Schools participating in The Citizen and the Constitution implement a curriculum that focuses on promoting citizenship and increasing students’ understanding of the rights and responsibilities of citizens and improves students’ knowledge of the Constitution of the U.S. Activities include simulated congressional hearings with community members acting as judges and an annual national competition in which secondary student teams compete in simulated congressional hearings. Students participating in Project Citizen learn about state and local government by choosing a social problem, evaluating policy alternatives, and developing a plan to address the problem that is presented to school and community leaders through simulated legislative hearings.”³⁶

F) Financing of education

35. “Many college students obtain part-time employment to help pay for their studies, while others also receive grants, scholarships and loans to help meet expenses. [...] Scholarships and grants are generally awarded by a variety of nongovernmental organizations, as well as by states. However, the largest single source of such student financial aid is the federal government, which provides more than \$91 billion of financial aid a year to college students. The 1998 reauthorization of the Higher Education Act (HEA) established a performance-based organization to administer the **Federal Student Aid programs** at the U.S. Department of Education. [...]”³⁷

36. “For students attending schools located beyond walking distance from their homes, **transportation via school bus is generally provided free of charge** by the school district. More than half of U.S. public elementary and secondary students use this service to travel to and from school each day. [...]”³⁸

³⁴ National Report submitted for the 48th session of the International Conference on Education, p. 20, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/usa_NR08.pdf (Accessed 2 March 2014)

³⁵ The Guide to U.S. Department of Education Programs Fiscal Year 2012, p 1

³⁶ The Guide to U.S. Department of Education Programs Fiscal Year 2012, p 34

³⁷ National Report submitted for the 48th session of the International Conference on Education, p. 20, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/usa_NR08.pdf (Accessed 2 March 2014)

³⁸ National Report submitted for the 48th session of the International Conference on Education, p. 8, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/usa_NR08.pdf (Accessed 2 March 2014)

37. “A **529 plan** is a tax-advantaged savings plan designed to encourage saving for future college costs. 529 plans, legally known as “qualified tuition plans,” are sponsored by states, state agencies, or educational institutions and are authorized by Section 529 of the Internal Revenue Code.”³⁹

G) Gender equality

38. “**Section 5611, (b) Congress finds that** : [...] 2) because of funding provided under the Women's Educational Equity Act of 2001, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination; [...] (4) efforts to improve the quality of public education also must include efforts to ensure equal access to **quality education programs for all women and girls**; (5) Federal support should address not only research and development of innovative **model curricula and teaching and learning strategies to promote gender equity**, but should also assist schools and local communities implement gender equitable practices; [...]”⁴⁰

Cooperation:

39. The United States of America is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

40. The USA **did not report** to UNESCO on the measures taken to implement the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)
- c) **Eighth Consultation** of Member States (covering the period 2006-2011)

41. The USA did not report to UNESCO on the measures taken to implement the 1974 UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

42. The USA did not report to UNESCO on the measures taken to implement the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it reported within the framework of the **Second Consultation** of Member States (2011).

43. The USA is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education and Training.

³⁹ <http://www.sec.gov/investor/pubs/intro529.htm>

⁴⁰ <http://www2.ed.gov/policy/elsec/leg/esea02/pg86.html>

Freedom of opinion and expression

Constitutional and Legislative Framework:

44. Freedoms of speech and of the press are guaranteed under the first Amendment of the United States America (USA) Constitution.

45. There is no criminal defamation law at the Federal Level. However, 19 States and two territories have criminal defamation laws. (Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Michigan, Minnesota, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Utah, Virginia, Washington, Wisconsin, Puerto Rico, and Virgin Islands)⁴¹.

46. In 1967, the USA adopted the Freedom of Information Act, which was last revised in 2007⁴².

Media Self-Regulation:

47. Media self-regulatory mechanisms exist in the USA through such entities as the Society of Professional Journalists and the American Press Association. Additionally, some media companies have in-house ombudsmen or a public editor system.

Safety of Journalists:

48. UNESCO recorded no killing of journalists in the USA between 2008 and 2013. Journalists generally work in a safe environment. However, UNESCO notes that there is an increase of incidents where journalists and whistle-blowers are imprisoned or pressured to reveal the identities of their sources.⁴³ Furthermore, UNESCO notes the sporadic report of journalists being intimidated, harassed and even arrested while carrying out their professional work.⁴⁴

III. RECOMMENDATIONS

Right to education

⁴¹ <http://www.firstamendmentcenter.org/criminal-libel-statutes-state-by-state>

⁴² <http://www.justice.gov/oip/amended-foia-redlined.pdf>

⁴³ According to the following news sources: The Huffington Post (dated [27 August 2010](#)), The New Yorker (dated [23 May 2011](#)), The Washington Post (dated [25 May 2010](#), [25 January 2013](#), and [21 June 2013](#)), Der Spiegel (dated [21 August 2013](#)), and The New York Times (dated [16 August 2014](#)),

⁴⁴ According to the following news sources: Time (dated [14 August 2014](#)), Newsweek (dated [14 August 2014](#)), The Washington Post (dated [18 August 2014](#)), Die Welt (dated [19 August 2014](#)), and CNN (dated [19 August 2014](#)).

49. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

50. In the course of the discussion, the following recommendations were made to the United States of America:

- i) A - 92.62. Review, reform and adequate its federal and state laws, in consultation with civil society, to comply with the protection of the **right to nondiscrimination** established by the Convention on the Elimination of all Forms of Racial Discrimination, especially in the areas of employment, housing, health, education and justice (Plurinational State of Bolivia);
- ii) A - 92.67. Take legislative and administrative measures to address a wide range of **racial discrimination and inequalities** in housing, employment and education (Democratic People's Republic of Korea);
- iii) A - 92.70. Take appropriate legislative and practical measures to improve living conditions through its prisons systems, in particular with regard to **access to health care and education** (Austria);
- iv) A - 92.87. Incorporate **human rights training and education** strategies in their public policies (Costa Rica);
- v) A - 92.100. End all forms of racial discrimination in terms of housing, education, health care, social security and labor (Libyan Arab Jamahiriya);
- vi) A - 92.109. Promote **equal socio-economic** as well as **educational opportunities** for all both in law and in fact, regardless of their ethnicity, race, religion, national origin, gender or disability (Thailand);

51. Analysis:

The United States did include in their federal strategic educational plan both human rights education and equal opportunities and non-discrimination principles. Besides, an objective to increase access to education was set.

52. Specific recommendations:

- 52.1. The USA should be encouraged to ratify the 1960 Convention against Discrimination in Education.**
- 52.2. The USA could be encouraged to enshrine the right to education in its Constitution.**

Freedom of opinion and expression

53. USA is encouraged to decriminalize defamation where this provision still exists, and place the issue within the civil code that is in accordance with international standards⁴⁵.

⁴⁵ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

54. USA must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards⁴⁶. It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

55. USA should review its systems for protection of the confidentiality of journalists' sources.

Cultural rights

56. The United States of America is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the United States of America is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

57. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)⁴⁷, the United States of America is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the United States of America is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

⁴⁶ See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12

⁴⁷ See UNESCO. 2013. United States of America Periodic Report on the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage.

<http://whc.unesco.org/archive/periodicreporting/EUR/cycle02/section1/us.pdf>

58. With regard to contribution of science and technology to development, the United States of America, following up to its report submitted in 2012, is further encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.