

Article Review

Poverty, Educational Achievement, and the Role of Courts

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1. Introduction

In this paper, I intend to utilize the facts from a scholarly article, “Poverty, Educational Achievement, and the Role of Courts” by Michael A. Rebell, Teacher College, Columbia University, to broadly identify the differences between the educational system of the U.S.A and a much lower performing country in South East Asia, Myanmar. Myanmar has been left behind in many sectors, including education, due to the mismanagements of the previous governments. The low standard of education in the country is the legacy the current government has inherited from the former military government and whatever facts and situations referred to in this paper about Myanmar belong to the then military-ruled Myanmar.

2. The Focus and the Inspiration of Rebell’s Article

Rebell’s article discusses the disadvantages being suffered by the U.S students coming from poor economic backgrounds and how the situation could be remedied through the courts undertaking a more active, sustained role in a manner consistent with constitutional separation of powers requirements. There are two main areas that the writer deals with in this article. First, he explores the areas where support is needed for the poverty-stricken students in order to have a meaningful opportunity to succeed in school. Then he makes some assertions as to how the courts in his country could involve themselves in helping the deficiencies suffered by the poor students to decline, and at the same time, to provide meaningful educational opportunities to all US students.

The article is, of course, written with the poor students from American families in focus, but this does not mean that only those living in the United States may enjoy the fruits of his analytical thinking. Some points he discusses in his article may definitely help other educators from other parts of the world as well in trying to tackle the similar problems in their countries in a more realistic manner despite their countries' different educational policies. For example, I am from Myanmar, and I am well aware of the fact that Myanmar, so far, is not a country to be compared with the United States through equal norms in many issues, including education. Yet, this article inspires me so much that I am left pondering over the plight of the poor students from my country after reading it.

3. Comparisons

The writer begins his article by saying that the students coming from poverty backgrounds in the United States need a broad range of comprehensive educational services such as parent engagement, health and other services, additional early education, after-school, and summer programs in addition to adequate resources for basic K-12 educational services. He also asserts that the United States' critical educational goals cannot be met unless the courts press the policy makers to give the schools the sufficient resources that they need.

Many students entering school with a large range of disadvantages that stem from poverty, according to the writer, is the catalyst for substandard educational performance, which may affect the country's ability to compete in the global economy, as well as the continued viability of the democratic political system. Frankly speaking, I have never imagined that such problems exist in America—a country most people consider as a byword for quality education. Therefore, hearing these words from the writer alone makes me wonder about the seriousness of the situation in my own country. Myanmar's education system is still in an abysmal state. Yet, in contrast with the writer's concern for the poor U.S. students, the Myanmar government proudly insists that the education standard in Myanmar conforms with those set out by the UN as part of the Millennium Development Goals. Considering the meager proportion of the budget that is spent on education, it will not be hard to guess how much truth their claim contains.

Regarding the impact of poverty on children's learning, the writer says that the children who grow up in poverty are much more likely than other children to experience conditions that make learning difficult and put them at risk for academic failure. He goes on to say that though the federal government recognizes this reality and proclaims that narrowing down the achievement gaps between the rich and the poor students is the country's principal educational policy, officials in Washington and in most of the states have failed to ensure that the schools have the resources they need to meet the goal. It is interesting to learn about the irony that a country like America that is devoted to global education has problems in the equal distribution of education among its own citizens. Of course, it is bad enough for a government not to be able to fulfil the educational requirements of its own country people, but it is not as bad as a government that enjoys making false claims. According to the UNESCO, only 50% of

the Myanmar's children are enrolled in secondary education (Oxford Burma Alliance), which is in stark contrast with international standards. Yet, the Myanmar government still claims that its education policy is making headway.

Funding inequity is cited as the cause of the deprivations suffered by the students in low income areas. For example, the highest-spending districts expend about twice as much per pupil as the lowest-spending districts; in some states, the ratio is more than 3-to-1. It is learnt that the prime reason for this pattern of deprivation is the inherent inequity that stems from the fact that a majority of the funds that support public education historically have been raised through local property taxes. This means that children who live in districts with low wealth and low property values will have substantially fewer resources available to meet their educational needs. In consequence, the National Commission of Equity and Excellence in Education recommends bold actions by the states to redesign and reform the funds of the nation's public schools. The states' courts have also issued rulings that have pressed for these reforms. Though the courts' intervention in education finance matters has resulted in significant increases in educational funding and the equity of resource distributions in many states, some of their remedies have not been successful. However, the fact that the courts in the United States have some success in dealing with funding inequities is something to be lauded. With regard to the distribution of resources in schools, a faintly similar trend can be seen in Myanmar too. For example, the Chin State in Myanmar, where natural resources are rare, is less developed compared to other parts of the country. Because this area cannot contribute much to the economic development of the country, the Chin State does not receive equal attention from the government in any development activities, including improvements in the education sector. As a citizen of Myanmar accustomed to living under the military rule for many years, such an intervention by the courts in education finance systems is almost unbelievable because, for people in Myanmar, nothing could be more stupid than falling back to the courts to solve a problem as delicate as a funding inequity issue. The main interest or duty of the courts in Myanmar is to give protection to the unruly ruling generals. To call a spade a spade, the education system is grossly underfunded in Myanmar—a factor directly related to the country's poor status. Objectively speaking, this trend persists because the importance of the education is deliberately undervalued under the military rule.

The writer explains that efforts to overcome the achievement gaps that largely stem from students' poverty backgrounds are not succeeding at an acceptable pace because the reform efforts do not match the enormity of the problems. His concern in this issue is understandable as such cases are so common in my country. A delegation of 10 American universities organized by the International Institute of Education once visited Myanmar to explore partnerships. In a report released later, many participants said that there was so much needed that they did not know where to start (The New York Times). That even a much developed country like the United States experiences a similar problem an underdeveloped country like Myanmar does is quite unimaginable.

The writer also suggests a broad range of supplementary educational interventions during non-school

hours such as early childhood education programs, after-school and summer programs, family and community support, and health and nutrition. At the same time, he is frustrated upon witnessing that efforts to date have not been effectively coordinated or extended on the systematic, statewide basis that is necessary to provide meaningful educational opportunities for all children. The children with the greatest needs are still deprived of the resources that they need. This situation shifts his attention to money matters. Money that is appropriated for school-based services and for critical supplementary services must be spent in ways that are strategic and accountable, he reflects. Though the writer is saying these things out of his concern for his country's impoverished children, I can't help feeling them as the basic requirements in building the education structure of my country, where corruption abounds. They are what we need to follow if progress in education is to be made for our country's poverty-stricken students. The writer's conviction on this issue is evidenced by his statement that says that disadvantaged students' access to the necessary comprehensive services needs to be seen as a basic right rather than as a discretionary benefit that policy makers may bestow or deny. The term 'basic right' that the writer mentions here is what is lacking in our country, not necessarily in education sector alone. A school in a rural area may be in a dilapidated condition and no longer safe for accommodating students, yet it may have to go on like this for years if the powers-that-be decide to turn a blind eye on it.

Regarding the necessary role of the courts, he maintains that they must not only articulate a right to comprehensive educational opportunity, but also effectively enforce the right. The writer was able to voice this opinion from the result of two empirical studies he collaborated with a friend. Their study found that the judicial remedial involvement in school district affairs was less intrusive and more competent than was generally assumed, largely because school districts and a variety of experts generally participated in the formulation of reform decrees, with the courts serving as catalysts and mediators. The writer ends his assessment by saying that while some political commentators and academics persist in arguing that the courts' new role is usurping legislative powers, Congress and the state legislatures have themselves asked the courts to take on more of these policy making activities by passing regulatory statutes that directly or implicitly call for expanded judicial review.

As a citizen of a country whose judicial system is diametrically opposed to that of the system being practiced in America, I may not be unable to pass some sound comments regarding the role of courts in the country's education affairs. To my knowledge, the United States court system is actually many court systems: States Courts and Federal Courts, with the Supreme court having power to examine the state and federal courts. Evidently, the writer is asking for more constitutional rights by federal courts so as to bring down the disparity among the country's students from various economic backgrounds. In my opinion, the writer seems to be making the right proposal in this regard. In the article entitled *The Segregation and Resegregation of American Public Education* by Erwin Chemerinsky that I have recently read, the Supreme Court is blamed for preventing interdistrict remedies by refusing to find that inequities in school funding are unconstitutional. The writer's frustration with this aspect is clearly seen

when he says that many policymakers and many judges are reluctant to understand and acknowledge the importance of the courts' role in education reform.

4. Conclusion

To sum up, the writer's discussion on the role of the courts in the country's reform is thought-provoking. At a time when my country is wobbling on the road to democracy, no one can say that Myanmar will not face the similar problems one day that America is facing today in the education system. There is no doubt that the writer's probe into the issues of U.S students with poor financial backgrounds comes from his sincere wish to improve their relatively low performance on international achievement tests. Since there are students coming from poor family backgrounds in every country, this article is the one that educators throughout the world should read.

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