



Do American Students Have a Right to Education? Implications for Black Students and Their Right to Learn

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Introduction

African American students in the United States are facing an unrelenting assault on their educational rights. The conservative agenda to dismantle the U.S. Department of Education, coupled with the gutting of the Office for Civil Rights (OCR), has left families and communities with few federal mechanisms to challenge discrimination, resource deprivation, and systemic neglect in public schools. These policy decisions did not emerge in a vacuum; they represent the culmination of a decades-long conservative project to eliminate the federal role in public education—Project 2025. Project 2025 explicitly calls for abolishing the Department of Education and ending federal civil rights enforcement in schools (Burke, 2024). The document frames the federal role in education as unconstitutional overreach, asserting that educational authority should be solely the responsibility of each state and its local communities. Project 2025 treats public education as a matter of parental choice and market competition, with no

reference to the equal protection obligations established under the 14th Amendment or the historical federal interventions that desegregated schools and expanded access to education for African American students.

In March 2025, President Donald Trump signed an executive order directing the dismantling of the U.S. Department of Education, a decision that sent shock waves across the education community and fulfilled a longstanding conservative policy agenda outlined in Project 2025 (Burke, 2024; Exec. Order No. 14242, 2025). This action is a significant threat to public education and to the support and resources educators and school administrators rely on. This, coupled with the elimination of nearly half the staff at the Department's Office for Civil Rights, has compromised the federal government's capacity to protect students' rights. According to a February 2026 U.S. Government Accountability Office report, between March and September 2025, approximately 90 percent of the more than 9,000



student discrimination complaints received by OCR were dismissed without substantive investigation (U.S. Government Accountability Office, 2026).

This policy brief asks a question that the federal courts have repeatedly deferred but that current policy conditions make unavoidable: Do American students, particularly African American students, have a constitutional right to education? For African American students, who have historically relied on federal oversight to challenge segregated and underfunded schools, these actions undermine the safeguards that were never secured. The question of whether African American students have a constitutional right to an education is not theoretical; it is an urgent matter of survival for African American families and communities, whose children attend the schools these policies have abandoned. Three federal lawsuits, *Gary B. v. Whitmer* (Michigan), *A.C. by Waithe v. McKee* (Rhode Island), and *Haymer et al. v. Reeves* (Mississippi), offer a lens through which to examine this question. Although these cases originated from complaints filed between 2016 and 2018, the constitutional questions they raise remain unresolved, and the educational conditions that compelled families to seek federal relief have only deepened under the current Presidential administration.

This policy brief reviews these lawsuits, explains their significance to public education, and reveals how legal battles over education intersect with broader sociopolitical narratives—reflecting persistent inequities and democratic challenges.

Under the 10th Amendment of the U.S. Constitution, the provision of education has traditionally been within the jurisdiction of individual states. Consequently, most legal disputes concerning students' educational rights have been resolved in state courts. However, there are significant instances where federal courts have exercised their authority to intervene.

One significant lawsuit occurred in 1968. Demitrio Rodriguez and other parents filed a class-action lawsuit, *Rodriguez et al. v. San Antonio Independent School District* (1971), on behalf of minority students from low-income school districts. The lawsuit challenged Texas's public school finance system. The plaintiffs presented data

that revealed that districts primarily educating the Mexican-American population received approximately 91 percent less in per-pupil expenditures compared to more affluent and predominantly White districts (Library of Congress, n.d.).

A three-judge panel of a federal district court ruled in favor of the plaintiffs, asserting that the public school finance system was discriminatory based on socioeconomic status. The court determined that the funding inequality violated the Equal Protection Clause of the 14th Amendment and affirmed the premise of their decision by referencing a landmark decision of the United States Supreme Court in *Brown v. Board of Education* (1954):

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available on all equal terms (*Brown v. Board of Education of Topeka*, 347 U.S. 483, 1954).

The State of Texas appealed this decision to the U.S. Supreme Court, and in *San Antonio Independent School District v. Rodriguez* (1973), the Court held that education is not a fundamental right under the U.S. Constitution, thereby reinforcing the primacy of states in education governance and policy. However, the Supreme Court did suggest that education may be constitutionally required to enable the meaningful exercise of other rights essential for participation in a democracy. In this legal context, three more recent cases challenge the boundaries of federal protection for students: *Gary B. v. Whitmer* (Michigan, 6th Circuit), where a panel briefly recognized a federal right to a basic minimum education in literacy before the opinion



was vacated after a settlement; *Cook (A.C.) Waithe v. McKee/Cook v. Raimondo* (Rhode Island, 1st Circuit), which argued for a federal guarantee of civics education; and *Haymer/Williams v. Reeves* (Mississippi, 5th Circuit); which proceeds partly under the Mississippi Readmission Act of 1870.

A Crisis of Confidence

Notably, the 2020 decision by the Sixth Circuit Court of Appeals in *Gary B. v. Whitmer* declared that students have a ‘fundamental right’ to a “basic minimum education” under the U.S. Constitution, setting a significant legal precedent. This decision and others, including *A.C. Waithe v. McKee* (Rhode Island) and *Haymer/Williams et al. v. Reeves* (Mississippi), raise urgent constitutional and sociocultural questions about education governance and the educational experiences of American public school students. These lawsuits challenge the adequacy and equity of public education through different legal frameworks. These cases highlight tangible inequities (e.g., inadequate school funding, lack of resources, underqualified educators, and dilapidated facilities) and intangible inequities (e.g., literacy deficits, lack of civic education, and historical disenfranchisement). Despite their differences, these lawsuits share a common theme: a fundamental lack of trust in state government to ensure educational equity and the need for federal oversight. Parents and students in each case turned to the federal courts, seeking recognition that states have a constitutional obligation to provide a basic, equitable, and functional education. However, the reluctance of the federal courts to define education as a federal right has left the future of educational equity uncertain.

These lawsuits affirm how students, parents, and communities envision public education. Policymakers and education leaders should consider the insights from these cases to inform equitable and constitutionally sound education policies that safeguard democracy and uphold students’ rights. Table 1 lists these three lawsuits, identifying their legal claims, judicial reasoning, and broader policy implications for the role of federal and state governments in ensuring educational equity.

The 14th Amendment as a Shield

Of the three lawsuits, two—Michigan and Rhode Island—invoked the due process and equal protection clauses of the 14th Amendment, both of which are foundational to civil rights and education policy and law. These clauses ensure equitable access and experiences in public education by:

- The Due Process Clause prevents state governments from depriving individuals of rights without cause or fair legal procedures (Imoukhuede, 2014).
- The Equal Protection Clause requires state governments to apply laws equally and prohibit discrimination against individuals or groups (Schoettle, 1971).

In the Rhode Island case, parents and students argued that education is a fundamental right necessary for democratic participation, framing their claims within these constitutional protections. The equal protection clause, in particular, is frequently cited in lawsuits challenging inequities in school funding, resource access, and discriminatory policies that disproportionately affect marginalized students. Both clauses are often invoked together in education litigation, especially in cases involving racial, economic, and disability-based disparities in public schools.

The Trump Administration’s education policies contradict the constitutional claims of each case. Where students and families argued the 14th Amendment requires federal recognition of a minimum educational standard, the Trump administration and the conservative policy agenda have explicitly rejected any federal role in defining or enforcing an adequate education for African American students, let alone American students. The administration’s actions do not affirm a right to education and have intentionally aborted institutional pathways through which such a right might be enforced.

Decoding Legal Narratives

To examine how legal arguments and court decisions shape educational policy, I analyzed three federal education rights lawsuits using the Narrative Policy



Name of Case	Issue	Rule	Analysis	Conclusion
<i>Gary B. v. Whitmer</i> (Michigan)	Whether the U.S. Constitution guarantees students a fundamental right to a basic minimum education, particularly literacy.	The due process clause of the 14th Amendment; when a state distributes funds unequally, the impact is entitled to inquiry by the courts. “All persons similarly situated should be treated alike” (City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 1985)	The parents and students argued that education, particularly literacy, is necessary for exercising constitutional rights (e.g., voting and free speech). The court initially ruled in favor but later vacated the decision after the state reached a settlement.	The lawsuit was dismissed after a settlement, leaving no binding precedent that education is a fundamental right under the U.S. Constitution.
<i>A.C. by Waithe v. McKee</i> (Rhode Island)	Whether Rhode Island’s lack of civics education violates students’ rights under the U.S. Constitution.	The equal protection clause and due process clause of the 14th Amendment.	The parents and students argued that civics education is essential for democratic participation. The court ruled that while civics education is important, the U.S. Constitution does not guarantee a specific curriculum.	The 1st Circuit rejected the claims, ruling that it is up to the legislature, not the courts, to determine education policy.
<i>Haymer/Williams et al. v. Reeves</i> (Mississippi)	Whether Mississippi’s amendment to its education clause violated the Mississippi Readmission Act of 1870, which required it to maintain uniform educational rights.	The Mississippi Readmission Act of 1870 and federal precedent on state obligations to provide a uniform education system.	The parents and students argued that removing the requirement for a “uniform system of free public schools” led to racial and economic disparities in education. The court partially accepted the argument but ruled that some claims were barred by sovereign immunity.	The 5th Circuit allowed parts of the lawsuit to proceed against state officials under Ex parte Young, but district court proceedings remain ongoing without a final ruling.

Table 1

Framework (NPF) (Shanahan et al., 2017) and Discursive Violence Analysis (DVA) (McMillian, 2025). NPF is a powerful analytical tool for uncovering the social and political narratives embedded in policy processes and revealing how litigation evolves from local disputes into major national policy debates (Boswell, 2013). Narratives are universal, structured, and selective; they frame policy issues in ways that shape perception and decision-making (Bruner, 1991; Clandinin, 2007; Czarniawska, 2010). Legal narratives, in particular, do not exist in isolation; they are embedded within broader discourses in our society that give them meaning and political power. By applying NPF to these three cases, I illustrate how education litigation mirrors long-standing inequities in our public schools and the evolving role of the Courts in defining students’ rights.

DVA extends this analysis by examining *how* authoritative narratives are constructed and organized to circumvent moral and ethical accountability in policy contexts (McMillian, 2025). DVA is particularly well-suited to legal analysis because constitutional and legislative language frequently operates to normalize inequity while appearing procedurally neutral, which is precisely the mechanism these three lawsuits expose. Together, NPF and DVA allowed me to examine not only what legal narratives say about educational rights, but *how* they function to influence and constrain the pursuit of educational equity.

I built my analysis from a dataset comprising 673 pages of court documents, including case briefs, motions, memoranda of opinion, expert testimonies, 367 pages of



local and regional news coverage from Michigan, Rhode Island, and Mississippi, and 117 minutes and 6 seconds of Circuit Court oral argument recordings. I used triangulation across legal and media sources to ensure a balanced and accurate analysis of the lawsuits (Denzin, 2017; Patton, 1999). Court records anchored the constitutional and doctrinal analysis; news coverage revealed how legal arguments were reframed, and sometimes distorted, in public discourse, shedding light on how narratives surrounding educational rights litigation develop beyond the courtroom. This comparative approach allowed me to identify discrepancies between legal discourse and media representation, and ultimately to surface four parallel themes across all three cases—each carrying direct implications for education policymakers committed to ensuring equitable and constitutionally sound public education.

Common Themes Across Federal Litigation

The ongoing inequities in public education have been a fundamental catalyst for litigation in these cases. Each lawsuit illustrates how historical and systemic disparities in access to education, quality of instruction, and funding have driven parents and students to pursue legal remedies in the federal court system, contending that the shortcomings of state education systems disproportionately impact marginalized students. The three lawsuits shared four notable similarities: the central legal argument that *the federal constitution guarantees a right to education*; *the presence of ongoing educational inequities impacting particular student groups*; *the function of federal courts as guardians of students' constitutional educational rights*; and *the ongoing dialogue concerning the balance of power between state and federal authority in public education*.

The federal constitution guarantees a right to education. The plaintiffs' position across all three lawsuits is that federal law recognizes—or should recognize—a constitutional right to education or at least a basic minimum sufficient for literacy and civic participation. In these cases, Michigan and Rhode Island presented 14th Amendment theories of due process and equal protection, arguing that the lack of

literacy education for Detroit students and the absence of civics education for Rhode Island students fall below any constitutional standard. Mississippi based its claim on the 187 Mississippi Readmission Act, asserting that the current education clause in the state constitution violates Congress's condition for readmission to the Union, which requires preserving school rights and privileges. Collectively, these cases ask the federal courts to articulate a minimum educational standard and clarify when federal law mandates intervention in state systems otherwise governed by the 10th Amendment. These cases specifically challenge whether state education systems violate students' rights by failing to meet their educational needs adequately. This legal inquiry aims to clarify the responsibilities of states in ensuring that all students have equitable access to education, which is vital for their academic achievement and future opportunities.

The presence of ongoing educational inequities affects certain student groups. Each lawsuit argued that specific groups of students, particularly low-income students and students of color, face systemic disadvantages caused by education policies. Parents and students claimed that the lack of sufficient resources and opportunities disproportionately harms disadvantaged students, thus undermining their right to a quality education. These cases underscore the unequal access to quality instruction, facilities, curricula, and resources. In *Gary B. v. Whitmer* (Michigan), the plaintiffs were Detroit students attending underfunded and neglected schools, pointing to deteriorating infrastructure, severe teacher shortages, and a lack of textbooks. The low literacy rates—evidenced by many students graduating without basic reading skills—demonstrated Michigan's failure to provide a minimally adequate education. In *Cook v. McKee* (Rhode Island), a lawsuit led by students alleged that Rhode Island had not offered meaningful civics education, especially in low-income and minority communities. Parents and students argued that students were graduating without a fundamental understanding of democratic processes, rendering them unable to exercise their rights as citizens. In *Haymer et al. v. Reeves* (Mississippi), the parents and students contended that Mississippi's removal of education protections from its post-Reconstruction constitution resulted in significant racial and economic disparities in public education. Schools that serve Black and low-income



students were particularly affected, suffering from outdated facilities, insufficient funding, and a shortage of qualified teachers.

The function of federal courts is to act as guardians of students' constitutional educational rights. The parents and students in all the lawsuits sought relief from federal courts, contending that their respective states violated constitutional protections of education and equal rights. These legal actions aimed to establish precedents that could influence public education policy on a national scale. In Michigan, students argued that education is vital for civic participation and that the state's failure to ensure basic literacy constituted a constitutional violation. The deteriorating conditions of Detroit schools, in stark contrast to those in wealthier, predominantly white districts, highlighted severe disparities in funding, facilities, and teacher quality. In Rhode Island, the student-led lawsuit argued that the lack of civics education in underfunded schools left students ill-prepared for political engagement, jury duty, and an understanding of laws. Growing concerns regarding civic illiteracy and threats to democracy amplified the calls for systemic reform. The parents and students framed the absence of civic instruction as an equity issue, asserting that historically marginalized students were disproportionately affected. In Mississippi, the parents and students connected the state's historical disenfranchisement to present-day inequities, asserting that the state had violated its obligations as outlined in the congressional 1870 Readmission Act. This lawsuit underscored the persistent, deep racial and economic inequities within the public education system, which disproportionately impact Black students in Mississippi. The case challenged the long-term erosion of public education rights, focusing on how state constitutional changes have been used to solidify segregation and inequity.

The ongoing narrative concerning the balance of power between state and federal authority in public education. The lawsuits confronted the longstanding precedent that public education and education reform policy are primarily the responsibilities of individual states rather than the federal government. These legal arguments raise the critical question of whether federal intervention is warranted when states fail to ensure

adequate educational provisions. These discussions have brought national attention to literacy as a matter of educational equity, particularly following the ruling in the Michigan case. In 2020, Michigan Governor Gretchen Whitmer settled the lawsuit by committing \$94.4 million to enhance resources and literacy in Detroit schools. In Rhode Island, a district judge reluctantly ruled against the students in 2020, citing that the U.S. Constitution does not mandate states to offer civics education. However, the judge included a favorable opinion advocating for the necessity of proper civic education. Despite this setback, the case ignited nationwide conversations about the role of public education in upholding democracy. In response, the Rhode Island Commissioner of Education established a civics task force to develop and implement civics curricula throughout the state. In 2020, the 5th Circuit Court addressed the Mississippi lawsuit. It determined that parts of the lawsuit could proceed under the *Ex parte Young* exception, which permits lawsuits against state officials for ongoing violations of federal law. The court ruled that these claims were valid under this doctrine. However, the court also stated that the claim regarding the uniformity clause of the 1868 Mississippi Constitution may no longer be legally enforceable. The Mississippi lawsuit highlighted how historical legal commitments to education continue to influence contemporary educational disparities.

Strategic Recommendations: Protecting the Right to Learn

Across these cases, recurring disparities in access to quality public education played a significant role in prompting legal action. The parents and students in each lawsuit aimed to establish education as a federally protected right, arguing that inequitable state education policies violate fundamental legal and constitutional principles.

- *Gary B. v. Whitmer* drew attention to the devastating impact of literacy gaps and sought recognition of basic education as a constitutional right.
- *Cook v. McKee* emphasized the civic consequences of inequitable education, advocating for constitutional protection of civics education.
- *Haymer et al. v. Reeves* highlighted how historical legal obligations continue to shape present-day



educational inequities, arguing for remedies rooted in federal law.

While none of these cases resulted in definitive legal victories, they have elevated national narratives regarding education, democracy, and civil rights. Additionally, they reflect a growing need for federal protections and interventions to redress state-level educational inequities that disproportionately impact marginalized students.

A Roadmap for Federal and State Accountability

What can be done? Presently, in the United States, there is a diminished political will to redress any instance of inequity, especially in education. The following federal and state actions are necessary for ensuring educational equity for all students:

- 1. Establish a Constitutional Baseline:** Federal recognition of education as a fundamental right to establish a constitutional baseline that states must meet, ensuring that all students receive a minimum standard of education.
- 2. Strengthen Federal Oversight:** Expand Title I funding and create a joint federal oversight commission through the Office of Civil Rights to hold states accountable for ensuring tangible and intangible educational resources.
- 3. Codify State Obligations:** Amend or strengthen state constitutions to explicitly guarantee students an equitable, adequate, and meaningful public education, codifying the states' obligation to provide at least a basic minimum standard.
- 4. Empower Community Litigation:** Legal pathways for holding states accountable for recurring inequitable education so that parents, students, and communities are empowered to challenge inequities.

Conclusion: Education as a Pillar of Democracy

The core elements of educational equity—universal access, civic literacy, and culturally sustaining pedagogy—stand in direct opposition to the educational priorities promoted by the current Trump administration. The

administration's priorities go beyond mere political differences, reflecting a broader ideological framework that reconfigures U.S. education through constructed narratives. Within this framework, education is repurposed as a tool for ideological conformity rather than as a means to facilitate democratic engagement. Parents and students involved in these lawsuits expressed cautious trust in the federal judiciary, anticipating not only doctrinal interpretation but also judicial recognition that education constitutes a civil right vital to human dignity and democratic involvement, not just a service. This trust highlights a necessary role for the federal government in protecting tangible educational rights—such as access to adequate facilities, textbooks, and highly qualified educators—and intangible rights, including achieving literacy, engaging in critical thinking, and participating meaningfully in democracy. Yet, this raises a critical question: can state legislatures and governors be both entrusted and trusted to ensure educational equity? These legal actions expose how state education systems often function as sites of experimental governance, where systemic inequities are normalized, and justice is continually delayed or obstructed (McMillian, 2025). Conversely, the courts' reluctance to affirm education as a constitutionally protected right underscores a fragile judicial commitment to equity. The ongoing tension between compulsory education and constitutional silence necessitates a critical reevaluation of mechanisms for checking state power—particularly regarding the judiciary's credibility as a protector of public education amid political efforts to weaken it from within.

Given the historical and current patterns of state-led educational policymaking, there remains significant concern about whether state governments prioritize equity, especially for African Americans and other students of color. If states are to remain the primary arbiters of education policy and governance, both federal and state guardrails must be in place to ensure they meet this responsibility through policies that establish, maintain, and protect tangible and intangible educational rights.

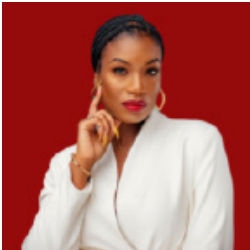


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