

# Is Higher Education a Human Right or a Competitive Investment Commodity?

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## Introduction

As the Introduction to the *2016 Indicators Report* notes, in this period of recovery from the Great Recession and the upcoming 2016 Presidential elections, the concept of higher education as a basic human right has re-entered the national conversation.<sup>93</sup> This essay presents a discussion of the differences in policy stemming from views as to whether higher education is a civil or human right with associated public and private rights and responsibilities, or, in contrast, is a competitive investment consumer commodity with other associated rights and responsibilities. In the first part of the essay, we present an historical review of the development of the education as a human right perspective in the international context of the post-World War II period. We then review the more recent decades which have seen the rise of the new “knowledge-based human capital economy” in which higher education is more predominantly seen as a commodity subject to consumer protection rights. The second part of the essay focuses the identification of certain recent strains in the commodity investment perspective that have led to the recent re-emergence of human rights-based proposals calling for universal free higher education.

## I. *Historical Growth of Views that Higher Education is a Human Right in the United States and International Law in the Post World War II Period*

While the “equality” of all citizens who possess “certain inalienable rights” forms the founding principle and purpose of the U.S. government as expressed in the Declaration of Independence,<sup>94</sup> education is not one of the rights specified in the U.S. Constitution or the Bill of Rights. Internationally, it was the growth of socialist thought in the 19<sup>th</sup> century that held that it was the task of the state to ensure the economic and social well-being of the community, and therefore individuals had claims to basic welfare services against the state. Education was viewed as one of these entitlements. Socialist ideals were included in the 1936 Soviet Constitution, which was the first constitution to specifically recognize the “right to education” with

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<sup>92</sup> All views expressed in this essay are the sole responsibility of the authors, and do not represent the position of the Pell Institute for the Study of Opportunity in Higher Education or the Alliance for Higher Education and Democracy of the University of Pennsylvania (PennAHEAD).

<sup>93</sup> While not typically drawing the same policy conclusions, as Professor Diane Ravitch has noted, reformers and advocates from both the right and the left have identified issues around education as: “the civil rights issue of our times” <http://dianeravitch.net/2015/06/01/the-civil-rights-issue-of-our-time-2/> Recently the conversation has come to include higher education with such questions being included in the presidential debates. For example, when asked about the topic in a Democratic primary debate, Presidential candidate B. Sanders stated, “I think what we need to do is say is yes, higher education should be a right.”

<sup>94</sup> “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,” IN CONGRESS, July 4, 1776. The unanimous Declaration of the thirteen united States of America.

a corresponding obligation of the state to provide it. The constitution guaranteed free and compulsory education at all levels, a system of state scholarships and vocational training. Subsequently the right to education featured strongly in the constitutions of other socialist states. As Indicator 6 shows, today according to OECD statistics, the Russian Federation is among the leaders of the world in the education level of its citizens.<sup>95</sup>

In the United States, the origins of free public and eventually compulsory elementary and high school schooling stem from the “common school” idea of the 19<sup>th</sup> century, when the U.S. was primarily an agrarian immigrant nation. This concept was initiated as a practical policy promoting “all-inclusive schooling” to integrate children into the American way of life-- and as a promising means of promoting economic self-sufficiency, work opportunities in an increasingly urbanizing society, and the ability to fully participate in a democracy. However, as the U.N. Rapporteur noted in her 2002 report on the status of education as a human right in the United States, these “common schools” were not “all-inclusive” but had major exclusions based on race, gender, and economic status.<sup>96</sup>

**The Proposed Second Bill of Rights of Franklin Roosevelt.** In the 1940s, at a time when according to the U.S. decennial Census, only about 26 percent of Whites and 8 percent of Blacks over the age of 25 had attained a high school diploma and about 5 percent of Whites and 1 percent of Blacks had attained a bachelor’s degree,<sup>97</sup> President Franklin Delano Roosevelt put forth his proposal for a “Second Bill of Rights” that included the right to “Education.” This proposal grew out of the experience of the Great Depression and World War II, and was articulated in President Roosevelt’s State of the Union Address on January 11, 1944.<sup>98</sup> The President argued that the “political rights” guaranteed by the U.S. Constitution and the Bill of Rights had “proved inadequate to assure us “equality” in the “pursuit of happiness.” Roosevelt’s remedy was to declare an “economic bill of rights” which would guarantee eight specific rights. Among these rights was the right to “a Good Education.”

The eight interrelated rights were:

1. Employment (right to work)
2. Food, clothing and leisure, via enough time to support them
3. Farmers’ rights to a fair income
4. Freedom from unfair competition and monopolies
5. Housing
6. Medical care
7. Social security
8. Education

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<sup>95</sup> Beiter, K.D. (2005). *The Protection of the Right to Education by International Law*. Martinus Nijhoff Publishers. ISBN 9789004147041.

<sup>96</sup> Report submitted by Katarina Tomaševski, (2002), *Special Rapporteur Report on the Right to Education Mission to the United States of America*. 24 September-10 October 2001 E/CN.4/2002/60/Add.1, 17 January 2002. Retrieved from [https://www.nesri.org/sites/default/files/Special\\_Rapporteur\\_Education\\_USA.pdf](https://www.nesri.org/sites/default/files/Special_Rapporteur_Education_USA.pdf).

<sup>97</sup> Separate data by race is available in 1940 only for the categories of Whites and Blacks. U.S. Census Population Division Census 2000 PHC-T-41. *A Half-Century of Learning: Historical Statistics on Educational Attainment in the United States, 1940 to 2000*.

<sup>98</sup> This Second Bill of Rights speech of FDR is available at: <https://www.youtube.com/watch?v=3EZ5bx9Ayl4>.

**Post World War II International Declarations.** President Roosevelt died in office in April 1945, before this proposal was considered in the U.S.; however, some of the ideas contained in his “Second Bill of Rights” were manifest in the United Nation’s Universal Declaration of Human Rights (UDHR).<sup>99</sup> The UN Committee to draft the UDHR was chaired by Eleanor Roosevelt, who represented the U.S. She was the only woman of the group of nine committee members representing Lebanon, Russia, China, France, England, Canada, United States, Australia, and Chile. The UDHR was adopted in the UN General Assembly in 1948 and was followed by a number of related Covenants and Declarations that included the human right to education and that constitute the basis for protections affirmed today in international law:

- Article 26 of the Universal Declaration of Human Rights
- Articles 13 & 14 of the International Covenant on Economic Social and Cultural Rights
- Articles 28,29 & 40 of the Convention on the Rights of the Child
- Article 5 of Convention on the Elimination of All Forms of Racial Discrimination
- Articles 10 & 14 of Convention on the Elimination of All Forms of Discrimination Against Women
- Article 12 of American Declaration on the Rights and Duties of Man

**The Civil Rights Movement in the United States of the 1950s and 1960s.** In the civil rights movement of the post-World War II period, a major focus was on racial inequalities in education. The U.S. Supreme Court by its historic *Brown v. Board of Education of Topeka* judgment in 1954, ruled against the overt system of racially segregated public education and triggered the formal pursuit of integrated schooling in schools and colleges across the nation, but refrained from addressing the role of segregation based on parental socioeconomic status and poverty.

**The Higher Education Act of 1965 (reauthorized in 1968, 1972, 1976, 1980, 1986, 1992, 1998, and 2008).** Growing out of the civil rights movement and the “War on Poverty,” the Higher Education Act of 1965 and subsequent re-authorizations have defined the structure of the federal student aid system and of the role of the federal government in supporting the extension of higher education to those who were regarded as “disadvantaged” by measures of family income, parent education, disability status, English Language Learner status, migrant status, homelessness, and, for certain programs, minority status. With regard to the student financial aid system that developed over the period, family income was to be the sole determining factor.

The HEA did not refer to higher education as a right, but the law did recognize that certain individuals who were underrepresented were at a “disadvantage” and did not have an equal opportunity for higher education. This legislation mandated that equal opportunity be fostered and that funding for what were called “disadvantaged” students be set in place at the federal levels. Higher education for those who had the interest and ability was regarded as a key part of the “War on Poverty.” The extended opportunities for a college education were anticipated to be a major key to ending poverty and promoting full participation in the “Great Society” of President Johnson. The law affirmed the positive role of higher education for the well-being of individuals to fully participate in a democratic society, and to benefit the country. In this way the HEA recognized, as Amartya Sen has stated, “Poverty is not just a lack of money; it is not having the capability to

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99 See <http://www.un.org/en/universal-declaration-human-rights/>.

realize one's full potential as a human being."<sup>100</sup> The HEA was also consistent with the social justice theory of thinkers such as John Rawls in its provision of benefits for those in the "original position" of unequal resources and opportunity in society.<sup>101</sup> It also allowed institutional choice for students, as federal aid was portable between institutions. The Federal Grants were to be awarded through higher education institutions based on individual students' free choice of the institutions they attended. As noted in the 2016 Indicators Report, the original intent of what came to be known as the "Pell Grants" was that the aid would be able to cover about 2/3 to 3/4 of the costs at public colleges and that low- income students could work a modest amount through programs such as "Work Study" to cover the remaining costs.<sup>102</sup> In the 1960s and 1970s, it was still possible to earn a good part of the needed college costs through summer jobs and a modest amount of work during the academic year.<sup>103</sup>

**The U.S. Department of Education and the Search for Excellence—A Nation at Risk.** The history of the U.S. Department of Education's (ED) initial and two subsequent mission statement revisions provides a good summary of the development of differing emphases by the various administrations since the late 1970s. Reflecting the civil right concerns with equal access to education of the 1960s and early 1970s, the first official mission of the newly recreated U.S. Department of Education in 1979 was simply stated as to "ensure equal access to education."<sup>104</sup> The first modification to the U.S. Department of Education's mission came after the publication during the Reagan Administration of the *Nation at Risk* in 1983. Authored by the National Commission on Excellence in Education, this report depicted a strong need for educational reform at all levels, with a special focus on preparation for college. Increases in educational achievement were to be accomplished by testing, rewarding success and penalizing failure. While provision of equality of opportunity was still espoused in the document, the educational performance of individual students, schools and school districts was not linked to parental education and income. The official mission of the U.S. Department of Education was subsequently changed to be "to ensure equal access and foster excellence in education."

Katarina Tomaševski, Special UN Rapporteur, critically summarizes the result of this focus on excellence in her report on the status of the right to education in the United States.

Schools (*in the U.S.*) might have been enabled to tackle rather than merely reflect problems, were it not for the switch of attention from equality to excellence in the 1980s. Excellence has remained prioritized ever since... The previous common school ideal — free, public and all-inclusive education — was replaced by an emphasis on improving the performance of individual

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100 Amartya Sen, retrieved from [http://www.azquotes.com/author/13314-Amartya\\_Sen](http://www.azquotes.com/author/13314-Amartya_Sen).

101 Rawls, J. (1971). *A Theory of Justice*. Cambridge, MA: Harvard University Press. [https://www.uta.edu/philosophy/faculty/burgess\\_jackson/A%20Theory%20of%20Justice%20%28Excerpts%29.pdf](https://www.uta.edu/philosophy/faculty/burgess_jackson/A%20Theory%20of%20Justice%20%28Excerpts%29.pdf).

102 Mensel, F. (2013). "Birth of the Pell Grant: the Community College Role," *Reflections on Pell*. Washington, D.C.: Pell Institute for the Study of Opportunity in Education. [http://www.pellinstitute.org/downloads/publications-Reflections\\_on\\_Pell\\_June\\_2013.pdf](http://www.pellinstitute.org/downloads/publications-Reflections_on_Pell_June_2013.pdf).

103 Eskow, R. Free Higher Education Is a Human Right, retrieved from <https://www.facebook.com/sharer/sharer.php?u=http%3A%2F%2Fwww.huffingtonpost.com%2Ffrj-eskow%2Ffree-higher-education>.

104 The first federal Department of Education was created in 1867, but in 1868 became the "Office of Education" without cabinet representation. The Department of Education as currently organized was created by the Department of Education Organization Act (Public Law 96-88) and signed into law by President Jimmy Carter on October 17, 1979, and it began operating on May 4, 1980.

schools and students, on finding alternatives to public schools rather than improving them. The goal of inclusiveness was displaced by selection and segregation.<sup>105</sup>

**Focus on Achievement for Global Competitiveness.** In the 1990s, Congress passed the *GOALS 2000: Educate America Act* under President Bill Clinton. The act set eight specific goals to be reached by the year 2000, including global preeminence in math and science, and the legislation provided “resources” to states and communities to ensure that all students “reach their full potential.”<sup>106</sup> It was based on the premise of “outcomes-based education” that students will reach higher levels of achievement when more is expected of them.

As the 21<sup>st</sup> century began, the U.S. continued the focus on “excellence,” now spoken of in terms of reducing the “academic achievement gaps” between various groups of students. These gaps were to be measured and reported annually as part of new accountability measures enacted in the 2002 reauthorization of the Elementary and Secondary Act known as *No Child Left Behind*. Districts and schools were required to develop plans for overall improvement in test scores and for reducing gaps among eight sub-groups (i.e., the five race/ethnicity groupings, disadvantaged economic status, disability status, and English Language Learner status).<sup>107</sup> These gaps were viewed as manifestations of inequity and as putting the U.S. at a disadvantage in the new knowledge economy. In 2005, during the Bush Administration, the ED mission statement was revised again to reflect an increased emphasis on academic achievement and global competitiveness levels. The current U.S. Department of Education’s mission statement is to “*promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*”<sup>108</sup> The equal access mission considered so critical to individual and social well-being in the period of the 1960s and 1970s had been relegated to being a means to ensure global competitiveness.

**Development of International Thinking on the Right to Education.** While the U.S. has held back from the international binding Covenants affirming rights to education, within the international law community and the UN Councils the meaning of education as a human right continues to be articulated and discussed. While the meaning of these rights has been variously articulated, it is generally thought to imply that:

- The right to education is guaranteed legally for all without any discrimination
- States have the obligation to protect, respect and fulfil the right to education
- There are ways to hold States accountable for violations or deprivations of the right to education

While not a formal set of criteria, the fulfilment of the right to education has also been discussed by the UN Human Rights Council using what is known as the “4 As” framework, which asserts that for education

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**105** Report submitted by Katarina Tomaševski, 2002, Special Rapporteur on the right to education Mission to the United States of America 24 September-10 October 2001 E/CN.4/2002/60/Add.1, 17 January 2002. Retrieved from [https://www.nesri.org/sites/default/files/Special\\_Rapporteur\\_Education\\_USA.pdf](https://www.nesri.org/sites/default/files/Special_Rapporteur_Education_USA.pdf).

**106** A copy of this act is available on line at <http://www2.ed.gov/legislation/GOALS2000/TheAct/index.html>.

**107** No Child Left Behind mandated that schools and districts reduce the test score gaps among these eight groupings and attain proficiency levels by 2014.

**108** The current mission statement can be accessed at <http://www2.ed.gov/about/overview/mission/mission.html>.

to be a meaningful right it must be *available, accessible, acceptable and adaptable*.<sup>109</sup>

In countries such as Britain, a binding party to the Covenants, the international legal rights to free higher education are emerging as a basis for challenging proposals by the government to raise tuition fees. As noted by Professor Geraldine van Bueren, an international law professor at the University of London, “International law regards a university education as a universal human right” and this could form the basis for a serious legal challenge to raising education fees.<sup>110</sup>

The European Student Union’s basic position is that “the understanding of education as a public good and a public responsibility is a pre-requisite for equal access to education. Public responsibility in financing of HE and social services for students is a means of ensuring that access does not depend on the socioeconomic background of learners or their families.”<sup>111</sup>

### Growth of the Global Commodification of Higher Education

Concomitant with the growing perspective that education is a human right with associated rights and responsibilities, in recent decades, with the growth of the “knowledge economy” there has been the growth of the perspective that higher education is a consumer good in which individuals and societies invest for their futures. Commodification has been defined as the process by which “social domains and institutions, whose concern is not producing commodities in the narrower economic sense of goods for sale, come nevertheless to be organized and conceptualized in terms of commodity production, distribution and consumption.”<sup>112</sup> In the commodification of higher education, institutions and their faculty members become defined in terms of their productive capacity.

In 2005, the European Student Union published a policy paper on the “Commodification of Education” in which the ESU both describes the process of commodification and re-affirms its contrasting view that education should continue to be addressed as a human right. It states:

ESIB (ESU) believes that open access to all levels of education is the cornerstone of a socially, culturally and democratically inclusive society and a pre-requisite for individual development and well-being. However in the economic debate, which emphasizes the importance of the knowledge based economy, this definition of education is evermore contested and education has come to be understood solely as an economic factor rather than a tool for social development. In this context, Higher Education (HE) is perceived as a knowledge industry and Higher Education Institutions (HEIS) as service providers. Students are looked upon primarily as consumers

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- 109** <http://www.right-to-education.org/node/226>. Human Rights Council’s panel discussion during the Universal Periodic Review. See more at: <http://www.right-to-education.org/node/226#sthash.uFK4q4sx.dpuf>. The 4 As framework was developed by the former UN Special Rapporteur on the Right to Education, Katarina Tomasevski, but is not necessarily the standard used in every international human rights instrument and hence not a generic guide to how the right to education is treated under national law.
- 110** Geraldine Van Bueren. (2013). If university education is a human right, high fees may be legally wrong. *The Times Higher Education*. Retrieved from <https://www.timeshighereducation.com/if-university-education-is-a-human-right-high-fees-may-be-legally-wrong-argues-geraldine-van-bueren/2003391.article>. Geraldine Van Bueren is a leading international human rights lawyer and one of the original drafters of the United Nations Convention on the Rights of the Child.
- 111** European Student Union, “Executive Committee Document BM64/Part7, Policy paper on public responsibility, governance and financing of higher education, “ March 2013.
- 112** Fairclough, N. (1992). *Discourse and Social Change*. Cambridge, UK: Billings & Sons, as quoted in David F. Noble, 2002. “Technology and the Commodification of Higher Education”. *Monthly Review*, Volume 53, Issue 10 (March).



of education and human capital for the labor market. Students tend to focus less on active participation in higher education institutions. Many are choosing to focus only on preparation for the labor market and possibilities for maximizing personal financial returns upon graduation... This has also led to a decrease in cooperation and solidarity between individual students and an increase in unhealthy competition for the purpose of the fulfillment of personal aims. It is thus the increasingly commercialized way in which higher education is being dealt with that is referred to as 'commodification' of education.<sup>113</sup>

### **Growth in the U.S. of the Right to Know Accountability Regulations: HEA Consumer Information.**

Reflecting a commodification approach, the accountability provisions enacted by law and regulation since the 1990s have centered on "consumer right to know" information that is increasingly considered necessary for students to make informed choices about where to enroll in postsecondary education. These laws and regulations most resemble a consumer protection approach.<sup>114</sup>

The consumers are both the individual students making so called "informed choices" and the federal government representing the public taxpayers' "right to know." All institutions participating in Title IV programs must comply with the requirements. These requirements stem from the 1990 *Student Right to Know Act*, which covered postsecondary institutions' reporting obligations to the federal government and also specified information that must be made publicly available by all institutions to all prospective and enrolled students. Subsequently, the specific information required has been renewed and more requirements added. Currently, institutions are required to report consumer information on: the cost of attendance, net price of attendance, financial assistance available, requirements for grants and loans, academic programs, special facilities for students with disabilities, privacy safeguards, campus crime and drug use rates, accreditation information, completion and graduation rates, transfer rates, standards for satisfactory progress, and if applicable, follow an equity in athletics disclosure act requirement.<sup>115</sup>

The new College Score Card, mandated by Congress and developed by the Department of Education and released by the Obama Administration in 2015, focuses on identifying colleges that are considered the "best buys" or investments based upon available "outcome" data. The Score Card has carried the provision of consumer choice information for college to a new level of technological efficiency, but the validity of the comparisons has been questioned.<sup>116</sup>

## ***II. Strains in the Current U.S. System and Implications of the Reemergence of Education as a Human Right for the Future***

In this final section, we briefly identify some of the strains in the recent experiences in the United States that have led many to question the sustainability and fairness of applying the commodity investment

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**113** <http://www.esu-online.org/news/article/6064/90> 2005 Policy Paper "Commodification of Education" Published: 24 Mar 2011 10:26, Last updated: 28 Mar 2011 14:14 s.

**114** <http://counsel.cua.edu/fedlaw/studentknow.cfm> provides a good summary of student right to know laws and regulations.

**115** National Postsecondary Education Cooperative (NPEC) 2009, Information Required to be Disclosed Under the Higher Education Act of 1965: Suggestions for Dissemination. This includes a summary of disclosure requirements in the HEA (as amended by the Higher Education Opportunity Act of 2008).

**116** <http://www.sfchronicle.com/opinion/editorials/article/Obama-s-new-college-rankings-are-a-good-start-6504306.php>. The website, <https://collegescorecard.ed.gov>, offers the public a quick, easy way to learn about institutions' annual costs, graduation rates and median earnings after graduation.

model to higher education. These strains have led to a re-introduction of consideration of higher education as a human right entitlement to which all citizens have equal access. More reflection is needed on what changes would be needed to realize a system where each citizen regardless of family income or academic merit was entitled to a higher education designed to fully develop their capacity to participate in gainful employment, civic responsibilities, and the “pursuit of happiness” for their own well-being and that of the common good.

Among the “strains in the system” and areas of current concern are:

- **The student debt-crisis.** As the *2016 Indicators Report* shows, using NPSAS:12 data, about 70 percent of those graduating with a bachelor’s degree had student loan debt and the average debt was about \$30,000. Those receiving Pell Grants, despite choosing to attend lower cost colleges on average, had more debt than those not receiving Federal Grants. This debt totaled about 1.3 trillion in 2014. Given the state disinvestment in public higher education, this troubling trend is likely to continue.
- **Lack of control of availability of employment in specific areas of study; the vulnerability of different generations to the economic downturn cycles that may impact their whole lives.**<sup>117</sup>
  - **The high levels of unemployment and underemployment of youth who have attained bachelor’s degrees while saddled with large debts.** When higher education is viewed as an investment commodity and as a consumer choice for students and for society, the expectations are that it will consistently yield personal and societal benefits that justify the expenditures, both private and public. Within the U.S. context, college students are told that they will get good jobs upon completion and thus be able to pay off student loans. The experiences of the past decade with the Great Recession and unrelenting increases in college costs at the same time that incomes have been stagnating has led to a rethinking of the current financial aid models.
  - **The unemployment rate that remains high, particularly among recent college graduates.** The Economic Policy Institute (EPI) reported that among college graduates who are between 21 and 24 years old, the unemployment rate between April 2014 and March 2015 was 7.2 percent.<sup>118</sup>
  - **Wages for college graduates that continue to stagnate.** According to EPI’s data, the real (inflation-adjusted) wages of young college graduates who are between 21 and 24 years old with a college degree declined 2.5 percent from 2000 to 2015, from \$18.41 to \$17.94.
  - **Uncertain long-term outlook for jobs.** A 2014 study by the Federal Reserve Bank of New York concluded that over the past two decades, 33 percent of college graduates are underemployed, meaning they hold a job that does not require a college degree. However, among those underemployed college graduates, good paying jobs have been in decline over the decade. The researchers conclude: “the job prospects for recent college graduates have worsened, even though the high rate of underemployment over the past few years is comparable to the level seen in the early 1990s. Among those recent college graduates who

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<sup>117</sup> Morgan, J.M. and Hoshijima, T. (2011). *Including More Student Voices in Higher Education Policymaking: Rising Tuitions and Student Debts Mean Rising Stakes for College Students*. Washington, D.C: Center for American Progress.

<sup>118</sup> Davis, A. , Kimball, W. & Gould, E. (2015). *The Class of 2015: Despite an improving economy, youth grads still face an uphill climb.* *Economic Policy Institute Briefing Paper # 401*. Retrieved from <http://www.epi.org/publication/the-class-of-2015/>.



are underemployed, more are working part time or in low wage jobs since 2000, while fewer are working in good non-college jobs. **It is likely that close to half of the college degree completers will not find a job that requires college degree and more students will end up with low-paying jobs despite the high amount of student loan they had to repay.**<sup>119</sup>

- **The concerns of the non-completers.** As the *2016 Indicators Report* shows, low-income and first-generation students are much less likely to attain a bachelor's degree than students who are more advantaged. These students have a higher probability of defaulting on their loans. The economic downturns hit lower income students the hardest.
- **Higher rates of growth by other countries in educational attainment over the recent decades.** Countries that have taken different approaches than the U.S. have had markedly greater rates of increase in higher education attainment over the past few decades and have now surpassed the United States in college attainment levels of their citizens<sup>120</sup>
- **Lower social mobility in the United States than similarly developed countries.** A recent OECD study comparing educational attainment among more than 25 highly developed countries found that the United States was characterized by both “high inequality” and “low intergenerational mobility.”<sup>121</sup>
- **Negative health impacts of over-competitiveness becoming apparent.** Competition among students once thought to increase overall achievement has many negative health consequences for students from all social sectors and this has led to a reaction among middle class parents manifest in movements such as the Race to No Where.<sup>122</sup> The competitive creation of winners and losers at all levels of education, but especially with regard to college (entrance into college and in grading system once enrolled) creates unhealthy conditions for learning.
- **The overly complex “College Choice” and financial aid system.** There is a recognition that there is a need for a much simpler financial aid system and not just a simplification of the FASFA form.<sup>123</sup>
- **Decline in levels of public support.** This decline is reflected in the erosion of state funding and the erosion of percent of college costs that can be covered by Federal Grants from about covering 2/3 of the cost to about one-quarter of the costs.
- **Excessive work hours needed to meet costs increasingly recognized as a barrier to completion and student success.** The rising cost of college, combined with the decline in grant aid coverage, has created increased levels of work hours which students cite as the major reason for leaving without completion.<sup>124</sup>

119 Abel, J. R & Deitz, R., Su, Y. (2014). Are recent college graduates finding good jobs? *Current Issues in Economics and Finance*. 20 (1). Federal Reserve Bank of New York.

120 OECD (2013 and 2014) *Education at a Glance*; Strehl, F., S. Reisinger and M. Kalatschan (2007). Funding Systems and their Effects on Higher Education Systems, *OECD Education Working Papers*, No. 6, OECD. Publishing. <http://dx.doi.org/10.1787/220244801417>.

121 Ibid.

122 Race to Nowhere,( 2010). *Beyond Measure*, 2015. <http://www.racetonowhere.com/>; Wilkinson, R. and Pickett, K. (2007).“The Problem of Relative Deprivation: Why Some Societies Do Better than Others,” in *Social Science and Medicine*, 65 : (9); Wilkinson, R. and Pickett, K. (2009). *The Spirit Level*. New York: Bloomsbury Press.

123 Gale, T. and Parker, S., (2014). “Widening Participation in Australian Higher Education,” Report submitted to HEFCE and OFFA October 2013. Young Invincibles, IHEP, NASFAA, HCM Strategists, New America Foundation, *Automatic for the Borrower: How Repayment Based on Income Can Reduce Loan Defaults*, [https://www.ced.org/pdf/Automatic\\_for\\_the\\_Borrower.pdf](https://www.ced.org/pdf/Automatic_for_the_Borrower.pdf).

124 Carnevale, A.P. et al.(2014). *Learning While Earning: The New Normal*. Georgetown Center on Education and the Workforce. Retrieved from [https://cew.georgetown.edu/wp-content/uploads/Working-Learners\\_10\\_5\\_15.pdf](https://cew.georgetown.edu/wp-content/uploads/Working-Learners_10_5_15.pdf) I; Laura W. Perna,, ed., Understanding the Working College Student: New Research and Its Implications for Policy and Practice. Sterling, Va.: Stylus Publishing. With Their Whole Lives Ahead of Them. Retrieved from <http://www.publicagenda.org/pages/with-their-whole-lives-ahead-of-them-reality-1>.

- **The growth of performance-based measures in Pell** such as the 2010 Satisfactory Academic Progress (SAP) regulations that result in students unable to make quick progress losing their Pell Grants.<sup>125</sup>
- **Questioning the legitimacy of the merit-based admission system.** Increasing stratification of resources based on the system with market-driven costs has resulted in a tiered system overtly based on “merit,” which serves as a proxy for social class.<sup>126</sup> Universities were once held out as a fulfillment of America’s promise of equal opportunity, serving as drivers of social mobility and democratic ideals. Some argue that instead, these institutions “are functioning to select and privilege elite individuals rather than create learning communities geared to advance democratic societies.”

All of these factors have led to a resurgence of the perspective that higher education should be considered an equally accessible human right rather than a consumer investment commodity. It remains to be seen whether any of the proposals for universal free public higher education will be enacted. As Richard Eskow has noted in his essay arguing that the time has come for free universal college:

But the American educational tradition has never been strictly utilitarian. Public institutions of higher learning shouldn’t exist merely to provide free employee training for the private sector. Colleges and universities must also produce the musicians, writers, philosophers, scientists, and visionaries of tomorrow. We must stay true to the vision of educational philosophers like John Dewey, who recognized that the primary purpose of education at all levels is to produce fully-realized citizens in a democratic society. The ability to participate fully in all aspects of democratic life has always been the American dream. Free higher education is essential to realizing that dream, and it’s an idea whose time has come.<sup>127</sup>

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- 125** Schudde, L. and Scott-Clayton, J. (2014). Pell Grants as Performance-Based Aid? An Examination of Satisfactory Academic Progress Requirements in the Nation’s Largest Need- Based Aid Program, A CAPSEE Working Paper. New York: Community College Research Center Teachers College, Columbia University; Advisory Committee on Student Financial Assistance, “The Rising Price of Inequality” (Washington, DC: 2010). Retrieved on October 29, 2011 from <http://www2.ed.gov/about/bdscomm/list/acsf/aacsfarpijune2010.pdf>.
- 126** Guinier, L. (2015). *The Tyranny of the Meritocracy: Democratizing Higher Education in America*. Boston: Beacon Press. Botstein, L. (2003). The Merit Myth. *The New York Times*. Retrieved from <http://www.nytimes.com/2003/01/14/opinion/the-merit-myth.html>.
- 127** Eskow, R.J. op. cit.