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Call for Papers

Volume XV, Issue 2(18), Winter 2024

Journal of Research in Educational Sciences

The Journal is designed to promote scholars' thought in the field of education with the clear mission to provide an interdisciplinary forum for discussion and debate about education's most vital issues. We intend to publish papers that contribute to the expanding boundaries of knowledge in education and focus on research, theory, current issues and applied practice in this area.

The Editor in Chief would like to invite submissions for the **Volume XV, Issue 2(18), Winter 2024** of the **Journal of Research in Educational Sciences** (JRES).

The primary aim of the Journal has been and remains the provision of a forum for the dissemination of a variety of international issues, empirical research and other matters of interest to researchers and practitioners in a diversity of subject areas linked to the broad theme of educational sciences.

The aims and scope of the Journal includes, but is not limited to; the following major topics as they relate to the Educational Sciences:

- Educational Psychology;
- Engagement and Community;
- Leadership in Education;
- School Improvement;
- Human Resources in Education;
- Education and Information Science;
- Global strategies in Higher Education;
- Learner's Needs in the 21st Century;
- The Role of Education in The Globalization World;
- Technology-Based Learning.

All papers will first be considered by the Editors for general relevance, originality and significance. If accepted for review, papers will then be subject to double blind peer review.

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Access to Education under U.S. Law and Some Recommendations for Vietnam

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Abstract: Purpose: The right to education is a fundamental right for all members of society, serving as a cornerstone for promoting population growth and facilitating equal educational opportunities without discrimination. Vietnam, a nation committed to fulfilling its international obligations, including ensuring access to education as a fundamental constitutional right, is not without its challenges. These challenges, ranging from inadequate infrastructure to social and economic disparities, present opportunities for growth and improvement. This article examines the legal framework and implementation of education access laws in the United States, with the aim of identifying strategies that can be selectively adopted to enhance Vietnam's education system. By doing so, Vietnam can create a supportive legal environment for innovation in education and training, paving the way for a brighter future.

Methodology: The study involves a comparative analysis of the education systems in Vietnam and the United States, focusing on the legal provisions and practical implementations that facilitate access to education.

Findings: The analysis reveals that, despite Vietnam's commitment to ensuring education as a fundamental constitutional right, the country faces challenges such as inadequate infrastructure and social and economic disparities. These challenges present opportunities for improvement through the adoption of best practices from the U.S. education system.

Originality: This research provides a unique perspective by highlighting the potential for Vietnam to enhance its education system through the selective adoption of strategies from the U.S. legal and educational framework. This approach aims to create a supportive legal environment for innovation in education and training, contributing to a brighter future for Vietnam.

Keywords: right to access education; right to education; human rights; Constitution; Vietnamese law.

JEL Classification: I21; K38; H52.

Introduction

Developing countries around the world have ratified various agreements in recognition that the realization of human rights is directly connected to their development, democratization and good governance. Laws and public policies are, therefore, significant instruments through which nations can facilitate the realization of human rights according to Article 4.3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). A study by the United Nations Educational, Scientific and Cultural Organization (UNESCO) revealed that 177 out of 180 states that are members of the United Nations have adopted legislation that ratifies their obligations to provide access to education to citizens. In addition, approximately 90% of the 179 countries have laws that make education

compulsory. With such comprehensive legislation, it is apparent that the introduction of laws is part of broader governmental measures intended to help in realizing the right to access education (<https://press.un.org/en/2000/20001027.gashc3609.doc.html>).

The right to access education has received significant attention from the international community since the 20th century. This is because education is an essential tool for development that reduces poverty and provides lifelong benefits such as improved health, well-being, opportunity to actualize personal potential, and competencies that inspire innovation and creativity. Researchers have often referred to education as "a human right, a powerful driver for development and well-being that every child is entitled to receive under international and national laws". The importance of the right to access education is reflected in the declaration of education as a fundamental human right by the United Nations in 1948 and the ICESCR that was adopted in 1966 and came into force in 1976. The covenant commits member countries to promote the right of everyone to have access to education. The right to access education includes the right to free, compulsory primary education for all, access to secondary education as well as higher education that should equally be made accessible to all, on the basis of capacity by every appropriate means and every state should make primary education and elementary education compulsory for all ("Right to education: scope and implementation; General comment 13 on the right to education, Art. 13 of the International Covenant on Economic, Social and Cultural Rights - UNESCO Digital Library").

Access to education is not just a fundamental human right but a cornerstone of societal progress. It is the key to unlocking human potential, fostering economic growth, and promoting social cohesion. This right includes not only the possibility of admission at the right age but also the opportunity to study fully and in accordance with international educational standards. It also encompasses the provision of a safe learning environment and the equitable distribution of learning opportunities, ensuring that everyone has the right to access knowledge and develop their potential without discrimination. The Universal Declaration of Human Rights (UDHR) of 1948 recognized this right, stating that "everyone has the right to education" (Article 26). As Vietnam strives to diversify and expand its international relations, the renewal of education for deep integration is not just a necessity but an imperative. The authors analyze the essence of the right of access to education. At the same time, through a qualitative dissolution method, using the comparative method and the method of analyzing data sources, the authors recommend in the context of positive and negative results of the educational world in the U.S., models and measures that might resolve solutions in educational development to ensure access to education at the best level in Vietnam ("Education Is a Fundamental Human Right and the Priority of the 21st Century," Education Cannot Wait).

1. Literature Review

Right to access education within the framework of international commitments

The current collective life is marked, two decades ago, by three major human rights themes, which started to permeate social, economic, and political life as an answer to the many demands being raised by citizens. Acceptance was mutilated within the UDHR, in 1948, with no agreements at the time of normative value required to warranty the immediate realization of the positive aspects brought by each one of those rights. Although the citizen lived within him, all through time, the right to live in peace, to never undergo torture, to enjoy a healthy environment, to have decent work, to have a family, to have a home, and also to receive four similar natural rights: the right to liberalism, the right to security, the right to privacy, the right to move forwards searching for experience and knowledge beyond family and local cultural horizons. Two decades later, in 1966, the Vienna conference on human rights took place, where the seven civil and political rights (even institutional, that, in its puny, limited set, guarantees the civic individuals the acknowledgment of the individual liberties); and the four others – social, cultural, economic, and collective rights – were isolated in distinct papers. Only in 1993, the Opening Declaration accept unanimous oppositions, with the worldwide projection of the promises of the Stockholm Declaration of the International Conference on Human Rights, having started with the Universal Declaration about the Responsibilities of the Human Species, meetings about peace, disarmament, security, and the future of nurturing, education and upbringing of man and rights of the Human Species ("Human Rights for the Twenty-first Century (Chapter 11) - Global Governance and the Emergence of Global Institutions for the 21st Century.")

The Universal Declaration of Human Rights, specifically Article 26, proclaims that everyone has a right to education. This includes access to free, compulsory, and basic education for the complete development of the individual. The United Nations Convention on the Rights of the Child (1989) further emphasizes the right to education based on equal opportunities for all. It recognizes that education is a fundamental human right, and governments have a responsibility to ensure non-discrimination and promote equal educational opportunities (Universal Declaration of Human Rights | United Nations.)

UNESCO, like the United Nations, has played a key role in introducing legislation related to education. This legislation can be classified into two categories:

- Hard laws – laws that have been legally binding since their adoption and ratification by Member States, such as conventions and treaties; and
- Soft laws – laws that are not legally binding but hold significant political and moral influence, such as frameworks for actions, statements, and recommendations.

The UNESCO Charter mandates the Organization to build cooperation among States to advance equality of educational opportunities for all. To this end, UNESCO has developed various standard-setting instruments in the field of education, among which is the UNESCO Convention against Discrimination in Education (1960), which holds a significant position. This Convention, which is binding in international law, is the first normative instrument entirely dedicated to the right to education. Additionally, the Protocol for the Establishment of the Commission for Reconciliation and Friendship (1962) was adopted to establish a committee responsible for finding an amicable solution to any dispute that may arise between States Parties to the Convention concerning the application or interpretation of the Convention (“Convention against Discrimination in Education | UNESCO.”)

The Incheon Declaration and Framework for Action to Implement Sustainable Development Goal 4 is one of the most prominent soft law instruments related to UNESCO's right to education. Its aim is to ensure inclusive and equitable quality education, as well as promote lifelong learning opportunities for all by 2030. This political commitment is a valuable opportunity to highlight the crucial role of education in driving development and achieving other Sustainable Development Goals (“Education 2030: Incheon Declaration and Framework for Action Towards inclusive and equitable quality education and lifelong learning for all – UNESCO IITE.”).

Access to education at the international level is essential for empowering individuals and providing better opportunities for people to participate in the community, which is crucial for the realization of other human rights.

Access to education under U.S. law

The U.S. Constitution does not explicitly state the right to access education as a fundamental human right, but it is considered as such. Congress does not have the direct authority to oversee education, but through legal precedents, it is understood that each state has a vested interest in ensuring that its citizens have access to education. Therefore, a mechanism is in place to protect the right to education in the United States (“Ask the Expert: What Does the Constitution Say About Education? Nothing Explicitly, But That Doesn't Mean it Can't Help Provide Students with Equal Educational Access, Says Assistant Professor Jenn Ayscue | College of Education News.”), which includes:

- (1) Federal and State authorities working together to ensure access to education.
- (2) the enforcement of education accessibility laws within each state.

Federal and State authorities guarantee access to education

The Constitution does not explicitly recognize the right to access education as a constitutional right. It is only considered an Equity Clause in the 14th Amendment to the Constitution. The 10th Amendment states that powers not explicitly vested in the federal government will be reserved for states and the people. While Congress does not directly control the right to education, it can control federal funds, and states and localities are required to comply with basic law and civil rights laws. Federal agencies fund educational programs that ensure there is no discrimination based on race, skin color, or gender, as seen in the Civil Rights in Education Act, Disability Education Act, Basic, and General Education Act, and Boarding and Civil Education Rights Act (“The 14th Amendment Protects the Right to a Public Education.”).

The constitutions of each state contain legislative provisions that establish a public education system. State courts are responsible for resolving school financial litigation based on these provisions. While state courts often address issues related to funding disparities between school districts, they also deal with issues related to access to education, such as combating academic discrimination. However, the state does not have the authority to address spending gaps between states or differences in educational standards, requirements, opportunities, and student assessment systems across state borders. Therefore, states commonly refer to and adopt case law related to access to education (“2 School Finance Litigation in the Name of Educational Equity: Its Evolution, Impact, and Future | Equity and Adequacy in Education Finance: Issues and Perspectives | The National Academies Press.”).

Enforce access to education in the States

The United States has policies and programs in place to support the right to education. This includes legislative, executive, and judicial initiatives that fulfill international commitments on economic, social, and cultural rights. The Education Core Program (Congressional Research Service 2022) helps and services to ensure that all students have access to quality education.

Additionally, the United States respects the right of parents to choose their children's schools and to provide feedback on the educational program. The Florida Parental Rights Education Act of 2022 establishes a Parent's Bill of Rights, which gives parents the freedom to direct their children's education. This includes the right to choose public, private, religious, or homeschool options. Parents also have the right to make reasonable choices in public schools, such as requesting the elimination of politically charged education that undermines the power of the family (Walsh 2022).

Moreover, parents must be informed of any healthcare services provided at their child's school and have the right to refuse any services offered.

The Parental Rights Act requires public schools to refrain from discussing sexual orientation or gender identity in kindergarten through third grade or teaching any content that conflicts with state standards at any grade level. The act also prohibits schools from adopting measures or support systems that keep student disclosures confidential, including those related to gender identity or sexual orientation, from parents. This provision ensures that classes are taught in an age-appropriate manner. Since parents are responsible for their child's well-being and have the authority to decide when and how to introduce certain topics, it is deemed unsuitable for a five-year-old to learn about and discuss gender identity ("Florida Parental Rights in Education Act," *Wikipedia*.)

The current focus on education is driven by market requirements, which emphasize the moral and social purpose of education and promote school autonomy. The Organisation for Economic Co-operation and Development (OECD) has advocated for school autonomy through PISA data demonstrating a correlation between greater school autonomy and improved student learning outcomes (OECD 2011). The United States has invested in education that includes various for-profit and non-profit stakeholders, with limited Federal intervention in the administration of public education. Local taxes are the primary source of funding tied to schools. Since 2015, Nevada has granted significant autonomy to schools by implementing an autonomous school policy following the passage of Senate Bill 92. This policy allows low-performing schools to be converted by children with developmental disorders, transferred to charter schools, and reorganized the school district. Parents can express their views on their children's school decisions, and principals can hire teachers and administrators to suit the needs of students and schools. With the flexibility in educational governance, it has been shown that a learner-centered policy, by improving the quality of teaching, can make school autonomy more effective (F. of H. I.- FHI, "Future of Humanity Institute," The Future of Humanity Institute).

The obligation to protect access to education is fulfilled through legal procedures that combat discrimination between students, ensuring that access to education is protected as a fundamental and important human right. In 1954, US courts ruled in favor of protecting the right to education through the landmark case of *Brown v. Board of Education*, 347 U.S. 483 (1954). Following this precedent, a plaintiff's class on behalf of Mexican-born school-age children residing in Texas seeks equal protection of equal rights to public school education for undocumented children legally entering the United States.

The Court did not explicitly state that every student has the right to education. However, it did rule that a state that offers public services cannot deny access to education based on race. It also stated that the "separate but equal" doctrine has no place in public education. The Court firmly believes that education is one of the most crucial functions of state and local government. Denying access to education can severely impact a child's chances of success in life. Therefore, the children of undocumented immigrants should not be held responsible for their parent's actions or their own status. Doing so would violate the Equal Treatment Clause in the 14th Amendment to the U.S. Constitution, which is unconstitutional.

In addition, *Lau v. Nichols Bilingual School*, 414 US 563 (1974) is a typical case law that protects people's right to access education. In this case, non-English-speaking Chinese Americans in San Francisco claimed that they were not provided with an English curriculum. The Court ruled in favor of protecting the rights of students. However, it used Section 601 of the Human Rights Act as the legal basis, instead of invoking the Equal Protection Clause as in *Brown v. Board of Education*. The legal position in this case is based on the approach that the right to education is a fundamental human right, not just a constitutional principle. It is clear that enjoying the same non-discriminatory education policy is a mandatory requirement that the Supreme Court has expressed through its rulings.

Learning integrity is a necessary aspect of protecting access to education. However, with the emergence of modern technologies like artificial intelligence and general language models, there is a higher risk of cheating during exams. These technologies can provide services like writing, editing, and idea generation, which can be exploited by students to cheat. In many schools in the United States, cheating on exams can result in severe penalties like failing the exam, being placed on probation, or even expulsion from school.

Although these penalties are viewed as strict, in practice, teachers rarely use them. Instead, educators aim to encourage positive behavior and learning rather than disciplining negative behavior. To prevent cheating during exams, schools use technical solutions like multiple versions of the test and assigning random seats in the exam room. Additionally, students are required to sign an honor code before taking exams, which helps reduce cases of cheating.

It is clear that protecting access to education in the United States requires more than just legal regulations. It demands the involvement of interdisciplinary measures from educators and administrators to limit cheating during exams. The right to access education is considered an economic, social, and cultural human right, recognized in the International Covenant on Economic, Social and Cultural Rights 1966, to which the United States has signed. Therefore, implementing the right to education requires States to take active measures to ensure that quality education and primary education are universal and free for all, as stated in Article 13.2 ICESCR. Universal access to education is considered a positive action to ensure the best education for minorities and people with disabilities.

In 1972, *Mills v. District of Columbia Board of Education* set a precedent for access to education in the United States. The case involved seven school-age children with special educational needs, such as mental retardation, hyperactivity, epilepsy, and mental illness, who were denied free public education by the School Board. The school board argued that the cost of education for these children was too expensive and, therefore, they should not attend school. However, the Court argued that all citizens are entitled to constitutional human rights, regardless of the greater costs involved. The inadequacies of the public school system, whether due to insufficient funding or administrative inefficiencies, are not allowed to weigh more heavily on "special" or disabled children than the average child. Pursuant to the 14th Amendment, the Court required the School Board to provide public educational support to all children with disabilities (*The 14th Amendment Protects the Right to a Public Education*)

Access to education in the United States also ensures gender equality. In the case of *Bonnie Peltier v. Charter Day School, Inc.*, Nos. 20-1001 of 2022, Peltier expressed her disagreement with gender power control when a North Carolina charter school required girls to wear skirts to school. The school's view was that girls are "fragile ships" that deserve "gentle" treatment from boys. The plaintiffs argued that this gender-stereotype-based classification violated the 14th Amendment's Equal Protection Clause, while also subjecting them to discrimination and denying them their entire educational benefits, in violation of Title IX of the 1972 Education Amendment. The court held that gender-based dress codes like the dress requirement, when applied by covered organizations, must be considered under anti-discrimination provisions ("Understanding education as a right," Right to Education Initiative.)

The partnership between families, schools, and communities is aimed at bringing positive effects to education. The No Child Left Behind Act of 2001 (NCLB) requires states to develop assessments of basic skills, but it doesn't set requirements for national achievement standards. Instead, each state has its own standards. The NCLB was replaced in 2015 by The Every Student Succeeds Act (ESSA), which kept provisions for routine standardized testing to increase school-family interaction in coordinating student education. The policy of the Act requires all states to have a multi-measure accountability system consisting of four indicators: (1) Achievement; (2) Progress on annual language arts and math assessments; (3) English proficiency is considered an academic measure in primary and lower secondary schools; and (4) high school graduation rates (Alliance for Excellent Education 2016). U.S. law policy allows many states and counties to have developed or prepared policies to guide schools in creating more systematic connections with families and communities, which opens up multilateral partnerships to help students have a better chance of accessing education (NCLB and IDEA: What Parents of Students with Disabilities Need to Know and Do)

The National Council for the Quality of Teachers has stated that the policy of paying teachers is one of the factors that promotes the protection of the right to learn. To become a teacher, one must earn a bachelor's degree and a teaching certificate or an equivalent valid teaching license. The certification process involves taking the Praxis I exam, which measures performance and professional knowledge, as well as accepting scores from the ACT or SAT, which are multiple-choice tests administered by the College Board. In addition, one must take a professional knowledge test before receiving certification. After three years, the highest certificate that can be issued is the National Council Certificate, which increases prestige and makes transferring work to other states easier.

In the United States, teacher salaries are determined by different policies. As per Teacher Compensation Strategies 2022, 29 states set their own payrolls while 13 states set payrolls decided by state agencies. The remaining 9 states set minimum wages.

To attract teachers to difficult subjects or schools, policies have been implemented to support the use of wages in the direction of differential pay. Performance-based pay is used to reward high-performing teachers while pay for previous work is offered to teacher candidates for previous experience related to teaching.

Most states use monetary incentives such as higher pay for teachers of hard-to-reach subjects like math and special education (Virginia), incentives for teachers of hard-to-hire schools to earn higher salaries (Missouri, Nevada), and supplemental pay for teachers along with student debt forgiveness.

Through differentiated pay initiatives, states have always aimed to attract teachers to teach effectively through teacher compensation.

2. Experimental Methods

Research Design: Qualitative dissolution method

To thoroughly comprehend the U.S. policy in accessing education, the education environment in both countries and offering recommendations for Vietnam, a qualitative dissolution method, blending the comparative method and the method of analyzing data sources, will be employed for a more perspective of this complex issue.

- Qualitative Research: Combining the comparative method and the method of analyzing data sources will provide deeper insights into the U.S. law policy, concerns, perspective, and the process of trying to support people's right to access education.

Ethical Considerations and Informed Consent

Given the sensitive nature of working with vulnerable populations, several ethical considerations will guide the research:

- Informed Consent: All participants will be provided with a clear understanding of the research aims, methods, and potential risks. They will be required to give written or verbal consent before participation (Holm 2002).
- Privacy and Confidentiality: Personal details and any identifying information will be kept confidential. Data will be stored securely and only authorized personnel will have access (Lungu 2023).
- Sensitivity: Given the vulnerable nature of the participants, care will be taken to approach topics with sensitivity and respect. This is especially vital during interviews and observational studies (Liamputtong 2007).
- Transparency: All findings will be presented objectively, without bias, ensuring that both positive and negative outcomes (if any) are reported transparently (Ioannidis 2018).

3. Case Studies

Overview of the Digital Divide and its Implications for Vulnerable Groups

The digital divide refers to the gap between those who have access to modern information and communication technologies (ICTs) and those who do not (Norris 2023). Vulnerable groups, such as the elderly, people with disabilities, and economically disadvantaged individuals, often fall on the disadvantaged side of this divide. This disparity can exacerbate existing inequalities and further marginalize these groups. For instance, without access to digital resources, an elderly individual might struggle to obtain necessary health information or a person with disabilities might miss out on remote employment opportunities (Shi, Zhang, and Wang 2023). The ramifications extend to social work where the digital divide can limit the extent and efficacy of technology-based interventions.

Barriers to Access: Physical, Cognitive, Economic, and Socio-Cultural

Various barriers contribute to the digital divide:

- Physical: Disabilities may limit the ability to interact with traditional interfaces, making devices like touchscreens or keyboards challenging to use ("Lynne Rienner Publishers | Disability and the Internet Confronting a Digital Divide.").
- Cognitive: Some vulnerable populations, especially the elderly or those with cognitive impairments, may find it difficult to navigate or comprehend digital platforms (Czaja and Lee 2007).
- Economic: The costs associated with procuring devices, maintaining them, and paying for data or internet access can be prohibitive for many. Economically disadvantaged individuals might prioritize basic necessities over digital access (Hilbert 2011).
- Socio-Cultural: Cultural norms or lack of awareness can deter some groups from using technology. In certain communities, skepticism about the relevance or benefits of digital tools can be a barrier ("Technology and Social Inclusion," MIT Press).

Case Studies of Successful Platform Designs for Specific Vulnerable Groups

- "SpeakEasy" for Aphasia Patients: Aphasia, a language disorder resulting from brain damage, makes reading or producing speech difficult. "SpeakEasy" is a software designed with a simplified interface, allowing users to communicate through symbols and easy-to-understand visuals, proving immensely beneficial for this group (Rose et al. 2013).
- GrandPad: Tailored for seniors, this tablet comes pre-loaded with essential apps, has large intuitive icons, and avoids the clutter typical of mainstream devices. It focuses on connecting seniors with their families, offering video calls, photos, and games, making technology less intimidating for this demographic ("Keep families closer with GrandPad").

Recommendations for Improving Accessibility

- User-Centered Design: Platforms should be developed with the specific needs and limitations of the target demographic in mind. Engaging actual users in the design and testing phases can lead to more intuitive interfaces (Bødker and Kyng 2018).
- Affordability: Subsidies or discounts for vulnerable groups can make digital tools more accessible. Collaborations between tech companies and governments or NGOs could facilitate such initiatives (Wyche and Murphy 2012).
- Training and Support: Offering training sessions or helplines to guide users can alleviate cognitive barriers. Clear, multi-lingual instructions and tutorials can aid in familiarization with new platforms (Piper, Campbell, and Hollan 2012).
- Cultural Sensitivity: Recognizing and addressing socio-cultural barriers is crucial. Platforms should be adaptable to different languages and cultural norms, ensuring wider acceptability (Irani, et al. 2010).
- Universal Design Principles: Incorporating principles that prioritize accessibility, such as voice commands, adjustable font sizes, or alternative input methods, can make platforms usable for a broader audience (Story, Mueller and Mace 1998).

4. Research Results

The Constitution enacted in 2013 has made it clear that education is a fundamental human right. The State, family, and society all have an important role to play in ensuring that children's right to education is promoted. To give effect to the provisions of the Constitution, the Law on Education of 2019 has also been enacted, which lays down the rights and obligations of citizens. The State is committed to ensuring social justice in education. The Law on Children of 2016, supplemented in 2018, recognizes that children should be educated in a way that enables them to develop comprehensively and reach their full potential. Moreover, the Government has issued the National Action Plan for Children for the period of 2021 - 2030, which is aimed at ensuring that children's rights are protected and prioritizes access to education. Ministries and sectors have also issued important Circulars, such as Circular 20/2022/TT-BGĐT, which provides guidelines for the development of inclusive education support centers. These documents form the legal basis for implementing policies that promote the right to education and support people with disabilities to access learning opportunities at different levels of education and training. They also provide incentives for teachers and administrators involved in caring for and educating children with disabilities. The system of state management agencies responsible for education in Vietnam is strictly organized from the central to the local levels ("The 2013 Constitution of the Socialist Republic of Vietnam").

The Ministry of Education and Training is responsible for the state management of education at the central level. Other ministries and agencies should collaborate with the Ministry of Education and Training to manage education in their respective sectors and fields of expertise. At the local level, People's Councils and People's Committees work together to enforce laws that ensure equal access to education for all ("MOET functions and tasks").

According to a human rights-based approach, access to education is considered a fundamental entitlement in development policies and programs in Vietnam. Education standards should conform to the 4A framework, which includes Availability, Accessibility, Acceptability, and Adaptability. However, in practice, the application of these principles is still limited. By analyzing US legal regulations on the right to access education, the author recommends that Vietnam should adopt the following suggestions to improve access to education.

Improving the autonomy of schools is essential for enhancing the quality of education.

Autonomy and quality are interconnected - an autonomous school can better achieve national education goals. The 2019 Law on Education states that educational institutions are accountable to society, learners, and management agencies. They must ensure the participation of learners, families, and society in school management

(Point a, Clause 2, Article 60). However, specific implementation practices related to autonomy and self-responsibility are needed. For instance, it is important to standardize tuition fees with service prices to reduce state funding. Additionally, the Law does not provide details about the role of the principal and the relationship with the school board's title. This can lead to a risk of not clearly demarcating centralization or decentralization.

Circular 32/2020/TT-BGDĐT outlines the components of the School Council. Although the required components are listed, there are no details on the number of members of the parent representative committee and local authorities. This limits parents' access to their children's learning programs. Drawing on the U.S. legislative experience with the Parental Rights Act, the author suggests balancing the number of parent representatives with other constituents on the School Board. Allowing parents to access education records and review the school's training program can create a tripartite monitoring mechanism, ensuring coordination between the school, parents, and the community (thuvienphapluat.vn, "Thông tư 32/2020/TT-BGDĐT Điều lệ trường trung học cơ sở trường trung học phổ thông mới nhất").

It is crucial to establish regulations for inclusive education aimed at people with disabilities.

According to the Americans with Disabilities Act of 1990 (ADA), individuals with autism, who are considered disabled, are entitled to Social Security benefits, including disability benefits, Supplemental Security Income (SSI), and specialized education that supports therapy and rehabilitation. However, in Vietnam, where specialized educational services for students with disabilities, particularly autism, have not been fully developed, it is difficult to apply the law (Vu Thi Thanh 2019, 79). Therefore, it is necessary to clarify the Law on Persons with Disabilities and include autism as a disability to provide a more suitable educational program and prevent the abuse of power. Currently, educators tend to implicitly assume that children with autism can study the regular curriculum, which negatively impacts the quality of education for one of the most vulnerable and marginalized groups that require higher levels of protection.

It is important to have policies in place for the use and regulation of artificial intelligence (AI) in education.

Although AI is a useful tool, it also poses new risks such as security, privacy, and potential exam cheating, which could compromise the integrity of educational institutions. Therefore, creating AI-generated content for exams is considered cheating and carries higher penalties than traditional cheating methods. The Office of Educational Technology (OET) of the US Department of Education has implemented a national educational technology policy that follows the Digital Justice Act of 2022, aimed at promoting digital positivity in education and developing its own policy for controlling AI use. The policy includes the following criteria: (1) Planning and evaluating the use of teaching support technology; (2) Conducting risk analysis and implementing conditions for digital adoption in education (Open Access Government 2023).

The salaries of lecturers should be revised to promote positivity and improve their lives through compensation policies that also enhance the quality of education.

In this regard, a specialized state investment fund for education, as per the US law, should be established. The proposed Law on Teachers must outline specific mechanisms for remuneration policies, salary bonus policies, and promotion opportunities based on individual performance and contributions. This will create motivation for personal and professional development. There is also a need to introduce regulations that offer more opportunities for teachers to teach and exchange academics abroad ("To focus on starting the formation of the Law on Teachers to ensure progress and quality in Vietnam.").

Approve the issue of lifelong learning according to the Law on Lifelong Learning

Considering the Law on Lifelong Learning according to the content in Decision 387/QĐ-TTg, the issue of lifelong learning has been approved for the program "Promoting the movement of lifelong learning in families, clans, communities, and units in the period of 2021 – 2030" with increasing interdisciplinary coordination in education, culture, and information to develop community resources, and recognize the titles of "Learning Family" and "Learning Family". In addition, integrating gender equality programs into education, and investing in education in economically disadvantaged areas to connect the right to education is a universal and accessible right.

It is necessary to strengthen international cooperation to promote global access to education.

Vietnam should consult with other countries to learn from their experiences and utilize foreign resources to ensure access to education. Additionally, it is important to increase supervision and inspection of joint education programs at all levels of education and training, to meet the needs of associations entering the international arena.

5. Discussions

There are different opinions about whether professional certificates for teachers should be issued to regulate teaching practices in the same way as in the United States. These certificates would be valid nationwide, which would make it easier for teachers to move between provinces and from public to private schools without undergoing

probation. However, the author believes that professional certificates should not be issued to teachers for the following reasons:

1. The United States is a federal state with decentralized power, and the issuance of teaching certificates serves as a means of transferring work between states. In contrast, Vietnam's legal system recruits and assigns teachers based on specific needs and regulations in each recruitment requirement. Therefore, the current job rotation system does not require practicing certificates.

2. In the United States, practice licenses are issued by professional associations. However, Vietnam does not have such an association. If the certificates were issued by other agencies, it would be difficult to assess the capacity to practice teaching.

3. The author believes that a probationary period is essential to assess teachers' competencies, including both professional and pedagogical abilities. Therefore, the proposal to issue professional certificates without any probation is not necessary.

Conclusions and Further Research

Conclusions

The right to education is a fundamental right that should be upheld and protected at both the international and national levels. In the United States, the diversity of approaches to education access aligns with the evolving needs of a multiracial nation. To ensure that education is widely accessible in Vietnam shortly, there needs to be coordination between legislative, executive, and judicial powers to support the trend of lifelong learning.

Credit Authorship Contribution Statement:

Thuyen Duy Trinh significantly contributed to the manuscript by authorizing the entire article and orchestrating the data collection process.

Hai Truong Thanh Nguyen's contributions were multifaceted, including initiating contact, developing the research plan, overseeing data collection and analysis, editing the manuscript, facilitating translation between languages, and securing funding for the research endeavor.

Pham Bao Tran Mai contributed by identifying and elucidating the positive factors that affect vulnerable groups, adding a nuanced perspective to the study.

Declaration of Competing Interest:

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Declaration of Use of Generative AI and AI-assisted Technologies:

The authors declare that they have not used generative AI and AI-assisted technologies during the preparation of this work.

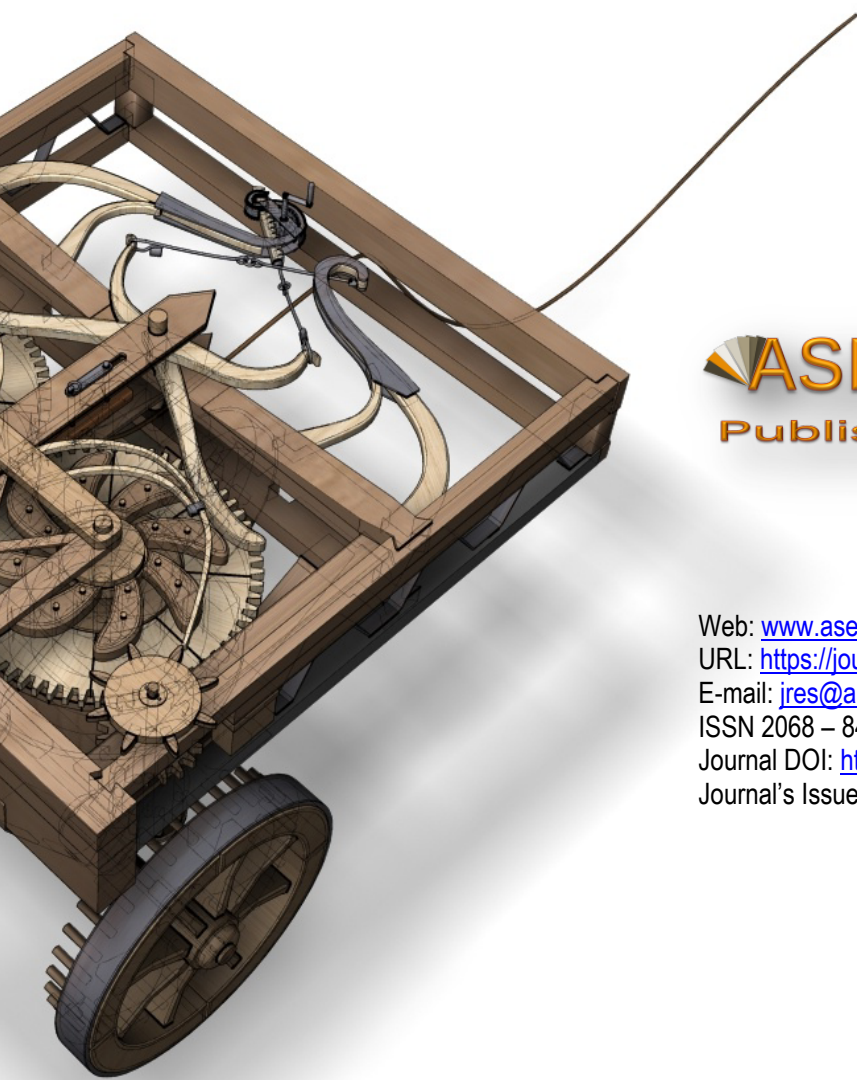
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