

**How Rhode Island Students are Patching Up the Erosion of
American Democracy**

by

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Thank you to my family and friends for encouraging me to write and to keep writing.

I. Introduction

Smokey air enveloped the United States Capitol in a dark haze, ruffling the Trump flags, American flags, and Confederate flags that flew above the far-right loyalists as they tried to overturn the 2020 election results. The building has housed some of the most important policy-making discussions in U.S. history since it was erected in the 19th century, including a long line of peaceful transitions of presidential power. On Jan. 6, 2021, the insurrectionists protested violently, filling the congresspeople, capitol police officers, and journalists inside the building with fear.

The events on Jan. 6 left Washington D.C. shaken. Alongside physical injuries, the witnesses and victims of the violence have experienced post-traumatic stress disorder, grief, fear, suicide, and death. But the repercussions of the event extended far past the Capitol's walls. Those Confederate flags jaunting around the building, attached to white protestors, amid rooms adorned with portraits of the nation's white forefathers, sent the rest of the nation a message.

"They weren't shocked by what they saw," Rhode Island high school Civics Teacher Maya Chavez said, commenting on her students' reactions to the insurrection in her virtual classroom. The events reinforced what her students already knew. White protests, even when they lead to violence and insurrection, are treated "completely differently" than protests by people of color. "America *is* racist," Chavez said. Her students, who are almost entirely people of color, don't need a PowerPoint lesson on marginalization. What they do need is a space to process their collective trauma. They need instruction on how to "research and understand

facts, evidence, and statistics to support what they have experienced,” Chavez said.

Unfortunately, the marginalized communities that need this civics education the most are the least likely to get it.

Civics is the hardest subject to teach, Chavez said, because her curriculum often changes overnight. Chavez helped her students through the moment by creating a handout that asked them to observe photos, create a timeline, try to find a cause, and envision a response to the insurrection. She struggled to find the handout during a phone interview because searching for its title, “Democracy in Crisis,” brought up too many results in her Google Drive.

NAME:	CLASS PERIOD:	CIVICS
Starter: What have you heard about the violence that occurred at the capitol? How are you feeling about what took place?		
Democracy in Crisis (Part 1)		
How it started.		How it's going.
		
Friday January 20, 2017		Wednesday January 6, 2021

Wednesday January 6, 2021 was an historic day for America.

On Wednesday January 6, Congress met to certify the results of the presidential election. This meeting is required by the Constitution and is conducted each time there is a presidential election. As part of the process, the states deliver their electoral votes, the votes are counted and Congress votes to certify the election. Yesterday, this process was interrupted by a violent crowd that stormed the US capitol.

In this lesson, we will seek to understand the following: 1. What happened? 2. Why did it happen?

Then, in our next lesson, we will consider: 3. What can be done to prevent it from happening again?

Chavez's curriculum to teach the insurrection.

change when you're not happy with the status quo.

Democracy is fragile. On Jan. 6, students everywhere watched what happens when Democracy erodes.

While a more robust civics education probably would not have prevented the attack on the Capitol, it could combat the current “culture of not respecting democratic norms,” said Scott Warren, the co-founder of a nonprofit that brings civics into classrooms. But the word education doesn't appear in the constitution, meaning there is no federal mandate that requires some form of civics education.

In the past, young people “were seen as a problem,” said Peter Levine, associate dean of Tufts' Tisch College of Civic Life. Voter turnout was the lowest ever in the late 1990s, so people pointed their fingers at those born between 1965 and 1980. Educators and critics came from a deficit framework, making the false assumption that young people themselves, particularly those of marginalized backgrounds, were responsible for their own shortcomings. Today, “young people have not been the problem,” Levine said. He is grateful for the fact that “more people are talking about civics and thinking about it than ever before.”

The smallest state in America has some of the largest voices on the issue of civics education right now. Some of them are not old enough to vote, drive a car, or even go for a walk by themselves. With grassroots efforts in the judicial and legislative branches, they are taking matters into their own hands and fighting for younger generations.

II. Judicial Branch

Mealaktey Sok, 18, said she never learned about the importance of voting in school.

Neither did 19-year-old Nancy Xiong. “I didn’t care about it because I never learned about it,” Xiong said.

The two are among 14 current and former students from Rhode Island public schools who sued former Governor Gina Raimondo and the Rhode Island State Board of Education last year. They claim that their schools failed to provide them an adequate civics education, which they believe is a constitutional right.

Their case, *Cook (A.C.) v. Raimondo*, comes as both American Democracy and the American public education system face severe challenges. Budget cuts from the federal No Child Left Behind Act have forced civics, social studies, and other subjects to take a back seat to boosting math and reading scores on standardized tests. Recent studies show that more than half of Americans cannot name the three branches of government¹ or pass the United States Citizenship and Immigration Services test² that roughly 90 percent of immigrants pass.

¹“Americans' Civics Knowledge Increases But Still Has a Long Way to Go.” The Annenberg Public Policy Center of the University of Pennsylvania, 18 Sept. 2019, www.annenbergpublicpolicycenter.org/americans-civics-knowledge-increases-2019-survey/.

²“National Survey Finds Just 1 in 3 Americans Would Pass Citizenship Test.” The Woodrow Wilson National Fellowship Foundation, 3 Oct. 2018, woodrow.org/news/national-survey-finds-just-1-in-3-americans-would-pass-citizenship-test/.

Test yourself: the civics portion of the naturalization test is an oral test, where an applicant could be asked up to 10 of 100 listed civics questions.³ You must score a six out of 10 to pass.

AMERICAN GOVERNMENT

A: Principles of American Democracy

1. How many amendments does the Constitution have?⁴

B: System of Government

2. We elect a U.S. Senator for how many years?⁵
3. Name your U.S. Representative.⁶

C: Rights and Responsibilities

4. What are **two** ways that Americans can participate in their Democracy?⁷

AMERICAN HISTORY

A: Colonial Period and Independence

5. The Federalist Papers supported the passage of the U.S. Constitution. Name **one** of the writers.⁸

B: 1800s

6. Name **one** war fought by the United States in the 1800s.⁹

C: Recent American History and Other Important Historical Information

7. Who was President during World War I?¹⁰

INTEGRATED CIVICS

A: Geography

8. Name **one** U.S. territory.¹¹

B: Symbols

9. Why does the flag have 13 stripes?¹²

C: Holidays

10. When do we celebrate Independence Day?¹³

³ “Civics (History and Government) Questions for the Naturalization Test.” U.S. Citizenship and Immigration Services, 1 Jan. 2019, www.uscis.gov/sites/default/files/document/questions-and-answers/100q.pdf.

⁴ 27

⁵ Six

⁶ <https://www.house.gov/representatives/find-your-representative>

⁷ Vote, join a political party, help with a campaign, join a civic group, join a community group, give an elected official your opinion on an issue, call Senators and Representatives, publicly support or oppose an issue or policy, run for office, write to a newspaper

⁸ James Madison, Alexander Hamilton, John Jay, Publius

⁹ War of 1812, Mexican-American War, Civil War, Spanish-American War

¹⁰ Woodrow Wilson

¹¹ Puerto Rico, U.S. Virgin Islands, American Samoa, Northern Mariana Islands, Guam

¹² Because there were 13 original colonies

¹³ July 4

Sok and Xiong are friends that met through an education advocacy program for Southeast Asian students, which is “one big family,” Sok said. They spoke about themselves and the lawsuit from their bedrooms via a Zoom call — the same bedrooms they used as classrooms for their first semesters of college. Xiong is a commuter student at Rhode Island College. Sok, a student at Smith, said it doesn’t feel like she’s in college at all without the ritual of moving out of the house. The two graduated from Classical High School, which is often ranked among the best public high schools in Rhode Island.¹⁴

Civics education “is not a priority or practice really anywhere in the school district,” said Mark Santow, a Providence School Board member and associate professor of history at the University of Massachusetts Dartmouth.

The students who filed the suit come from districts, and a state, that they say has failed them. They’re not just suing over the fact that many of them never had to take a formal civics class, learning basic facts about what the Constitution or the Bill of Rights is. They also claim that they were not taught the critical thinking skills necessary to be engaged citizens, such as the ability to detect biased reporting online or engage with opinions one might not agree with, according to their complaint in court.¹⁵

Public education should “equip us with the tools to engage in Democracy,” said Chanda Womack, founding executive director of the Alliance of Rhode Island Southeast Asians for Education. In Womack’s experience as a “product” of the Providence public schools, “that didn’t happen at all.” She and her two children are also part of the lawsuit, alongside Santow and his son.

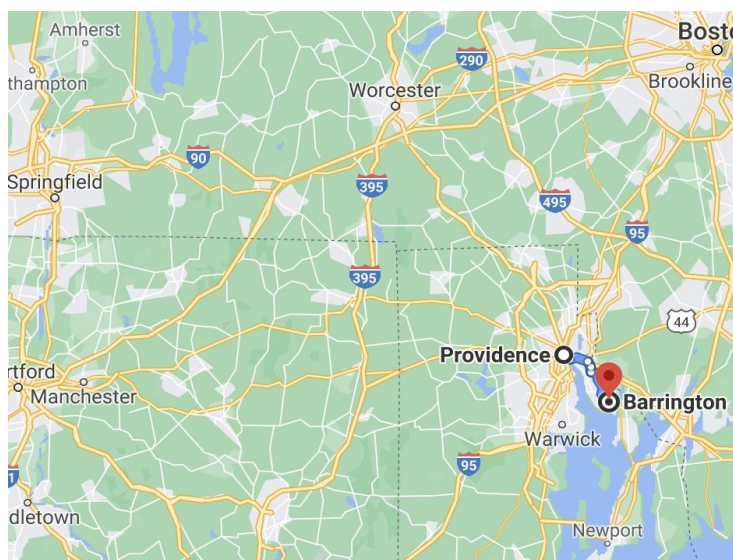
¹⁴“Explore Classical High School.” Niche, 13 Apr. 2020, www.niche.com/k12/classical-high-school-providence-ri/.

¹⁵ U.S. District Court of Rhode Island. “Cook (A.C.) v. Raimondo.” Nov. 2018.

The lawsuit was filed in Nov. 2018, and oral arguments were heard in Dec. 2019. On Oct. 13, 2020, the U.S. District Court of Rhode Island dismissed their case. U.S. District Judge William E. Smith wrote in his opinion and order that while it was clear the lawsuit was “a cry for help from a generation of young people,” ultimately, “the Court cannot provide the remedy Plaintiffs seek.”

The dismissal of the case is not the end of the road for the plaintiffs. “The plaintiffs are well aware that this is sort of like a legacy project,” said Sigal Ben-Porath, professor of education at Penn Graduate School of Education. The decision is on appeal in the U.S. Circuit Court of Appeals for the First Circuit. Win or lose, the students know that the decision will not affect their education immediately.

“We’re not giving up anytime soon,” Sok said. “Everyone is still fighting.”



Barrington, R.I. is just about 10 miles apart from Providence, R.I.

It’s not hard to see that education systems across the nation are riddled with inequity. These differences are even more exaggerated in Rhode Island, where the number one school district, Barrington, is just a 15-minute drive from Providence, one of the worst school districts

in the nation. The Ocean State neighbors Massachusetts, which is consistently ranked as the best state in the nation for public education, but lags far behind in these rankings.

Rhode Island education policymakers, like those in most of the country, have deemphasized social studies and civics education in recent years, according to the students' complaint. Instead, the state has favored reading and math instruction, which students are held accountable for via standardized testing. But accountability doesn't translate to proficiency. Students in low-income districts, Black and Latino students, and English language learners "do not develop adequate basic verbal skills and do not develop critical analytic abilities because of the poor quality of basic instruction," which can be seen in the drop off in their test scores, the complaint stated.

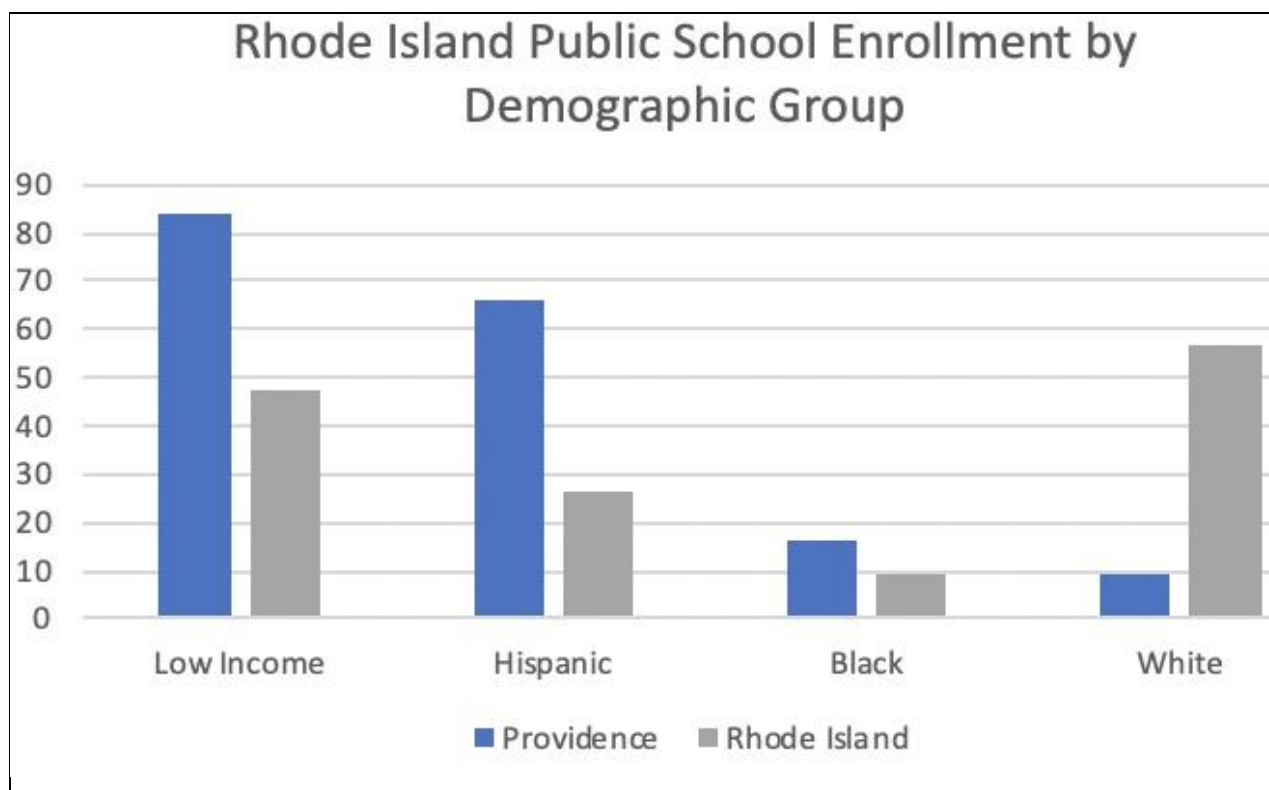
The students have noticed. "I find it weird that my peers in private schools with more funding are learning about (civics)," Sok said. "People in better positions than me are learning about the things I need to succeed," but "because I go to public school that's not the case," she added.

"Every child, every student, should have a quality education no matter where you are," Xiong said.

Santow's two children are a case study in the disparity between private and public education: His daughter went to a private middle school, and the difference between her and his son's public education was "night and day." She learned about activism and current events, while his son, Micah, "essentially had no civics education at all beyond what he got from living in our family," Santow said.

Micah stands out as a Providence Public School student who is privileged in many facets.

Low-income students make up for 84 percent of students in the district, compared to 47 percent of those in Rhode Island as a whole.¹⁶ 66 percent of Providence students are Hispanic, and 16 percent are Black, compared to 26 percent and 9 percent state-wide.



The majority of Providence Public School students are low-income and Hispanic. Data courtesy of the Rhode Island Kids Count.

As the son of a history professor, Micah would have learned the skills he needed to be an active citizen “regardless of what his educational experience was.” But others are not so lucky. The very classrooms where civics is not taught are the ones full of students who need that education the most. “By denying a really robust civics education to our public school students, especially in our cities, we’re just reinforcing racial inequality,” Santow said. “We are literally disenfranchising young people of color,” who may not vote without being given the tools they

¹⁶“Public School Enrollment and Demographics.” Rhode Island Kids Count, 2019, <http://www.rikidscount.org/Portals/0/Uploads/Documents/Factbook%202019/Indicators/Public%20School%20Enrollment%20and%20Demographics.pdf>.

need to know how to do so.

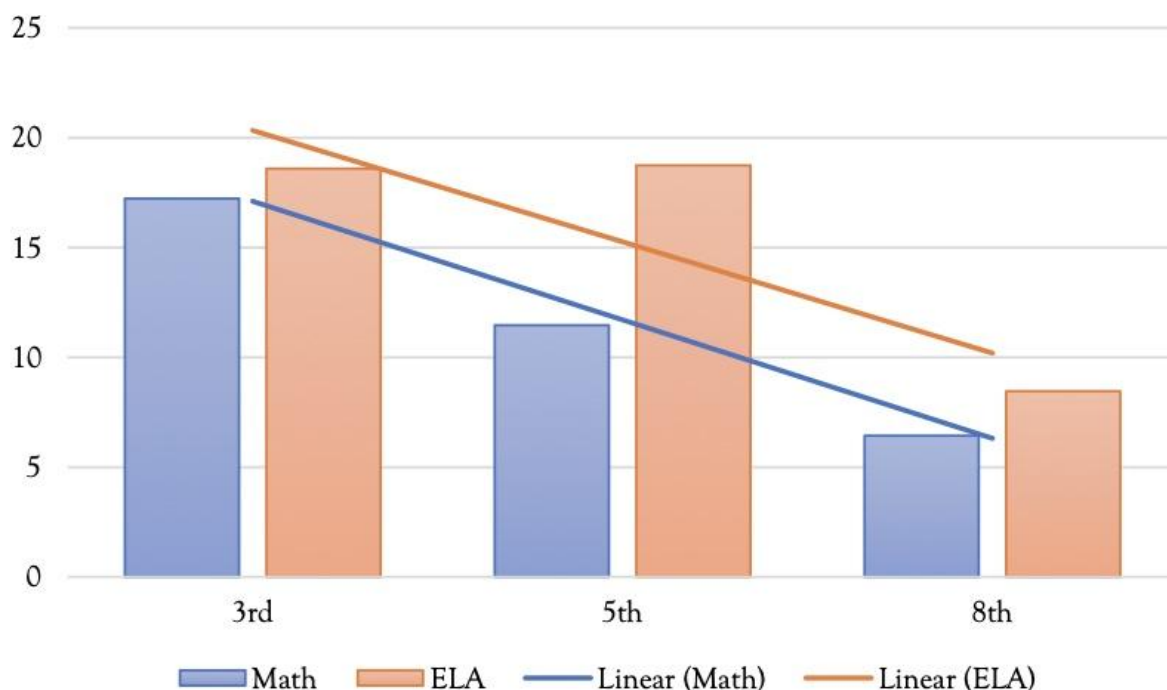
Womack's 12-year-old daughter went to public school, but Womack said she "had to pull her out" because the school system lacked the same educational opportunities and access that it did when Womack herself was enrolled.

Womack, who serves as a mentor to Xiong, Sok, and many other young people through her work with ARISE, was born in a refugee camp in Thailand and came to the United States as a child. She only became a citizen seven years ago. "That value was not taught to me," Womack said in a Zoom interview from her home. As a child without the language to understand one's educational experience, "you don't know what's being done to you is wrong," Womack said. "You accept the status quo." Now, as an adult, Womack has stopped accepting it.

The majority of the student plaintiffs come from Providence Public Schools, which exist in a highly underperforming district that was exposed in a scathing June 2019 review by Johns Hopkins School of Education Institute for Education Policy. The Rhode Island Department of Education commissioned the report, which Raimondo and Mayor Jorge Elorza supported. The report analyzed test score data and found low proficiency rates in math and English Language Arts that sunk further as grade level rose.¹⁷ Providence students scored lower on average than Rhode Island students, and lower than districts the Institute found comparable such as Newark and Worcester.

¹⁷Johns Hopkins School of Education. "Providence Public School District: A Review." Johns Hopkins School of Education, 2019, edpolicy.education.jhu.edu/wp-content/uploads/2019/11/PPSD-REVISED-FINAL.pdf.

Figure 1. Providence Proficiency Rates by Grade – 2017-18



Math and English Language Arts proficiency sink as grade level rises. Image courtesy of the Providence Public Schools Report.

Testing was not the only metric the Institute used to show Providence’s deficiency. The review team observed and conducted interviews with students and teachers, finding that “school culture is broken, and safety is a daily concern for students and teachers.” The review team also found high rates of bullying, “both verbal and physical,” which was “open and visible around the school.” In an elementary school, students told the review team that bullying happened “‘every day at lunch’ and that stealing from backpacks happened frequently,” according to the report. In addition to the cafeteria, which was a common culprit, bullying took place on school busses, in classrooms, and online. Teachers and students were often absent. When they weren’t, learning was often disrupted because of deteriorating facilities. Some schools had crumbling floors, brown drinking water, asbestos, lead paint, and raw sewage raining from the ceiling that dripped on students’ heads.

None of the conditions the researchers reported on were new. The Providence Blueprint for Education sought to measure where the Providence Public School system stood in a similar 1993 report.¹⁸

WHAT MUST BE DONE

Chapter Five

IMAGINE...

Imagine what Providence would be like if all of its children had the opportunity to learn how to think clearly and creatively, to develop confidence by acquiring valuable and satisfying skills, and to understand and enjoy a wide range of friends drawn from a rich panoply of heritages. Imagine how this could advance and enliven Providence and all of Rhode Island.

Is it within the bounds of possibility? We think so. In a time and a place strained by distrust and cynicism, and after 18 months of scrutiny, why should we imagine? Because here is some of what we found.

❖ A vast majority of people who want schools of quality, a sharp contrast to the small handful who say it isn't worth trying.

❖ A vibrant city energized by cultural diversity but almost overwhelmed by the burdens of poverty, the lack of family structure, and the inability to provide from its own resources the margin of difference between mediocrity and sound strength. This is a city all but ignored by a state that is deeply dependent on its existence.

❖ Resilient people, well-intentioned and anxious to hope and to help, but struggling within a faulty, poorly developed system.

❖ An incredible opportunity to reshape the schools as the first step in solving society's basic problems of illiteracy, innumeracy, and hopelessness. As the schools go, so goes the city; as the city goes, so goes the state.

The Providence Blueprint for Education describing its findings in 1993.

Various community stakeholders supported the blueprint, including the mayor of Providence and the Providence Teachers Union. "Being a student in the Providence schools

¹⁸Eddy, Edward D. "Imagine... Providence Blueprint for Education. The Report of the PROBE Commission." May 1993, files.eric.ed.gov/fulltext/ED365762.pdf.

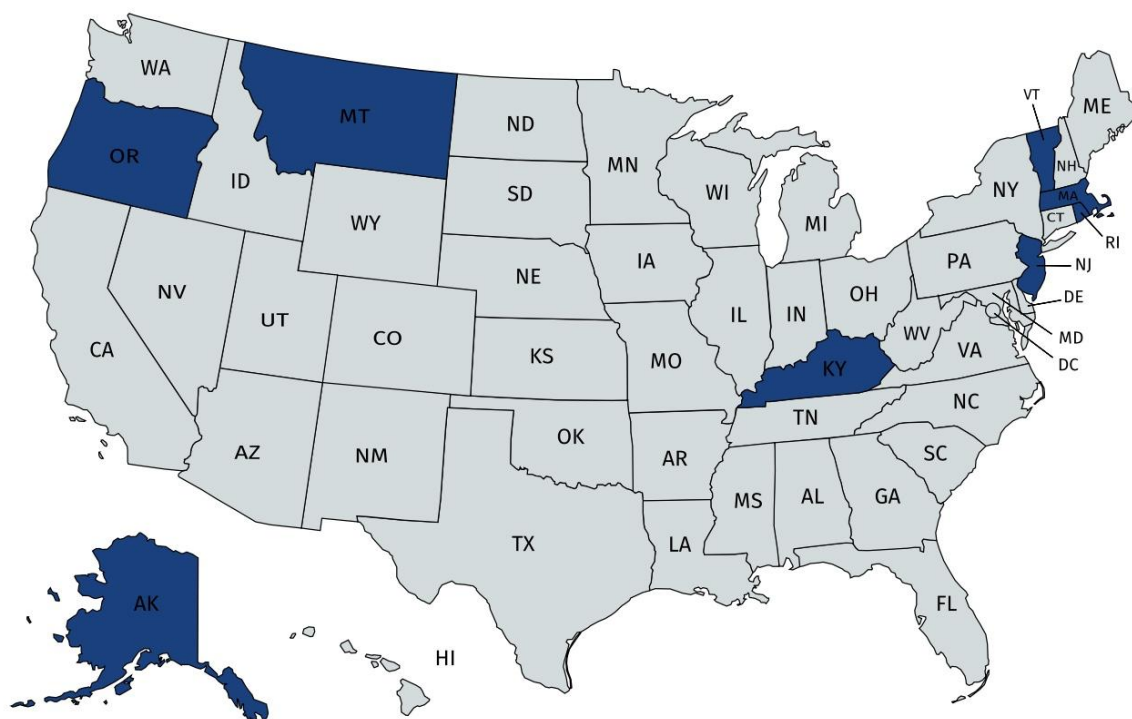
should be an exciting, sometimes exhausting, adventure,” the report stated. But “right now, for thousands of Providence children, that’s not the case.” The Providence Blueprint for Education made a slew of observations and recommendations on how to improve the school system, much like the Johns Hopkins report.

“At the end of the day, things did not get better for students. In fact, they got worse,” Chavez said. She is in her seventh year at Dr. Jorge Alvarez High School, before which she taught English in Seoul, South Korea, and Puerto Varas, Chile. She said she has become disillusioned with the idea that flashy reports like these create change for students. “There’s a moment of outrage ... and then when it’s really time to do the work,” people, and institutions, fall flat.

“I have already seen in my time at Alvarez and in Providence how systemic inequity sets us up for failure,” Chavez said. The COVID-19 pandemic has only exacerbated these inequities. “Our kids are going to be less cared for, have fewer resources, and be less safe,” she said. So, while some schools in more affluent districts are having conversations about the best air filter to prevent the spread of COVID-19, “we’re having conversations about snow blowing in the window. We’re having conversations about broken facilities and ceiling tiles falling down,” Chavez said.

Rhode Island is not alone in its deemphasis of civics instruction. It’s one of eight states — including Alaska, Kentucky, Massachusetts, Montana, New Jersey, Oregon, and Vermont — that doesn’t require a single civics course.¹⁹

¹⁹Hansen, Michael, et al. “2018 Brown Center Report on American Education: An Inventory of State Civics Requirements.” 2018 Brown Center Report on American Education: An Inventory of State Civics Requirements, Brookings, 27 June 2018, www.brookings.edu/research/2018-brown-center-report-on-american-education-an-inventory-of-state-civics-requirements/.



States without civics requirements are scattered across the United States. Data courtesy of the Brookings Institution.

Of the states that do teach civics, common curricula include “instruction on American Democracy, the history of the Constitution and Bill of Rights; an explanation of mechanisms for public participation, and instruction on state and local voting policies,” according to a brief by American Progress.²⁰ But no states require experiential learning or problem-solving.

Civics education hasn’t always been on the backburner. In fact, the subject was implemented into the American Education system as soon as the nation was founded. Politicians from the founding fathers to leaders during the civil war recognized the importance of a democratic government and knew that education was the key to maintaining it.²¹ “The chief end,” in the words of an 1862 school superintendent, “is to make GOOD CITIZENS. Not to

²⁰Shapiro, Sarah, and Catherine Brown. “The State of Civics Education,” Center for American Progress, 21 Feb. 2018, www.americanprogress.org/issues/education-k-12/reports/2018/02/21/446857/state-civics-education/.

²¹Rebell, Michael. (2018) “Flunking Democracy: Schools, Courts, and Civic Participation.” University of Chicago Press, 2018.

make precocious scholars, ... not to impart the secret of acquiring wealth ... not to qualify directly for professional success ... but simply to make good citizens.”²² Since then, civics has slowly lost its representation in the classroom.

The No Child Left Behind Act brought civics education from a slow flame to a whimper. The act was passed under the George W. Bush administration in 2001 and sought to close the achievement gap between low-income and students of color and more privileged students.²³ It sprang out of a concern that the United States’ education system was not competitive enough internationally. The result was mandated testing for reading and math, which were both skills the Bush administration thought would create good workers. Testing tracked achievement for students in different demographic groups. Under NCLB, schools had to bring their students to the ‘proficient level’ on state tests, although each state got to choose its own definition of ‘proficiency.’²⁴ If states did not meet their standards, they would face intervention.

Much like any sweeping policy reform, NCLB had winners and losers. One group of winners were standardized testing companies like McGraw Hill and Pearson, which saw huge profits as states scrambled to implement testing procedures. Private corporations now decide who learns what and why, with textbook companies in different states teaching children different versions of “history” and surreptitiously selecting what they want to leave out. A 2020 *New York Times* analysis from reporter Dana Goldstein found stark political divides in textbooks regarding subjects like the Harlem Renaissance, Reconstruction, and racial and gender discrimination.²⁵

²²

²³Klein, Alyson. “No Child Left Behind: An Overview.” Education Week, 10 Apr. 2015, www.edweek.org/ew/section/multimedia/no-child-left-behind-overview-definition-summary.html?intc=main-mpsm vs.

²⁴ Ibid.

²⁵Goldstein, Dana. “Two States. Eight Textbooks. Two American Stories.” The New York Times, 12 Jan. 2020, www.nytimes.com/interactive/2020/01/12/us/texas-vs-california-history-textbooks.html.

While its mission seemed like a good one, in practice, NCLB hurt the marginalized groups it was meant to protect. English language learners were evaluated the same as native English speakers — for example, in Indiana, an English learner could be “forced to take the test in a language they do not understand” after being in the United States for just one week.²⁶

NCLB led to a trend of teaching to the test in public schools. Because students were only being tested on reading and math, schools funneled their resources to those subjects, crowding out the others. “Social studies, science, health, and PE are frequently not taught until mid-May, when tests are over,” according to 2004-2005 school site observations.²⁷

When teachers were pressured to teach students only the skills which the Bush administration decided created competitive workers, they no longer had the time or resources to teach their students other essential skills that make them good citizens.

In Providence, NCLB showed early success, according to a 2004 *Providence Journal* article titled, “School districts showing progress.”²⁸ Since the policy was implemented in 2001 with “several years of little or no improvement,” schools made “substantial gains,” reporter Linda Borg wrote. The number of schools deemed high-performing nearly doubled, from 89 in 2003 to 166 in 2004. That said, “some urban districts are still struggling,” Borg wrote.

An op-ed written by a retired principal that same month tells a different story. “‘Teaching to the test’ isn’t working,” James D’Ambra wrote. It caused student burnout, poor student performance, and led to budget cuts.²⁹

²⁶Arce, Josephine, et al. “No Child Left Behind: Who Wins? Who Loses?” *Social Justice*, vol. 32, no. 3 (101), 2005, pp. 56–71. JSTOR, www.jstor.org/stable/29768321. Accessed 10 Jan. 2021.

²⁷Ibid.

²⁸Borg, Linda. “School Districts Showing Progress.” *The Providence Journal*, 23 Dec. 2004.

²⁹D’Ambra, James. “‘Teaching to the Test’ Isn’t Working.” *The Providence Journal*, 1 Dec. 2004.

What Students Want

Civics education is about more than learning the facts needed to pass the civics portion of the naturalization test. It generally consists of three components, according to education professor Ben-Porath. Those components are “an introduction to a corpus of knowledge such as governance structure and procedures; facilitation of certain skills such as deliberation and effective communication; and development of attitudes and dispositions such as respect, tolerance, and public mindedness,” she wrote in her paper, “Citizenship as Shared Fate: Education for Membership in a Diverse Democracy.”³⁰

This type of education should be thought of as skill-building. “It’s not like I will show you the alphabet and then you know how to read,” Ben-Porath said in an interview. “It’s a habit that you have to develop,” form, and practice.

Democratic habits can emerge in the classroom in a variety of ways, which Rhode Island’s Grade Span Expectations for Social Studies lay out.³¹ A kindergartener might learn about rules and the consequences of not following them. A fifth-grader should be able to identify different forms of government. A twelfth grader could compare and contrast them.

Ben-Porath said that each of the three prongs of civics education is equally important. But the first — the basics of governance — is much more teachable. It’s easy to get students to memorize important dates and facts, such as the significance of the date 1776 or the three branches of government.

³⁰Ben-Porath, Sigal. “Citizenship as Shared Fate: Education for Membership in a Diverse Democracy.” *Educational Theory*, 62: 381-395, 2012. <https://doi.org/10.1111/j.1741-5446.2012.00452.x>

³¹“Civics & Social Studies.” Rhode Island Department of Education, www.ride.ri.gov/InstructionAssessment/CivicsSocialStudies.aspx.

Beyond that, civics education comes down to one essential question for Levine, a civics researcher: what should we do? Each and every word in this definition matters to Levine, which he explained in an interview just before his office hours.

What: We must weigh our options and their consequences

Should: Our values and principles matter

We: Enacting change is a collaborative process

Do: Civics is about doing, not just talking

But teaching students that they should do something — regardless of what that something is — can become highly controversial. “Danger signs flash when you talk about civics in a way that is not true of third-grade math,” Levine said.

Thus, “what seem like innocent civics topics,” such as voting or free speech, “can become very heated political issues,” said Neal McCluskey, Director of the Cato Institute’s Center for Educational Freedom.

Without a civic requirement, teachers aren’t incentivized to teach it because “there’s a tremendous amount of parental opposition to the civics kids are getting,” Levine said. Assigning *The New York Times* or *The Washington Post* could mean teachers are accused of assigning “liberal propaganda.”

To foster meaningful development, civics and social studies teachers must learn to navigate a classroom where students hold conflicting viewpoints. “It’s all about encouraging a holistic dialogue that both sides can get something out of,” said Brendan Hanrahan, who is in his 15th year as a social studies teacher at Hope High School. “It’s not easy to do.”

Hanrahan said he recognizes that as an adult in a position of power, he has to tread

carefully. “You need to let people express themselves in a way and guide the discussion in a way that’s not going to be offensive towards other groups of people,” Hanrahan said. This means leaving his own politics out of the equation.

Chavez’s lesson plans can become irrelevant overnight based on the next morning’s news, like what happened on the day of the insurrection. She likes bringing current events into the classroom to help students first understand them, then think critically about them.

Because there is no district or statewide civics requirement, if educators are passionate about teaching civics, it must often be feathered into history and social studies courses, said Classical High School Social Studies teacher leader Arthur Rustigian. Many of the teachers that do include civics in their curriculum do so voluntarily.

“I’ve been on endless curriculum writing committees, I’ve been at endless teacher leader meetings” trying to advocate for civics education, and “it just doesn’t go anywhere,” said Rustigian, who is in his 33rd and final year teaching history. In addition to the challenge of navigating teaching these topics in a polarized space, Rustigian and other civics teachers face more obstacles. Poor classroom attendance, language barriers, and socioeconomic inequity create a difficult atmosphere for learning in Providence, Rustigian said.

Even though civics is so hard to teach, the teachers remain invested in it. They think civics should be taught with the same, if not more emphasis, as math and reading. “When you’re pulled over by a police officer, is it going to be more important that you know the Fourth Amendment or that you know the Pythagorean theorem?” Chavez asked.

She sees the impact of civics education on her students every day. For Chavez, civics education isn’t necessarily about teaching her students to write letters to their congresspeople.

There are so many other ways to be an engaged citizen. Chavez remembers obvious examples of her students engaging in the political process, such as when they chose to walk out on the day of Donald Trump's inauguration. "They knew they were taking a risk," Chavez said, "so it was incredibly brave to see them do that and see all of the young people who gathered at the statehouse."

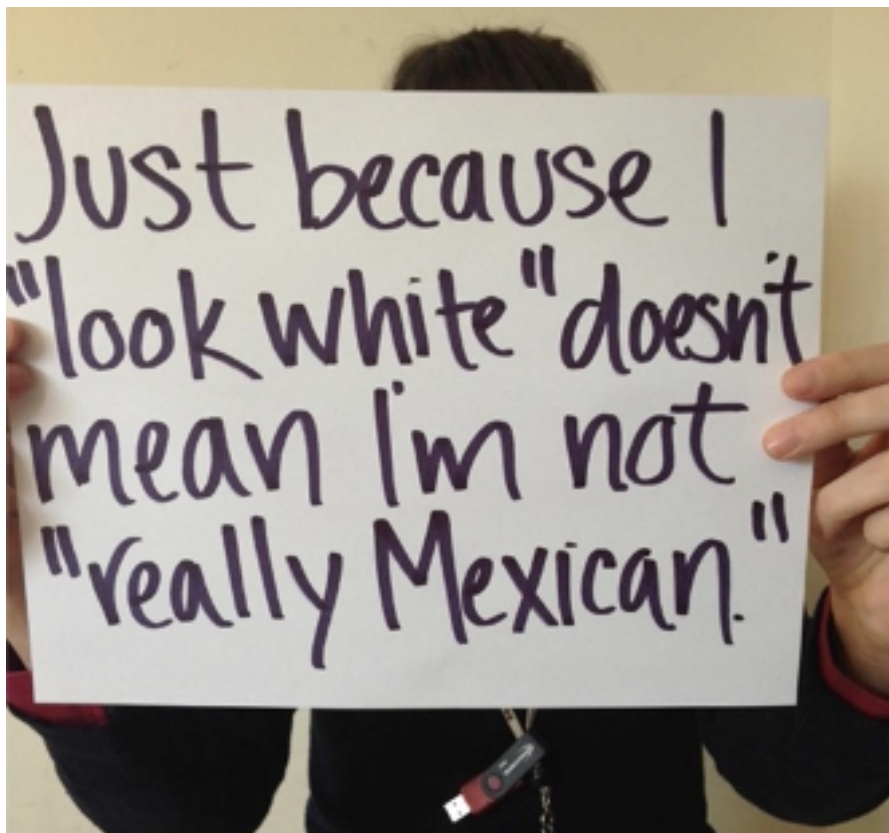
There are also more subtle indications in everyday discussions when students make points or challenge assumptions in critical ways. They'll bring up Supreme Court cases and how they relate to current events or compare quotes from Democrats and Republicans to further their understanding of an issue. These moments affirm Chavez's feeling that, by teaching civics, she is "creating a space where kids can be hopeful and can see ways to affect change in the world."

That's what civics education comes down to for Chavez: hope. Civics teachers "should be educating people about the capacity that we have as ordinary people to change things," Chavez said.

Much of the work Chavez does in the classroom is about giving students the framework and tool kit they need to unlock critical thinking skills that they already possess. This means asking students questions that make them grapple with important issues. Her first unit asks, "how do stereotypes affect how we experience the world and how the world experiences us?" Students build their answers to this question based on empirical data and their own real-world experiences of how race, ethnicity, and identity intersect.

In a 2016 class project, "rethinking stereotypes," she asked students to photograph themselves with a sign responding to stereotypes and microaggressions they wanted to set straight. "Just because I'm Spanish with tattoos doesn't mean I'm a bad person or I'm in a gang,"

one student's blue sign reads. Another read, "just because I have a baby in high school doesn't mean I am a failure!"



A student in Chavez's class. Image courtesy of Chavez.

Unlike Chavez, Rustigian doesn't teach an entire course dedicated to civics. As a history teacher, most of what Rustigian teaches is in the past — lessons about the Constitution and Supreme Court Cases. Despite not being required to teach civics, Rustigian does, because "you can't get through the day without it." To do so, Rustigian makes an effort to connect past lessons about governance to the present day and demonstrate the power of activism.

Reaching one student at a time is a way for teachers like Chavez, Hanrahan, and Rustigian to chip away at the broader problem. Across the nation, "our levels of support for democratic institutions, practices, and norms, is actually continuing to erode," Ben-Porath said.

At the same time, “polarization and mistrust, both in each other and in the government, continues to rise.”

By leaving civics out of school curricular requirements, people with more limited access to this information — low-income students, students of color, and English language learners — may not know how to speak up.

Taking it to Court



Many of the plaintiffs and their lawyers at Dec. 2019 oral arguments. Image courtesy of Riley Robinson / The Christian Science Monitor.

Students and parents filed *Cook v. Raimondo* because they were tired of an education system that didn’t serve them. Their case makes the claim that they have a constitutional right to civics education. The 14 plaintiffs — some as young as preschoolers when the suit was filed — feel their public school system has neglected civics education for decades, leaving them

ill-prepared to engage in American Democracy. This education, according to the plaintiffs, is a combination of the more conventional teaching on American democratic principles, as well as skill-building that helps students become engaged citizens.

School attendance laws require children to attend public, private, parochial, or home school for a set amount of time, which is in the hands of state legislators.³² The students believe that if public education is mandatory for those enrolled, “it has to be adequate and it has to actually deliver the promise of public education,” said Jennifer Wood, executive director of the Rhode Island Center for Justice and one of the local counsel representing the plaintiffs in *Cook v. Raimondo*. This promise, Wood said, “is to prepare children to function as adults and exercise their full constitutional rights of citizenship.”

“If you’re not prepared to exercise your constitutional rights, your constitutional rights become meaningless,” Wood said. She claims that the Rhode Island Public School system’s education does not deliver its promise, which she argues is embedded in the Fourteenth Amendment. Michael Rebell, professor of law and educational practice at Teachers College, Columbia University, is leading the suit’s legal team, which is made up of two other attorneys.

Wood came to her job in public service after many years in the legal industry. The Brown University and Northeastern Law alumni served as partner at a Rhode Island law firm before becoming general counsel at the National Education Association Rhode Island. After that, Wood was chief of staff and chief legal counsel in the Rhode Island Department of Elementary and Secondary Education, the very body that she is now suing. She also spent many years as chief of staff and general counsel in the Office of the Lieutenant Governor.

³²“School Discipline Laws & Regulations by State & Category.” *National Center on Safe Supportive Learning Environments*, safesupportivelearning.ed.gov/discipline-compendium/choose-type/Missouri/all.

Rebell, a former marathon runner, said he is used to efforts that take patience and perseverance. He studied government at Harvard and law at Yale. Rebell then became a class-action lawyer, leading him to a lawsuit about state funding in the New York City public school system. In that suit, Rebell learned the ropes that would lead him to *Cook v. Raimondo*, from holding town meetings with stakeholders to litigation.³³ “A child of the ’60s,” Rebell was “inspired by John F. Kennedy’s call to public service,” according to a profile about him in *The New York Times*.³⁴

The students in *Cook v. Raimondo* accuse Rhode Island of complicity with the same nationwide trend civic experts have observed — that the No Child Left Behind Act “pushed civics to the back burner,” McCluskey said. The students allege that the civics education they did get, if any, was incomplete, thereby not allowing them to participate in the political process.

Sok and Xiong said they can’t remember any lessons they learned about civics. “We were never directly taught civics,” Sok said. “We were never taught how to vote or how to be on a jury,” she added, “all we learned was basic general history like wars.”

Xiong said she left high school not knowing “how to apply the information I learned to the real world.”

One unnamed student, according to the complaint, took social studies courses in high school that gave students facts about the government, but “failed to show how these institutions actually do or should function to promote democratic values and did not inform students of how these institutions relate to his future role as an active, informed citizen.” A plaintiff enrolled in special education didn’t receive civics education geared towards their specific need, and thus was

³³ Levine, Joe. *Making a Federal Case*. Teacher's College Today, 2017.

³⁴ Richardson, Lynda. “A Child of the 60’s, and a Keeper of the Faith.” *The New York Times*, 3 July 2003, www.nytimes.com/2003/07/03/nyregion/public-lives-a-child-of-the-60-s-and-a-keeper-of-the-faith.html.

not prepared “to function productively” as a civic participant as an adult, the complaint stated. Functioning productively could mean being “capable voters and jurors,” being able to “exercise effectively” one’s right of free speech, and participating “effectively and intelligently in our open political system,” the complaint stated.

Not all civics education happens in the classroom. The complaint lists “civic experiences” — extracurricular activities such as student government, school newspapers, speech and debate, mock trial, community service, civically-minded field trips — as opportunities that can help students develop soft skills that are essential for their experience as citizens.

“Most schools in Rhode Island provide no opportunities or only limited opportunities” for students to gain these skills, the complaint stated. Cook and another Providence plaintiff’s schools had no band, choir, drama, and limited athletic opportunities.

The students sued on behalf of “all students attending public K-12 schools in Rhode Island” that can’t get enough education “to prepare them to be capable voters and jurors, to exercise effectively their right of free speech, to participate effectively and intelligently in our open political system and to function productively as civic participants,” the complaint stated.

The students claim that Rhode Island violated their rights because it did not prepare them to be voters and jurors, which are protected under the Fourteenth Amendment, as well as their Sixth and Seventh Amendment rights to a speedy, public trial and to a representative jury.

If they win at the appellate level, the plaintiffs would demand Rhode Island enact the “laws, regulations, policies and practices” necessary to ensure every class member has adequate educational opportunities to allow them to “function productively as civic participants in a democratic society,” the complaint stated.

If the case rises to the Supreme Court and the plaintiffs win, schools throughout the country would be bound by the ruling, according to an informational website on the suit.³⁵

“Policymakers in each state would need to take whatever steps might be necessary to ensure that the educational opportunities provided to all of their students meet constitutional requirements.”

Making a federal challenge to the Constitution is “an uphill climb,” Wood said. But “there is a strong legal argument” that a right to an education is constitutionally protected.

Rebell, who is the executive director of the Center for Educational Equity at Teachers College, said he has been frustrated for years about “students not being prepared for civic participation in the way that they should be.” So concerned that he earned a sabbatical and researched and wrote his book, *Flunking Democracy: Schools, Courts, and Civic Participation*. No matter how many op-eds advocates write or protests they organize, they cannot make meaningful change, Rebell said. He believes the answer is through court action. “It’s a constitutional issue,” Rebell said. “Our Democracy cannot thrive, it cannot survive if we don’t have young people educated to know what it’s all about and to be able to sustain it.”

Rebell’s book is a “roadmap” for how someone could file a federal lawsuit about this issue. He didn’t expect that he would be the one to file it seven months later.

The legal team sought to file the suit in a state that checked two boxes: its civic education must be “a real problem” and it must have plaintiffs willing to support the suit for many years, Rebell said. Rhode Island had both, on top of two controversial State Supreme Court decisions that denied the state’s responsibility in improving schools.

³⁵“FAQ: Cook v. Raimondo: Teachers College, Columbia University.” Teachers College - Columbia University, www.cookvraimondo.info/faq/.

City of Pawtucket v. Sundlun, a 1995 case against then-Governor Bruce Sundlun, claimed that Rhode Island's school financing system was unconstitutional because it discriminated against students in lower-income districts.³⁶ The court denied responsibility, ruling that the matter was up to the General Assembly — Rhode Island's state legislature composed of the House of Representatives and the Senate.

In 2014, a similar case came onto the docket against then-Governor Donald Carcieri. Plaintiffs in *Woonsocket v. Carcieri* again claimed the school funding system underserved students in districts with lower-income students and English language learners, therefore denying students their fundamental right to education.³⁷ The court upheld the ruling in *Pawtucket*, insisting that education was not, in fact, a fundamental right in Rhode Island. Stephen Robinson, a lawyer at Robinson & Clapham, was one of the attorneys representing the plaintiffs in *Pawtucket* and *Carcieri*. Samuel Zurier also represented plaintiffs in *Carcieri*. Both are supporting Rebell and Wood's efforts on *Cook*.

Rebell had a problem and a case but no plaintiffs. So he set up a community meeting with advocacy groups in Rhode Island to discuss the legal theory behind the assertion that public school students have a right to an adequate education. This belief is based on a door that was left open in a Supreme Court Opinion from 1973.

The plaintiffs in *San Antonio Independent School District v. Rodriguez* claimed that Texas' school funding scheme, which relied on local property taxes to supplement minimal state funding, was unconstitutional and disproportionately lowered the quality of education for students in low-income districts.³⁸ The plaintiffs alleged that Texas violated the equal protection

³⁶"Education Law Center." Rhode Island, edlawcenter.org/states/rhodeisland.html.

³⁷*Ibid.*

³⁸U.S. Supreme Court. "San Antonio School District v. Rodriguez." 21 Mar. 1973.

clause of the 14th Amendment of the Constitution. This clause is a protection against discrimination and was ratified in 1868 after the civil war.³⁹ In the lawsuit, the disproportionate harm low-income students experienced primarily came from “disparities in per-pupil expenditures,” according to the case’s opinion.⁴⁰ The case came down to one essential question: “Did Texas’ public education finance system violate the Fourteenth Amendment’s Equal Protection Clause by failing to distribute funding equally among its school districts?”

To answer this case’s main question, the Supreme Court had to answer another one: Is there a constitutional right to education?

In a 5-4 vote, the justices said no.⁴¹



Burger, Stewart, Blackmun, Powell, and Rehnquist voted against *San Antonio v. Rodriguez*. Image courtesy of Oyez.

The justices denied that education is a “‘fundamental interest’ based on the federal Constitution, but they did agree that education is essential for the effective practice of First Amendment freedoms and to the intelligent exercise of the right to vote,” Rebell wrote in his book. They emphasized that education is primarily a state policy issue. The court wasn’t presented with the evidence it needed in this particular case to determine that “there is a

³⁹Fitzpatrick, Brian T., and Theodore M. Shaw. “The Equal Protection Clause.” Interactive Constitution, constitutioncenter.org/interactive-constitution/interpretation/amendment-xiv/clauses/702.

⁴⁰U.S. Supreme Court. “San Antonio School District v. Rodriguez.” 21 Mar. 1973.

⁴¹“San Antonio Independent School District v. Rodriguez.” Oyez, www.oyez.org/cases/1972/71-1332. Accessed 25 Feb. 2021.

fundamental interest under the U.S. Constitution to ensure that all students receive the level of education necessary for them to function as capable citizens,” Rebell wrote. But, the justices maintained that there *could* be a case down the line asking them to reconsider their stance.

An education system is constitutional as long as it provides a child with the “basic minimal skills necessary for the enjoyment of the rights of speech and of full participation in the political process,” Justice Lewis Powell wrote in the majority opinion.⁴²

What are those basic skills? Is it enough for a person to be able to read, write, and do math? What if they aren’t proficient in those basic skills? Do they need to know how political decisions are made and who makes them?

Plaintiffs in *San Antonio v. Rodriguez* were not asking the justices to consider those questions. The court maintained “that it still had not definitively settled the question of whether a minimally adequate education is a fundamental right,” in a later case.⁴³

Cook v. Raimondo asks a very different Supreme Court to reconsider this matter.

In their motion to dismiss, former Governor Raimondo, Commissioner of Education Ken Wagner, and the State Board of Education and the Council of Elementary and Secondary Education argued that public education is in the hands of local educational agencies.

The plaintiffs “have simply sued the wrong parties,” the motion to dismiss stated. The Rhode Island leaders argue that the students’ allegations “should have been made against the local school committees” that “actually are responsible for civics and social studies curricula.”

Raimondo, who was the governor of Rhode Island from 2015 to March 2021, recently

⁴²U.S. Supreme Court. “San Antonio School District v. Rodriguez.” 21 Mar. 1973.

⁴³Rebell, Michael. (2018) “Flunking Democracy: Schools, Courts, and Civic Participation.” University of Chicago Press, 2018.

became commerce secretary in President Joe Biden’s cabinet. Raimondo grew up in Rhode Island, where she rode the RIPTA bus to La Salle Academy every morning before moving on to an Ivy League education.⁴⁴ In 2016, Raimondo promised Rhode Islanders that “by 2025, when the kids who were born this year reach third grade, three out of four will be reading at grade level,” according to reporter Dan McGowan’s article on Raimondo’s education legacy in *The Boston Globe*.⁴⁵ Observers told McGowan that this legacy is “ambitious, but incomplete.” She made a lot of headlines for her sweeping declarations of commitment to education but failed to show meaningful progress.

Governor Dan McKee, another Rhode Islander, has since taken on Raimondo’s role. It is not yet clear whether the two will have similar beliefs on the importance of education.

The defendants also challenged the students’ argument that education is a constitutional right. “As much as the Founding Fathers might have valued education, the fact remains that education is nowhere mentioned in the federal Constitution,” the motion to dismiss stated. They claim that education is up to state governments, rather than the federal government.

The Supreme Court has thus far upheld this belief, claiming in *Brown v. Board of Education* that the Court “was under no illusion that the federal government had any legal obligation to provide a child with an education under the federal Constitution.” The Supreme Court’s role was to ensure that “where the state has undertaken to provide” an education, the right was “made available on equal terms,” the motion to dismiss stated. The Court upheld this stance later in *Rodriguez*.

⁴⁴“The Governor.” State of Rhode Island Office of the Governor, governor.ri.gov/about/governor.php.

⁴⁵McGowan, Dan. “Raimondo’s Education Legacy: an Ambitious Agenda, but Incomplete Goals.” *The Boston Globe*. The Boston Globe, 2 Feb. 2021, www.bostonglobe.com/2021/02/02/metro/raimondos-education-legacy-an-ambitious-agenda-incomplete-goals/.

In Oct. 2020, U.S. District Court Judge Smith sided with the defense, ruling that there is no constitutional right to education — and certainly not to civics education.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

A.C., a minor by her parent)
and guardian ad litem, et al.,)

Plaintiffs,)

v.)

GINA RAIMONDO, et al.,)

Defendants.)

C.A. No. 18-645 WES

OPINION AND ORDER

The top of Judge Smith's 50-page opinion.

The decision was long overdue, following an oral argument that took place in Dec. 2019. The opinion spans more than 50 pages and cites past Supreme Court precedents, news articles, books, a viral youtube video highlighting racism in Arkansas, and even the *Hamilton* song, “One Last Time.”

“This case does not represent a wild-eyed effort to expand the reach of substantive due process, but rather a cry for help from a generation of young people who are destined to inherit a country which we — the generation currently in charge — are not stewarding well,” Smith wrote in the opinion. “What these young people seem to recognize is that American Democracy is in peril.”

The court is not the proper path forward, according to Smith. When the student plaintiffs

alleged that they weren't prepared to serve on juries, they were asking for protection against "hypothetical harms," without demonstrating a present injury, the opinion stated.

Judge Smith was forced to uphold the precedent set in *San Antonio Independent School District v. Rodriguez*, that "education, of course, is not among the rights afforded explicit protection under our Federal Constitution." He described the students' efforts to change that precedent as an "attempt to work around this plain statement," which, Smith believes, they failed at.

"It is difficult to disagree with the premise that education, and particularly literacy, is critical to participation in democratic society, the exercise of First Amendment rights, as well as to the voting franchise," Smith wrote. "It is clearly desirable — and even essential ... for citizens to have a deeper grasp of our civic responsibilities and governing mechanisms and American history," Smith wrote. However, "this is not something the U.S. Constitution contemplates or mandates," the opinion stated.

Peter Neronha, Rhode Island's attorney general, "shares the sentiments expressed by the court," according to a statement. "This case turned on the question of what type of education the state was *constitutionally required* to provide. And on that narrow question, we believe that the court correctly decided the manner," Neronha said. The attorney general's office could not offer additional comment in anticipation of the ruling being appealed.

Despite being unable to provide the students the solution they were looking for, Judge Smith amplified their cause. The plaintiffs "should be commended for bringing this case," Smith wrote. "It highlights a deep flaw in our national education priorities and policies. The Court cannot provide the remedy the Plaintiffs seek, but in denying that relief, the Court adds its voice

to Plaintiffs’ in calling attention to their plea,” the opinion stated. “Hopefully, others who have the power to address this need will respond appropriately.”

When Rebell saw the court’s dismissal, his first feeling was loss. “But then, when I started reading it, I almost fell out of my seat,” Rebell said. “This is the best losing decision I’ve ever seen.”

It’s rare to get this kind of appreciation from a judge as he dismisses a case, Rebell said. Smith “really understood the points we were making and believed in them as strongly, if not more strongly than we did.”

Smith, who has served as a district court judge in Rhode Island since 2002, grew up in the courtroom. The son of an Idaho district court judge, Smith would do his homework and watch trials while his father worked.⁴⁶ The *Cook v. Raimondo* opinion is not the first time Smith has gotten creative with his approach to judging. In a technology patent case involving Microsoft earlier in his career, Smith “broke new ground by combining the digital audio of testimony with the demonstrative video used by the witnesses to create a movie that he embedded into his decision,” according to a judicial profile.⁴⁷

The decision was “not a huge surprise,” education professor Ben-Porath said in an interview the day after the court’s dismissal. But she still responded to the court’s dismissal with “disappointment.”

While Smith’s decision is an obstacle, the lawyers “will not stop fighting for our clients’ fundamental right to an adequate education to prepare them to be fully empowered citizens until

⁴⁶Moses, Amy E. “Hon. William E. Smith Chief Judge, U.S. District Court for the District of Rhode Island.” Sept. 2014, www.rid.uscourts.gov/sites/rid/files/documents/judges/articles/FBA%20Profile%2009-14%20Smith-Hon-William-E.pdf.

⁴⁷Ibid.

we have exhausted every avenue to right that wrong,” Wood said in a press release.

The decision is on appeal in the U.S. Circuit Court of Appeals for the First Circuit.

“Recent events, including the January 6, 2021, violent storming of the Capitol by a mob motivated by a fundamental misunderstanding of the Congressional role in counting electoral votes, only emphasize further the Constitutional importance of a judicial declaration that education for capable citizenship is a fundamental interest entitled to strict scrutiny review under the Due Process Clause of the Fourteenth Amendment,” the January 25th appeal brief stated.

“The future stability of our nation’s democratic institutions may depend upon such a declaration.”

III. The Legislative Branch

The courts are just one of several avenues activists can use to their advantage. “I don’t think we need to wait for the courts” to teach and encourage students to be civic participants, Ben-Porath said. “We can’t wait, and Democracy can’t wait.”

Locally, the school board “is a tough place to enact change” — at least in Providence given the state’s takeover, said Santow, a parent plaintiff and Providence School Board member. But the district is already seeing more emphasis on the importance of civics education.

Laura Hart, director of communications for the Providence Public School district, said that “while the majority of its high schools do offer civics education in some form,” the district “acknowledges that additional work is needed to engage all students in the ongoing study of civics.” Following the court’s dismissal, the district hired a “supervisor of social studies and civics education, and one of his priorities is to build out grade-appropriate civics curricula for K-12,” Hart said. She did not provide the supervisor’s name, nor respond to multiple requests for an interview with him.

While activists wait for the end result of the *Cook v. Raimondo* case, which could take many years, they are assembling in an entirely different branch of government. The Rhode Island General Assembly oversees education. They are “the big school committee for the state,” Wood said.

Activists and congresspeople are trying to pass a civic education law. H5028, the Civic Literacy Act, advocates for civics education and funding in the public school system. The bill was heard by the Rhode Island House Committee on Education in Feb. 2021. Seven

congresspeople introduced the bill “over general concern that civic literacy is declining nationwide,” a press release stated.⁴⁸ The bill would require high school students to learn about “the nation’s founding and related documents,” including “the Declaration of Independence, the United States Constitution, and the Federalist Papers.” The press release emphasizes the history component of the bill, which would teach students facts that congresspeople across the aisle generally support.

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STATE OF RHODE ISLAND	
IN GENERAL ASSEMBLY	
JANUARY SESSION, A.D. 2021	
A N A C T	
RELATING TO EDUCATION -- THE CIVIC LITERACY ACT	
<u>Introduced By:</u> Representatives Newberry, Amore, Carson, Noret, Kislak, Casimiro, and Fenton-Fung	
<u>Date Introduced:</u> January 15, 2021	
<u>Referred To:</u> House Health, Education & Welfare	

The top of the Civic Literacy Act.

⁴⁸“Rep. Brian C. Newberry Submits Legislation Requiring Civic Literacy in Local Schools.” State of Rhode Island General Assembly, 3 Feb. 2017, www.rilin.state.ri.us/pressrelease/_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31-3c10-431c-8dcd-9dbbe21ce3e9&ID=12518&Web=2bab1515-0dcc-4176-a2f8-8d4beebdf488.

Students attending public schools would be required to take an American Civics course at some point between eighth and twelfth grade, according to the bill text.⁴⁹ The state would have four years to implement the requirement, meaning the class of 2025 would be the first group of students mandated to complete the course. Their knowledge would be assessed based on projects requiring research on and engagement with community issues and stakeholders, rather than tests. To implement the requirement, schools would be given money from a “civics project trust fund,” which may be distributed primarily to schools in lower-income districts.

The Civic Literacy Act is an example of how to make change when it feels like no one is listening: take it to another branch of government, amplifying your voice. The governor, speaker of the house, president of the senate, commissioner of education and council on elementary and secondary education “have the authority to implement policy and educational priorities, and could, if directed by a federal court, make civics education a priority,” the *Cook v. Raimondo* opinion stated. This kind of lesson about jurisdiction is exactly what, without civics education, many students will never know.

The Civics Literacy Act is being promoted by a different group of activists than the student plaintiffs in *Cook v. Raimondo*. Although named plaintiff Aleita Cook was mentioned at the House hearing, none of the student plaintiffs testified for the bill. Some House representatives attended the hearing in person with their voices muffled by masks, while others attended at home, interrupted by children and partners. Several of the people who testified were affiliated with Generation Citizen, a nonprofit that brings civics education into the classroom and

⁴⁹ Rhode Island State, General Assembly, House of Representatives. The Civic Literacy Act. 2021st General Assembly, January session, House Bill H 5028, <http://webserver.rilegislature.gov/BillText21/HouseText21/H5028.htm>.

brings the classroom into the real world.

The bill was supported by representatives across the aisle, with not a single person at the hearing testifying against it. The bill “does not look at party lines, it doesn’t look at race, color, or gender,” said Representative Robert Phillips (Democrat, District 51, Woonsocket, Cumberland). “We should all take an active role in our education,” Phillips said, and “education is freedom.”

The goal of the bill is to make students more comfortable acting as their own advocates, whether that’s being able to testify at a hearing like this, being able to get on the phone with a representative, or being able to go out and protest for their beliefs. Ultimately, the hope is “more educated voters,” said Representative Justine Caldwell (Democrat, District 30, East Greenwich).

After the various representatives expressed their support for the bill, Representative Joseph McNamara (Democrat, District 19, Warwick and Cranston), the chairperson of the committee, opened the floor up to public testimony. Battling various technical issues such as lag time and echoing, a group of teachers, activists, and students stood up for their beliefs. When students testified, the legislators applauded them for participating in the legal system. Notably, several of the people that testified were from Barrington, Rhode Island, exemplifying the fact that most civics education happens in wealthier districts, lifting up the voices of those who already have volume.

The citizenship education students need now is different from the education they needed 50 years ago, said Thomas Kerr-Vanderslice, the former Rhode Island site director of Generation Citizen. They don’t need to learn more about the Constitution, they need to learn what it looks like when the media is biased, and how propaganda can affect their political decisions,

Kerr-Vanderslice said. Furthermore, “when traumatic events happen in our country,” such as the riot at the Capitol, students need spaces to process them without teachers feeling pressured to stay on track by going back to their scheduled lesson plans.

Alison Grieco, a social studies teacher in Barrington, said she is “deeply concerned about the state of civics education in Rhode Island.” Many of the students she teaches in a government and politics class begin the semester “with no knowledge of politics or how the government functions,” Grieco said. By the time the semester is over, they know how to be engaged citizens, and show the knowledge they’ve learned by actions like reading multiple news sources and looking forward to voting. “My students should not be the only ones to benefit from a comprehensive civic education,” Grieco said. She testified on behalf of the students from districts that don’t have the benefit of this type of education.

One of those very students, Marco Antonio Lima from Bristol, said that he was “forced to learn about the politics that surround me entirely online, through social media sites.”

Other students testified that while they were lucky enough to receive an inspiring civics education, it should not be up to luck. By not having a civics requirement, “we’re definitely contributing to a national crisis,” said Eytan Goldstein, a student in Barrington.

The bill was held for further study based on procedure. Still, “we are hopeful that a civics bill will be passed this legislative session,” said Kristina Pires, Generation Citizen’s current Rhode Island program director, after the hearing.

While passing the bill would be a step in the right direction, several people that testified emphasized the importance of including culturally responsive language. Civic teaching should be “representative and relevant, and promote diverse voices,” Pires said. She said she believes it is

important that students “learn about history in a way that represents the diversity of our nation and see themselves and their communities as part of this history.” The bill could be made stronger in the next few months if its sponsors “engage with community stakeholders and, most importantly, young people.”

A victory would require “legislative champions” who hold enough power to push the bill through, Levine said. The general assembly must also reconcile the differences between the House and Senate bills to pass it into law.

Overall, “it was powerful to hear from elected officials and community members about the clear need for civic education and the importance of youth being active participants in our country.” After a difficult year for the country, “the time to take action is now,” Pires said.

In the meantime, several nonprofits have stepped up to fill curricular gaps in the U.S. education system, which has made an immediate impact on student knowledge. Former Supreme Court Justice Sandra Day O’Connor founded iCivics in 2009 to address her concern that Americans don’t know how the government works and are disengaged with the system because of it.⁵⁰ “iCivics is my most important legacy,” O’Connor said in a tribute video. “I want students to learn how the government works and how, in essence, they’re part of what makes this function.”

Almost 200,000 teachers across the United States use iCivics in their classrooms.⁵¹ The nonprofit utilizes experiential learning, teaching students about real-life problems through games and other digital tools. For example, in the game “Court Quest,” the player drives a bus heading to various courts. Their job is to pick up passengers, listen to each of their cases and make sure

⁵⁰“Our Founder.” ICivics, www.icivics.org/our-founder.

⁵¹Ibid.

they get dropped off at the proper court. “Police officers broke into my house without a reason or a warrant,” said game character Sally Forth. “They found my hunting rifle, and they said it was used in a robbery. Now I have to go on trial for armed robbery, which is a felony in this state.” The player, after reading a descriptor about the circuit court and the county court, chooses the circuit court.

In “Win the White House,” the player is tasked with running a successful presidential campaign. They choose their political party, debate in Iowa, choose a campaign slogan, and launch their campaign. They choose a Vice President, then choose a strategy to campaign and fundraise in various states as they stack up electoral votes. Win or lose, the student walks away with more knowledge about running a presidential election campaign.

So often, if civics is taught, it’s the most boring subject in school. The curriculum is made up of dates and facts that have very little to do with what a student’s needs might be in modern times. These games are an example of the strategy behind iCivics — to make civics education fun by bringing knowledge about the government and its workings alive. In 2020, iCivics reached 7.6 million students, who played games over 21.4 million times, according to the nonprofit’s 2020 annual report.⁵²

⁵² “Meeting the Moment: Annual Report 2020.” ICivics, <https://www.icivics.org/annual-report>.



A scene from "Court Quest." Image courtesy of ICivics.



A scene from "Win the White House." Image courtesy of ICivics.

Generation Citizen has a similar goal, aiming to make civics education “more vibrant and relevant to students’ lives” by experiential learning techniques, said Warren, the nonprofit’s co-founder. “What we’re trying to do is ensure that young people learn politics by doing politics, especially at a local level,” Warren said.

Generation Citizen representatives come into schools and train teachers in a curricular and pedagogical strategy called “action civics,” Warren said. Students start a semester by selecting an issue that personally affects them, such as gang violence or the difficulty of public transit. Then, they research the issue and develop an action plan. Next, they take action by meeting with politicians and engaging in grassroots activism techniques such as writing op-eds or making petitions. At the end of the semester, they present their action plans at “Civics Day,” and reflect on ways they can continue their work. “The result is passionate and responsible civic participation that will help create the more active citizenry and more responsive government of our future,” according to Generation Citizen’s website.⁵³

Warren’s father worked in the State Department, so he traveled a lot as a child and developed an interest in “all things Democracy.” He saw a coup in Ecuador in 2005 and visited Zimbabwe during violent elections in 2008, and would constantly see “the power of Democracy when it works, and the fragility of it when it’s not cultivated and when it’s taken for granted,” Warren said.

When he started college at Brown University, Warren knew the power of political action. But he said he felt like he was in the minority. “A lot of my peers and a lot of young people really wanted to make the world a better place, but didn’t see politics, and especially local

⁵³“The Solution: Action Civics.” Generation Citizen, generationcitizen.org/about-us/the-solution-action-civics/.

politics, as the best way to make change,” he said. So Warren founded Generation Citizen in 2009 as a way to disrupt growing complacency.

The power of “action civics” is in the experience it gives participants. To identify community issues, they have interviews with stakeholders and family members, Pires said. Next, the class must build a consensus around just one issue, so students learn to both advocate for themselves and compromise. In doing in-depth projects on their issue, students develop their research skills and become more comfortable using the phone to engage with community members. They learn to understand data trends and develop empathy and use those techniques to develop a policy goal.

Generation Citizen’s mission is to combat the damage done by communities being disproportionately impacted by a lack of civics education. “We don’t provide all of our communities access to learning these key skills,” Pires said. “Then they don’t know how to participate in the political process,” and they are left out of the conversation. Pires serves as the branch between the program and both prospective partner and current partner schools and makes sure as many students can benefit from this type of instruction as possible.

“If we can do this through our school systems, this is a way to really help young people find their voices to see community change and learn those skills,” Pires said. It’s a way to break the cycle that leaves the communities most in need of civics education disenfranchised. “We have the ability to see our political system become more representative of all of our students’ diverse perspectives and experiences and that’s what gets me very excited.”

Alondra Cepeda, a 19-year-old student at Roger Williams University, said she thinks that often, young people “feel voiceless and feel powerless.” She had Generation Citizen in her

classroom in 10th and 11th grade and became a Student Leadership board member after that. She worked on a project about food insecurity in her community and a project on chronic absenteeism. The program “helps you navigate who represents you and who your congresspeople are and how to contact them” to help “get your voice heard.”

Cepeda said she felt powerful when she was able to get responses from representatives for her class project. And the projects created real results. For the food insecurity project, the class planted gardens around the city of Providence. And the class ran campaigns around the city to target chronic absenteeism. More importantly, “those projects were the start of my personal journey becoming an activist and finding what I’m passionate about,” Cepeda said. Now, she’s the African-American Ambassador for the Mayor of Providence’s Youth Voice Committee. She’s also a nonviolence ambassador, where she advocates for reduced policing in communities.

Melanie Simas, a social studies teacher in Central Falls, Rhode Island, has seen similar results from her students’ projects with Generation Citizen. Her classes looked into school funding, an issue where students aren’t typically brought into the conversation. Based on their work, the students were able to have conversations with the superintendent, who walked them through the budget with charts and graphs. “This was the first time the administration was so forward” about budgeting, Simas said. After the presentation, the superintendent gave students her email address and acted as a liaison between students and administrators about funding questions, Simas said.

The program helped Simas’ students see that change happens at a local level. Simas said that she often reminds her students that “these people work for you. If you don’t like what they’re doing, then you need to do something about it.”

III. Conclusion

While Generation Citizen, iCivics, and other similar programs are making a difference one student at a time, they have not solved the civic crisis. Teaching Democracy in public schools — “one of the least democratic public institutions in America” — brings obvious challenges, Warren said.

Lawmakers, scholars, and activists disagree on what civics education should look like in practice. Maybe it should be strictly project-based, or maybe it should focus on facts and history, whatever history means in a particular district. Almost nobody thinks civics education is a bad idea in principle, not even the judge that denied Rhode Island’s culpability in *Cook v. Raimondo*.

The real question here is responsibility: whose *job* is it to ensure that students know how to be citizens? While *Cook v. Raimondo* awaits a decision at the appellate level, the government is forced to side with the democratic forefathers — the white forefathers who watched the events at the Capitol from their golden frames, stuck in their poses and expressions from a very different time. The law says that it is not a Democracy’s responsibility to teach its members how to participate in it, even if standing true to that law is the very decision that destroys it.

No matter what happens with local civics education bills, there will be no federal change unless the Supreme Court decides to reinterpret the Constitution. The Justices weren’t willing to do so in 1973, and it seems unlikely that they would do so as the highest court currently stands. While civics education is a bipartisan issue, modernizing the Constitution is not.

The good news is that where civics education is happening, it is both fuel and fire for students. It teaches students about the systems that govern them, and it gives them the energy and

tools they need to advocate for themselves. Civics education could create change for future generations and a government that better serves its people.

In filing *Cook v. Raimondo*, the student plaintiffs have given themselves a meta-civics lesson. Through their work with their advocacy group, Sok and Xiong have taken ownership of their voices, one of their mentors said. “Throughout the years, I’ve learned more about the justice system and how slow, complicated, and intertwined the process is,” Sok said.

Since she joined the lawsuit when she was 16, Sok has become a leader with both her words and her actions. Voting early in the 2020 presidential election felt “liberating,” Sok said. She could feel herself overcoming the barriers that had kept her from exercising her rights as an American citizen. “I am part of the change that I want to see,” Sok said. “I hope that the state of education improves and that everyone has the same opportunities.”

Santow said his son has learned how much of life is structured by politics, government, and inequality. The lawsuit has connected the civic lessons Santow has taught him with what he sees in the classroom every day. And Santow, too, has learned from the suit. He had never been inside a federal courtroom before the case’s oral arguments took place in Dec. 2019. “I learned in a more visceral way that the courts and the Constitution can be a leverage for enormous change,” Santow said. “I knew that as a historian,” Santow added, “but it’s very different to see it when they’re actually talking about your kids, your schools, your community, and real policy that affects real lives right in front of you.”

Womack’s experiences were quite different: “It further affirmed that these systems were not meant to serve Black and brown folks.” The lawsuit wasn’t dismissed because Rebell, Wood, and the other lawyers didn’t do their jobs properly. Nor was it dismissed because the students’

situations weren't bad enough. It was dismissed because of the rules the founding fathers set in place when they decided what was and wasn't important enough to be included in the Constitution. This doctrine of America's founding values was written by men who owned slaves and didn't believe that all persons were people. It hasn't been amended since 1992.

How we got here is a big question that scholars have devoted their lives to trying to answer. But the upshot to any tipping point is just that: it tips. The insurrection was a symptom of a larger problem, which training about the importance of Democracy could help counteract. "Nationally, there is great momentum around bringing civic education back into our schools as it is seen as one of the many needed solutions to strengthening our Democracy," Pires said.

The Democracy Pires is talking about is the same Democracy that loyalists threatened with their flags, fists, and firearms at the Capitol. It's the same Democracy that civics teachers have said is in crisis over, and over, and over again.

"I hope that we don't miss this opportunity as a state to really jump onto all of the energy and enthusiasm for civics," Chavez said, "and that we're able to leverage this in a way that will sustain higher quality civic engagement in the future."

Youth voter turnout trends and the young voices leading recent movements for climate and racial justice show that American Democracy is not *stuck* here. When young people speak up, adults listen. We saw this when the Rhode Island judge celebrated the students suing the state in his opinion and when lawmakers applauded the students that testified at the Civics Literacy Act hearing. As Democracy continues to erode, it is young people who have the power to stop it.