

Rhode Island lawsuit: Students sue for the right to learn civics

By Christian Science Monitor, adapted by Newsela staff on 01.24.20

Word Count **1,090**

Level **1210L**



Image 1. Students, parents and lawyers cheer "Civics!" after a hearing in federal court on December 5, 2019, in Providence, Rhode Island. Through a lawsuit, they hope to establish a constitutional right to an adequate public education that prepares students for civic life. Photo: Riley Robinson/The Christian Science Monitor Photo: Riley Robinson/The Christian Science Monitor

On December 5, 2019, a federal judge began considering a matter with deep implications for democracy. Do students have a constitutional right to an adequate public education to prepare them for civic life?

Dozens of teenagers crammed the gallery of the U.S. District Court in Providence, Rhode Island. The lead plaintiff was Aleita Cook, a recent graduate of a Providence high school.

Fourteen named plaintiffs, both students and parents, filed the class-action lawsuit, *Cook (A.C.) v. Raimondo*, against Governor Gina Raimondo and other state officials last year. It argues that Rhode Island violates students' constitutional rights by leaving many of them without key skills and knowledge to exercise such basic civic responsibilities as voting or jury duty.

The case goes to the heart of the relationship between education and the success of American democracy.

"I didn't learn my voting rights through school," Cook says. Nor was she taught about the balancing roles of the three branches of government.

On her own time, she says she found her way to a youth activist group that has helped fill in some holes in her civics education.

Real Life As Civics Lesson

The lawsuit noted many insufficiencies. One is that many immigrant students in Providence are not taught English well enough to serve on juries. Also, low-income schools lack activities such as debate and student newspaper, the types of training grounds that wealthier districts typically offer.

Whether the lawsuit succeeds or fails, for the youths involved, working with lawyers to build a case has already been the civics lesson of a lifetime.

"You're really the national test case," Michael Rebell, the head lawyer and an education equity advocate at Teachers College, Columbia University, tells the students. "If we can win this, then all kids throughout the United States will have a federal constitutional right."



Many states have redistributed education dollars between school districts in response to state-level court battles seeking justice for students in poor districts. Education is usually left at the state and local level, so getting a federal judge to move the case forward is a huge hurdle.

The current case could depend on how Judge William Smith interprets the 1973 Supreme Court opinion in *San Antonio Independent School District v. Rodriguez*. The 5-4 decision left the funding equality matter in the state's hands and noted that the U.S. Constitution does not mention education specifically.

Rebell argued that *Rodriguez* left an opening for future cases to show a link between an inadequate education and the ability to exercise constitutional rights.

A Constitutional Right To Education

Anthony Cottone, representing Rhode Island education officials, countered that *Rodriguez* closed the door on federal involvement, stating there is "no fundamental right to education under the Constitution."

Rather, Cottone argued, it is up to local school districts and the state legislature to determine educational standards and funding.

Judge Smith brought up a study showing that 86 percent of U.S. students could not distinguish between fact and opinion in complex texts. He asked Cottone whether that might raise reasonable concerns about the future of the democracy.

Such concerns are valid, Cottone said, but a federal lawsuit is not the solution.

Two lawsuits in Rhode Island's state court to establish a state constitutional right to education have already failed. Local community groups are now bringing the case to the federal level.

Students Show Up For Court Hearing

Plaintiff June, a third-grader, sat in the jury box to observe the hearing with her mother, Moira Hinderer, and Cook.

"I have the privilege to have a job where I can take a half-day off to take her to court and have a discussion about what a court is," Hinderer says. "For a lot of families that's just not reality. So the school needs to be providing an equitable experience where kids get what they need ... to know how you participate in a democracy."

For many of the teens attending the hearing, it was their first visit to a courthouse.

"The experience was really amazing," said Jayson Rodriguez, a junior at the Met High School. It "pushed forward my desire to pursue the path of being a lawyer and to eventually understand the vernacular that these people are using," he added during a pizza lunch with other youth organizers at the office of the Rhode Island Center for Justice. The group's director, Jennifer Wood, is co-counsel for the plaintiffs.

Symone Burrell found her first court hearing exciting but frustrating. "It was really concerning to hear [the state's lawyers] just keep stating the point that [civics] education was not a right. They just kept repeating it and repeating it," says the community college student who is active with ARISE, a group that helps Southeast Asian youths. "It's kind of scary that the people who are running our education think that way."



Varied State Requirements

When it comes to civic preparation, "there are great philosophical disagreements," about whether the responsibility lies with schools or the home and community, said Kei Kawashima-Ginsberg. She is the director of the Center for Information and Research on Civic Learning and Engagement at Tufts University.

She also sees a need for "a long-term remedy that could address one of the fundamental issues in civic education, which is unequal funding."

The majority of states now require a civics course in order to graduate from high school, but Rhode Island and others address it only in broader social studies standards.

Rhode Island Department of Elementary and Secondary Education spokeswoman Meg Geoghegan replied that the department provides support and a framework for social studies and civics. However, "the responsibility for implementing these tools rests at the local level."

Niamiah Jefferson, a youth activist from Cranston, Rhode Island, got a decent civics education only by attending a regional career-pathways high school in Scituate, Massachusetts, where she is one of just a handful of black students. "My parents sacrificed traveling 45 minutes each day for

the past three years for me to go to that school," she said. She hopes this case will help future students find such resources in their own communities.