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AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON PUBLIC EDUCATION
COMMISSION ON CIVIC EDUCATION AND SEPARATION OF POWERS

RECOMMENDATION

RESOLVED, That the American Bar Association urges the amendment of the No Child Left Behind Act if reauthorized, or the adoption of other legislation, to ensure that all students experience high quality civic learning, including the study of law, government, and history; students' civic learning is regularly and appropriately assessed; and civic learning is accorded national educational priority on a par with reading and mathematics.

Resolution 07A-114 Approved by ABA House of Delegates
August 13, 2007

Additional Sponsors

Tort Trial and Insurance Practice Section
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Standing Committee on Judicial Independence
Section of International Law
Judicial Division
Ohio State Bar Association

REPORT

Support for Civic Learning

Preserving the civic mission of schools is vital to the continued success of American constitutional democracy. In August 2006, the House of Delegates adopted Resolution 102, which states “That the American Bar Association urges policymakers at all levels of government to ensure that: all students experience high quality civic learning—including study of law, government, and history; students’ civic learning is regularly and appropriately assessed; and civic learning is accorded national educational priority on a par with reading and mathematics.”¹

In support of Resolution 102, the accompanying report (see attached) emphasizes the following:

- Supporting Civic Learning is Urgently Needed
- Civic Learning is a Professional Concern of Bar and Bench
- High-Stakes Testing and No Child Left Behind are Having Profound Effects
- The K-12 Curriculum Is Being Narrowed to Exclude Untested Subjects
- Assessments of Civic Learning Are Too Limited
- National Advocacy for Civic Learning is Increasing But Needs Support
- Study of Law and Constitution is Essential to Civic Learning

The report recognizes that the ABA has had a long record of supporting civic education, but underscores that the Association should renew and strengthen its commitment to civic education. Summarizing the case for ABA leadership, the report notes:

The civic mission of schools is under an immediate and significant threat from a phenomenon known as “narrowing the curriculum.” This phenomenon, in which certain subjects are emphasized to the detriment or outright exclusion of others, is occurring as a result of the increased use of high-stakes testing in schools. ...Educators and leaders of the bar and bench are concerned that this “narrowing of the curriculum” is causing subject matter that fosters civic learning to lose class time and commitment.

If civic learning is to remain a national priority in the nation’s schools, on a par with reading and mathematics, we must participate in organized efforts of advocacy and support. In recent years, numerous educational, judicial, and legal groups have joined in these efforts. It is critical that the American Bar Association exerts its leadership and support to urge policymakers to ensure that all students experience high quality civic learning.²

Campaign for the Civic Mission of Schools

In October 2006 the Board of Governors approved the request by the Standing Committee on Public Education to support formally the nonpartisan, nonprofit Campaign for the Civic Mission of Schools and join the Campaign’s National Affiliate Program, which currently has 40 coalition partners. ABA support for the Campaign clearly builds upon the call in Resolution 102 for ABA

leadership in civic education. The mission of the Campaign is to expand and improve civic learning in the nation's K-12 schools. It works to bring about changes in national, state, and local policy that promote civic learning and seeks to implement the recommendations of the 2004 Civic Mission of Schools report. This report reflected a broad consensus among scholars and practitioners that schools need to play a major role to improve the civic understanding of American students. The Campaign is managed by the Council for Excellence in Government in partnership with the Academy for Educational Development.³

ABA Advocacy and No Child Left Behind Act

The Campaign is closely monitoring the reauthorization of the No Child Left Behind Act (NCLB), scheduled for 2007. Enacted originally in 2001, NCLB reauthorized the Elementary and Secondary Act, the primary legislation providing federal support for education. The Campaign seeks to ensure that civic learning is accorded national priority and that this is reflected appropriately in reauthorization of NCLB.⁴

Resolution 102 was similarly intended to ensure that the “ABA will also be better able to assess the necessity and wisdom of advocating for changes in the NCLB [No Child Left Behind] reauthorization and other legislation to ensure that civic learning enjoys equal prominence with reading and mathematics, if high stakes testing and national and state legislation like NCLB continue to drive a narrowing of the curriculum.”⁵ In its October 2006 request to the Board to support the Campaign for the Civic Mission of Schools, the Standing Committee on Public Education further noted that, “The ABA’s participation in the Campaign may include collaborative advocacy efforts that support the established ABA policy positions on civic education.”⁶

To highlight and enhance implementation of this existing ABA policy, we urge that the American Bar Association engage in all necessary and appropriate legislative advocacy at the federal level, including that concerning the No Child Left Behind Act, scheduled for reauthorization in 2007, to implement Resolution 102. The goal of this policy is to ensure that all students experience high quality civic learning—including study of law, government, and history; that students’ civic learning is regularly and appropriately assessed; and that civic learning is accorded national educational priority on a par with reading and mathematics.

Respectfully submitted,

Dwight Smith, Chair
Standing Committee on Public Education

Robert H. Rawson, Jr., Chair
Commission on Civic Education and Separation of Powers

August 2007

End Notes

¹ Resolution 102, Approved by ABA House of Delegates, August 2006.

² *Ibid.*

³ Request to Cosponsor Program/Activity with Outside Organization (Campaign for Civic Mission of Schools), Approved by Operations and Communications Committee, ABA Board of Governors, October 2006.

⁴ Fact Sheet on No Child Left Behind, Campaign for the Civic Mission of Schools, March 2007.

⁵ Resolution 102.

⁶ Request to Cosponsor Re Campaign for Civic Mission of Schools, October 2006.