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AMERICAN BAR ASSOCIATION  
STANDING COMMITTEE ON PUBLIC EDUCATION

RECOMMENDATION

RESOLVED That the American Bar Association urges policymakers to establish a Coordinating Office of Civic Education in the U.S. Department of Education to enhance students' civic learning by offering competitive grant programs at the local, state, and national levels; facilitating professional development for educators; supporting research; and developing innovative curricula.

FURTHER RESOLVED THAT the American Bar Association urges policymakers to require that the National Assessment of Educational Progress (NAEP) for civics and U.S. history be conducted every four years and that the results be reported at both the national and state levels.

## **REPORT**

### **Support for Civic Learning**

Preserving the civic mission of schools is vital to the continued success of American constitutional democracy. In 2005 then-ABA president Michael Greco established a special Commission on Civic Education and the Separation of Powers. Retired Supreme Court Justice Sandra Day O'Connor and former U.S. Senator Bill Bradley served as the commission co-chairs. Other members included former U.S. Secretary of Education Richard Riley and former Homeland Security Secretary Tom Ridge, as well as leaders of the National Education Association and American Federation of Teachers. As part of this civic education initiative effort, two resolutions on civic learning were submitted to the ABA House of Delegates.<sup>1</sup> In August 2006 the House approved Resolution 06A-102, which resolves:

*That the American Bar Association encourages all lawyers and judges to be personally and actively engaged in civic education in their communities and schools; That the American Bar Association urges all lawyers and judges to work to increase Americans' understanding of the role of separation of powers in our constitutional democracy; and further resolved 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.*

In August, 2007, the House of Delegates also approved Resolution 07A-114, sponsored by the Standing Committee on Public Education and the Commission on Civic Education and the Separation of Powers. It resolves:

*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.*

The ABA has had a long record of supporting civic education. The recent resolutions adopted by the House build upon that record, while underscoring that the Association should renew and strengthen its commitment to civic education in light of changing circumstances and conditions affecting American education. Summarizing the case for ABA leadership, the report accompanying Resolution 06A-12 noted:

*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.*<sup>2</sup>

Over the last few years, retired Supreme Court Justice Sandra Day O'Connor has continued to serve as a vital advocate for civic education in the United States. As she has frequently noted, "This knowledge about how we function in a democracy is not handed down through the gene pool. We have to teach it."<sup>3</sup>

Recently adding his voice to the prominent leaders calling for the nation to renew its commitment to civic education was Supreme Court Associate Justice David Souter. In a May 20, 2009 speech at Georgetown Law Center, Justice Souter expressed his concern that our republic “can be lost, it is being lost, if it is not understood.” What is needed, he urged, is “the restoration of the self-identity of the American people.” Affirming his personal commitment to civic education, the retiring justice noted that he is joining a committee in his home state of New Hampshire to revise civics curriculum.<sup>4</sup>

In 2010, Miami lawyer Stephen Zack will become president of the American Bar Association. In a speech in February at the 2009 ABA Mid-Year Meeting, President-elect Nominee Zack spoke about his personal experiences in emigrating from Cuba at age 14 shortly after Castro came to power and how this helped shape his commitment to civic education. He then noted: “Today, in many states and in many communities civics is no longer mandatory. It is taught as an elective, if even offered. Students are the next generation of citizens who will be called on (as every generation has been) to defend values set forth in our constitution and protect our fundamental liberty. They must not graduate without thoroughly understanding our Constitution and the obligations it imposes on all citizens.”<sup>5</sup>

### **Ensuring That All Students Experience High Quality Civic Learning**

As noted above, existing ABA policy urges action “to ensure that “all students experience high quality civic learning, including the study of law, government, and history.” Research conducted in 2007 by Meira Levinson for the Center for Information & Research on Civic Learning & Engagement (CIRCLE), however, warns of a growing “civic achievement gap” separating Americans from one another. She marshals evidence that such a gap exists between “non-white, poor, and/or immigrant youth, on the one hand, and white, wealthier, and/or native-born youth, on the other.” Those in the first group “demonstrate consistently lower levels of civic and political knowledge, skills, positive attitudes, and participation, as compared to their wealthier and white counterparts.” The consequence is that “they face serious political disadvantages.”<sup>6</sup>

Recent educational research into the nation’s high school “graduation gap” reinforces findings of a civic achievement gap, providing additional context for disparities in student achievement. For example, just slightly over half of students (53%) of students in public schools in the nation’s 50 largest cities graduate from high school with a diploma. In some of the nation’s big-city school districts—including Cleveland, Detroit, and Indianapolis—that figure is below 40%. Moreover, school systems in these top 50 cities educate about one out of every eight of the nation’s high school students. However, of the 1.2 million students who annually fail to graduate high school, approximately 25% (279,000) come from these top 50 urban areas. In other words, the rate is nearly double the national average. These revealing statistics come from an April 2009 report, “Closing the Graduation Gap: Educational and Economic Conditions in America’s Largest Cities,” prepared with support from the America’s Promise Alliance and the Bill & Melinda Gates Foundation.<sup>7</sup>

### **Campaign for the Civic Mission of Schools**

In 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 ABA policy resolutions

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 has established a federal policy task force, which has produced a series of position papers on the federal role in education policy, especially as it affects civic learning. The task force has formulated a number of recommendations to promote civic learning through federal education policymaking. Two of its most significant recommendations address the need for institutional support at the federal level for civic education and strategies for increasing the effectiveness of the National Assessment of Educational Progress (NAEP) tests for civics and U.S. history.

### **Limited Federal Institutional Support for Civic Education**

The U.S. Department of Education was established in 1979. Within the department, civic education is institutionally a part of the Character and Civic Education Group – a “suboffice” subsumed under the Office of Safe and Drug-Free Schools (OSDFS). The OSDFS was created in September 2002 with the aim of “administering, coordinating and recommending policies for improving quality and excellence of alcohol and other drug and violence prevention programs and activities.” Whatever the merits of this goal, it clearly gives short shrift to the more fundamental and historic civic mission of the schools since, at best, civic education becomes nothing more than an end to “safe and drug-free schools.” It also downplays the value of specific substantive academic content. A January 2009 report by the Task Force on Federal Policy of the Campaign for the Civic Mission of Schools summarizes the consequences, “Given the divergence between the goals of the OSDFS and the goals of effective civic learning, civics has been relegated to the periphery of the Department [of Education]. Within the OSDFS, the CCE office is narrow in scope and limited in resources.”<sup>8</sup>

To address this divergence, a solution would be to establish a separate Office of Civic Education, with its own budget and headed by a Deputy Assistant Secretary for Civics reporting to the Assistant Secretary of Education for Elementary and Secondary Education. This Office of Civic Education would serve as a centralized and coordinating federal-level center for civic learning, which would encompass civic education, history education, character education and service learning. Such an office could offer competitive grant programs at the local, state, and national levels and otherwise assumes federal responsibility for facilitating professional development for educators, conducting research, and developing innovative curricula to enhance students' civic learning. Moreover, it would play a key role in helping states and local school districts create and maintain effective and engaging civic education programs.

### **National Assessment of Educational Progress**

Administered by the National Center for Education Statistics, the National Assessment of Educational Progress (NAEP) – known as the Nation's Report Card – “is the only nationally representative and continuing assessment of what America's students know and can do in various subject areas. Assessments are conducted periodically in mathematics, reading, science, writing, the arts, civics, economics, geography, and U.S. history.”<sup>9</sup> NAEP results are based on representative samples of students at grades 4, 8 and 12. States receiving Title I education funding are required to participate in state NAEP in reading and mathematics. State-level assessments in other subjects, which require larger samples of students to enable the

“disaggregation” of national test results, are either voluntary or nonexistent.<sup>10</sup> In the case of civics and U.S history, state assessments have not been reported due to the small sample size. The Campaign for the Civic Mission of Schools has called for disaggregating civics results and implementing other appropriate measures for the civics and U.S. history tests “to better obtain an effective national picture of student achievement levels” in these subject areas essential to the civic mission of schools.”<sup>11</sup>

### **Implementing Necessary Federal Measures for Civic Learning**

As this report and those accompanying Resolutions 06A-102 and 07A-114 make clear, it is imperative that the American Bar Association continue to demonstrate its national leadership in the area of civic education. Accordingly, the ABA should adopt Association policy that urges policymakers to:

- establish a Coordinating Office of Civic Education in the U.S. Department of Education to enhance students’ civic learning by offering competitive grant programs at the local, state, and national levels; facilitating professional development for educators; supporting research; and developing innovative curricula; and
- require that the National Assessment of Educational Progress (NAEP) for civics and U.S. history be conducted every four years and that the results be reported at both the national and state levels.

Respectfully submitted,

Dwight Smith, Chair  
Standing Committee on Public Education

August 2009

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<sup>1</sup> Resolutions 07A-114 and 06A-102, approved by ABA House of Delegates.

<sup>2</sup> Resolution 06A-102.

<sup>3</sup> “Retired Justice Stumps for Civics,” Education Week, April 26, 2006.

<sup>4</sup> “Souter: Republic is Lost Unless Civic Education Improves,” by Tony Mauro, law.com, May 21, 2009.

<sup>5</sup> Remarks at ABA Mid-Year Meeting, Stephen N. Zack, Boston, February 2009.

<sup>6</sup> “The Civic Achievement Gap,” CIRCLE Working Paper 51, January 2007.

<sup>7</sup> “Cities in Crisis 2009: Closing the Graduation Gap, Educational and Economic Conditions in America’s Largest Cities,” Christopher Swanson, Director, Editorial Projects in Education Research, April 2009.

<sup>8</sup> “Thought Paper on an Office of Civic Education,” Task Force on Federal Policy, Campaign for the Civic Mission of Schools, January 2009.

<sup>9</sup> NAEP Overview,” <http://nces.ed.gov/nationsreportcard/about/>.

<sup>10</sup> Ibid.

<sup>11</sup> “Proposal for No Child Left Behind (ESEA) Reauthorization,” Task Force on Federal Policy, Campaign for the

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Civic Mission of Schools, January 2009.