

STREET LAW: CREATING TOMORROW'S CITIZENS TODAY

by
Seán G. Arthurs*

For more than 40 years, law schools have placed law students in local high schools to teach Street Law, an engaging and interactive course in practical law. Law students who participate in Street Law programs are part of a unique civic-education initiative that challenges high-school students to be better citizens, better thinkers, and better people. In today's polarized political and social environment where too many young people do not vote, do not believe they can make a difference, and do not believe they can peacefully impact the democratic system, the promise of Street Law has never been more relevant. At the same time, as educators, lawyers and politicians from all sides unite around the importance of teaching our high-school and law students the skills that will prepare them for 21st century careers and colleges, Street Law stands as a largely untapped resource. A significant reason for this relative anonymity is that, despite the 40-plus years and hundreds of thousands of involved students, no one has ever proven that the Street Law program actually works. This Article begins that discussion with a quantitative analysis of the effects of participation in a Street Law course on high-school students in the seminal Street Law Clinic in Washington, D.C. My finding that high-school students' critical-thinking skills improved by almost 25% after one year in a Street Law course has significant implications for how law schools can play an important part in shaping the citizens, students, and workers of tomorrow.

* Seán Arthurs is a third-year student in the Doctor of Education Leadership program at the Harvard Graduate School of Education. Previously, he was a Clinical Teaching Fellow at the Street Law Clinic and an adjunct Professor of Law at Georgetown University Law Center. He also spent seven years teaching high-school history and clerked for the Honorable Henry H. Kennedy, Jr. of the U.S. District Court for the District of Columbia. The author practiced law as a Skadden Fellow with the Legal Aid Society of Greater Cincinnati and as an associate with the firm of Shearman & Sterling, LLP. Most significantly, he is the father to Keegan and Catherine and appreciates them for being the best teachers a person could have. This Article would not have been possible without the deeply appreciated support of the author's parents, Drs. Edna and Eugene Arthurs, Street Law Clinic Director Rick Roe, Associate Dean Jane Aiken, Bryan Mascio, and reviewers Kristin Woeste and Yvonne Delbanco.

I.	INTRODUCTION.....	926
II.	CIVIC EDUCATION: WHY IT MATTERS	930
	A. <i>What Is Civic Education?</i>	930
	B. <i>Civic Engagement</i>	932
	1. <i>Individual Development</i>	934
	2. <i>Social Outcomes</i>	935
	3. <i>Democratic Values</i>	936
III.	BEST PRACTICES & CHALLENGES	938
	A. <i>Best Practices</i>	938
	B. <i>Challenges</i>	940
IV.	WHAT IS STREET LAW?	943
	A. <i>The History</i>	943
	B. <i>The Present</i>	944
	C. <i>The Curriculum and Pedagogy</i>	945
	D. <i>Street Law: Best Practices and Challenges</i>	947
V.	TESTING STREET LAW	948
	A. <i>The Three Tested Goals</i>	948
	1. <i>Content</i>	949
	2. <i>Concept</i>	949
	3. <i>Critical-Thinking Skills</i>	949
	B. <i>The Test</i>	950
	C. <i>Methodology</i>	951
VI.	THE RESULTS.....	952
VII.	DISCUSSION	953
	A. <i>Constructed Response Gains</i>	953
	1. <i>Prioritizing Critical-Thinking Skills</i>	954
	2. <i>Practicing Critical-Thinking Skills</i>	955
	3. <i>Connecting Relevant Content to Critical-Thinking Skills</i>	956
	B. <i>Multiple-Choice Gains</i>	957
VIII.	FUTURE RESEARCH	958
IX.	CONCLUSION	960

I. INTRODUCTION

There is no shortage of attention-grabbing statistics documenting the dismal state of Americans' civic knowledge. These statistics range from the droll to the amusing. More Americans can name a judge on American Idol than one on the Supreme Court.¹ More teenagers can

¹ Mary Kate Cary, *Civics 101: The Supreme Court vs. American Idol*, U.S. NEWS & WORLD REP.: THOMAS JEFFERSON STREET BLOG (Apr. 13, 2010), <http://www.usnews.com/opinion/blogs/mary-kate-cary/2010/04/13/civics-101-the-supreme-court-vs-american-idol>; Nathan Crabbe, *Justice O'Connor Says Public Lacks Understanding of Judiciary*, GAINESVILLE SUN (Sept. 12, 2011), <http://www.gainesville.com/article/20110912/articles/110919886>.

name the Three Stooges than the three branches of government.² Almost every teenager (95%) knows who the Fresh Prince of Bel Air is while almost none (2%) know who the Chief Justice is.³ There are many other examples of these statistical teasers, some more troubling than others. Unfortunately, in this case, the broader picture suggested by these statistical snapshots is pretty accurate: when it comes to civics and what we know about our government and judicial system, we are a functionally illiterate society.

The real impact of this civic ignorance is much more pernicious than an inability to name legislative branches and lawmakers, however. More than 40% of Americans did not vote in the last national election.⁴ In 1964, more than 75% of Americans believed that the federal government was generally doing the right thing.⁵ In 2012, that number slipped to below 40%.⁶ At the individual level, we no longer believe that what we can do can make a difference. So we do not bother trying. We have become more polarized and less trustful of our government and of one another. The 16-day federal government shutdown in October 2013 is a prime example of what our inability to compromise and negotiate with people who think differently means in practice. The 2013–2014 Congress achieved a new milestone in legislative impotence and enacted a record low 55 bills by December 1st.⁷

The trends do not look promising for the next generation either. Fewer than 25% of our high-school seniors are considered proficient in civics.⁸ The numbers are similar for fourth and eighth graders.⁹ Today's college graduate knows about as much civics as a high school graduate did in the 1960s.¹⁰ The percentage of young Americans turning out to

² *National Survey: More Teens Can Name Three Stooges than Can Name Three Branches of Government*, NAT'L CONST. CTR. (1998), <http://constitutioncenter.org/media/files/survey-1999-stooges.pdf>; see also *2007 Annenberg Public Policy Center Judicial Survey*, ANNENBERG PUB. POL'Y CTR. (Oct. 17, 2007), http://www.annenbergpublicpolicycenter.org/Downloads/20071017_JudicialSurvey/Survey_Questions_10-17-2007.pdf.

³ *Id.*

⁴ *2012 November General Election Turnout Rates*, U.S. ELECTION PROJECT (Sept. 3, 2014), <http://www.electproject.org/2012g>.

⁵ Peter Levine, *What Bipartisan Budget Agreement Suggests for Future of American Democracy*, FOX NEWS: OPINION (Dec. 20, 2013), <http://www.foxnews.com/opinion/2013/12/20/what-bipartisan-budget-agreement-suggests-for-future-american-democracy/>.

⁶ *Id.*

⁷ *Id.*

⁸ NAT'L CTR. FOR EDUC. STATISTICS, U.S. DEP'T OF EDUC., *THE NATION'S REPORT CARD: CIVICS 2010* (2011), http://www.nationsreportcard.gov/civics_2010.

⁹ *Id.*

¹⁰ William A. Galston, *Civic Knowledge, Civic Education, and Civic Engagement: A Summary of Recent Research*, 30 INT'L J. PUB. ADMIN. 623, 630 (2007).

vote has steadily declined in 40 of the last 50 years.¹¹ More than half of American youth between the ages of 15 and 25 are entirely disconnected from their communities and the concept of civic life.¹²

There are multiple reasons for the swelling rolls of the disengaged, disaffected, and dyspeptic. On the one hand, we know there is a direct link between what we understand about our civic institutions and how we act. The more people know about their government, political topics, and how our democracy works, the more likely they are to participate in their local, regional, or national community.¹³ We also know that we cannot be expected to practice what we have not been taught. The skills required to effectively communicate, compromise, negotiate, resolve conflicts, creatively problem-solve, and consider multiple perspectives (collectively, “21st Century Skills”) are frequently missing from today’s classrooms. As we have relegated civic education, a particularly fertile ground for practicing these skills, to afterthought status, we should not be surprised to find ourselves with citizens lacking both the capacity and the will to practice skills they were seldom taught in a context they do not understand.¹⁴

Our overburdened and under-resourced public education system receives the brunt of the criticism for failing to properly prepare our next generation of citizens and leaders. But other civic training grounds and actors have been justifiably subject to aggressive review as well. Law schools, for example, have come under increasing fire for their inability to produce law graduates equipped with the lawyering skills and aptitudes necessary for success in the real world.¹⁵ Law students are often labeled as entitled, unimaginative, and lacking the very same 21st Century Skills (often called “lawyering skills” within the law school communities) that are missing in high school graduates and national actors. These more recent critiques have added fuel to long-simmering concerns about

¹¹ ROBERT PONDISCO ET AL., PIONEER INSTITUTE, *SHORTCHANGING THE FUTURE: THE CRISIS OF HISTORY AND CIVICS IN AMERICAN SCHOOLS* 5 (2013).

¹² SCOTT KEETER ET AL., CTR. FOR INFO. & RESEARCH FOR CIVIC LEARNING & ENGAGEMENT, *THE CIVIC AND POLITICAL HEALTH OF THE NATION: A GENERATIONAL PORTRAIT* 23–24 (2002).

¹³ R.J. COLEY & ANDREW SUM, EDUC. TESTING SERV., *FAULT LINES IN OUR DEMOCRACY: CIVIC KNOWLEDGE, VOTING BEHAVIOR, AND CIVIC ENGAGEMENT IN THE UNITED STATES* 5–6 (2012); Molly W. Andolina et al., *Habits from Home, Lessons from School: Influences on Youth Civic Engagement*, 36 PS: POL. SCI & POL. 275, 277 (2003); William A. Galston, *Political Knowledge, Political Engagement, and Civic Education*, 4 ANN. REV. POL. SCI. 217, 223–24 (2001); Jennifer Bachner, *From Classroom to Voting Booth: The Effect of High School Civic Education on Turnout* 12 (May 23, 2010) (unpublished manuscript), http://www.gov.harvard.edu/files/uploads/CivEdTurnout_1.pdf.

¹⁴ Galston, *supra* note 13, at 218.

¹⁵ David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES (Nov. 19, 2011), http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html?_r=2.

the connections between law schools and their surrounding communities, the utility and value of law school, the crippling debt burden of law school, and the purpose of law in modern society.¹⁶

Taken together, the seemingly disparate strands of neglected civic education, deficiencies in 21st Century Skills, and ill-prepared law students share several commonalities. First, they each have broad short- and long-term implications for the health of our democracy and our global competitiveness. Second, they are both solvable. There are no great unknowns around how we increase civic knowledge and civic participation. We also know how to teach and develop 21st Century Skills. Similarly, we know where law schools and law students need to improve. Third, our deficiencies in both areas are not going to resolve themselves. If we want more engaged citizens, students with 21st Century Skills, and law schools with better graduates, we need to do something differently. Fortunately, and most significantly, neglected civic education, deficiencies in 21st Century Skills, and ill-prepared law students share a fourth commonality—a solution already exists.

Street Law is an interactive, engaging law-school program that places law students in high schools to teach high-school students about the law, the legal system, and the students' roles in both. Through Street Law programs across 24 states and 2 territories, high-school students learn about their rights and responsibilities as citizens, while also developing invaluable 21st Century Skills such as critical thinking, communication, compromise, and collaboration.¹⁷ The law students become better leaders and better lawyers, more effective communicators, more valued community members, and positive public ambassadors for their law schools. The law school gets to make a meaningful commitment to the students and schools in the law school's community. Yet, despite its enormous potential and its deceptively widespread presence at more than 45 law schools and hundreds of high schools nationally, Street Law remains a wildly underutilized and relatively unknown civic and law school resource. There are several reasons for this anonymity, including questions around shrinking law-school budgets, inflexible high-school curricula and how to

¹⁶ See, e.g., BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* ix (2012); Paul Campos, *The Law-School Scam*, ATLANTIC (Aug. 13, 2014), <http://www.theatlantic.com/features/archive/2014/08/the-law-school-scam/375069/>; Lincoln Caplan, Editorial, *An Existential Crisis for Law Schools*, N.Y. TIMES (July 14, 2012), <http://www.nytimes.com/2012/07/15/opinion/sunday/an-existential-crisis-for-law-schools.html>; Jennifer Smith, *Law School Applicant Pool Continues to Shrink*, WALL ST. J.L. BLOG (July 22, 2014), <http://blogs.wsj.com/law/2014/07/22/law-school-applicant-pool-continues-to-shrink/>; A. Benjamin Spencer, *The Law School Critique in Historical Perspective*, 69 WASH. & LEE L. REV. 1949, 1951–52 (2012).

¹⁷ *Directory of Registered Law School-Based Street Law Programs*, STREET L., http://www.streetlaw.org/en/Page/858/Directory_of_Registered_Law_SchoolBased_Street_Law_Programs.

effectively scale an inherently local program. But the most significant constraint is simple: no one has ever proven that Street Law works.

Despite more than 40 years of compelling stories, powerful anecdotes, and inspiring student testimonies, Street Law's value proposition remains entirely untested. There is no hard evidence that Street Law provides the benefits its promoters claim. Empirical proof about what skills (if any) the thousands of law students and hundreds of thousands of high-school students may have gained from participating in Street Law over the past 40-plus years is completely lacking. We do not know if the emphasis on student engagement and deeper thinking actually makes a difference. We do not know if the enthusiasm and substantive expertise of the law-student instructors outweighs their classroom inexperience and limited pedagogical training. We do not know if Street Law really does help students find their voice, or if it just creates noisy classrooms with lots of activity.

The absence of any data evidencing positive outcomes has historically limited Street Law's growth and effectiveness. The lack of data also limits internal program-evaluation and improvement efforts. However, in today's educational climate of accountability, data-driven improvement, and shrinking law-school budgets, the stakes are increasing. A continued lack of quantitative proof could prove fatal. On the other hand, data evidencing Street Law's ability to positively impact high-school students' critical-thinking skills could accelerate the program's support and relevance for years to come. This Article begins that discussion.

Part II discusses why quality civic-education programs like Street Law matter. This Part lays the foundation for what civic education is and why it matters. Part III introduces the best practices in civic education, and some of the challenges in realizing these practices. Part IV describes the Street Law program in depth and considers how it exemplifies these best practices. Part V presents the results and Part VI discusses the design, goals, and methodology of the survey instrument I used to test whether Street Law works. Part VII discusses these results. Part VIII discusses four specific suggestions for future research, and Part IX concludes.

II. CIVIC EDUCATION: WHY IT MATTERS

A. *What Is Civic Education?*

To begin any discussion around civic education, we need to start with a common understanding of what the term "civic education" means. This common understanding is especially important as civic education has an image problem that contributes to the lack of clarity in the field. Too many people hear the word "civics" and think of mind-numbingly dull high school classes involving rote memorization of the presidents in order, perhaps even by state or political party. Although a comprehensive

civic education should impart an understanding of the mechanics of government, it should also be so much more.

Civic education begins—and continues—with the principle that responsible, participatory citizens are made, not born. Civic education is how we teach students the knowledge, skills, and dispositions necessary to become active and informed citizens in our democracy.¹⁸ As former Supreme Court Justice Sandra Day O'Connor noted:

[T]he better educated our citizens are, the better equipped they will be to preserve the system of government we have. And we have to start with the education of our nation's young people. Knowledge about our government is not handed down through the gene pool. Every generation has to learn it, and we have some work to do.¹⁹

Of course, civic education needs to be paired with content and context understanding. The process of developing students into active and informed citizens involves much more than content knowledge transfer. A good civics course should introduce students to debate, discourse, and discussion on a wide range of topics and current events. Students should learn about their rights and responsibilities, about how our government functions (or does not function), and about how the different governmental actors and groups interact with each other. Students should consider the interests and principles that motivate these different actors and how to hold multiple perspectives at one time. Students should learn about the importance of volunteering, voting, and activism, as well as who can vote, who cannot vote, and why.

Through this process, students acquire and practice their 21st Century Skills—their analytical and critical-thinking skills, their communication and advocacy skills, and their creativity and problem-solving skills. Students learn how to form opinions and how to support those opinions with evidence. The development of these skills, along with the students' understanding of the broader civic landscape and context, is what civic education is really about. This type of civic education is meaningful, exciting, and brimming with potential.

In order to capitalize on this civic potential, however, students need to engage with the communities around them. Teaching students the skills and interest to do so in a positive and constructive way is a central theme of the knowledge, skills, and disposition approach to civic education. This community-engagement piece is one of the direct benefits of

¹⁸ This definition has been adopted by several leading civic-education organizations, including the Campaign for the Civic Mission of Schools and the Center for Civic Education. See, e.g., *Civic Competencies*, CAMPAIGN FOR CIVIC MISSION SCHOOLS, <http://www.civicmissionofschools.org/educators/civic-competencies>.

¹⁹ Seth Schiesel, *Former Justice Promotes Web-Based Civics Lessons*, N.Y. TIMES (June 9, 2008), <http://www.nytimes.com/2008/06/09/arts/09sand.html>.

civic education. Quality civic education also develops better thinkers and learners, substantially affects some of the most limiting high-school and teenage social outcomes, and promotes the core values and principles upon which America was founded. A brief discussion of each of these benefits follows.

B. Civic Engagement

Civic engagement occurs when people take their civic knowledge and do something with it. It “includes any activity, individual or collective, devoted to influencing the collective life of the polity.”²⁰ Although the most frequently cited measure of civic engagement is voting rate, civic engagement can include anything from blogging to creating a website, volunteering on a community project to contacting an elected official, organizing a protest to writing a letter to the editor, initiating a charitable campaign to running for office.

Civic engagement is where theory intersects with action, citizens interact with their broader communities at the neighborhood or national level, and citizens give a pulse to our democracy. Civic engagement is how we, as individuals, communities, and a collective, voice our approval or disapproval. It is how we communicate our needs and hold those in power accountable for meeting those needs. Civic engagement is how we mobilize to make things better and how we make sure others know when something needs to be bettered. It is how we dissent and it is how we celebrate. An active, representative, and engaged body politic is a fundamental, aspirational goal of our democracy, and civic education is how we help realize that goal.

Increasing civic engagement and creating more active, “improved” citizens has long been one of the primary goals of our education. Indeed, this was the primary animating purpose behind the original creation of our entire public education system.²¹ Over time, however, this purpose has become less of a priority and more of an ancillary benefit. Efforts to reorient schools towards their original purpose were undermined by an increased emphasis on testing and accountability as well as a shift in focus to developing workers rather than citizens. In 1968, the seminal research on the efficacy of civics courses and subsequent student political behavior and attitudes found that the effects of the civics courses were miniscule and had a strikingly low impact.²² Predictably, this finding further hobbled already suffering civic-education efforts.

²⁰ STEPHEN MACEDO ET AL., BROOKINGS INST., *DEMOCRACY AT RISK: HOW POLITICAL CHOICES UNDERMINE CITIZEN PARTICIPATION AND WHAT WE CAN DO ABOUT IT* 6 (2005) (emphasis omitted).

²¹ WILLIAM D. LEWIS, *DEMOCRACY'S HIGH SCHOOL* 5 (1914).

²² Kenneth P. Langton & M. Kent Jennings, *Political Socialization and the High School Civics Curriculum in the United States*, 62 AM. POL. SCI. REV. 852, 858 (1968).

Recent research has rejected the impotency suggested in the 1968 study (though correcting the resulting stigma will take longer).²³ We now know without a doubt that good high school civics courses do create more civically literate and involved adults.²⁴ More specifically, research has also demonstrated that classroom civic learning is one of the most significant predictors of subsequent civic participation such as voting.²⁵ The link between quality high school civic education and increased civic engagement is now abundantly clear. We know that when we provide our high-school students with quality civic-education programming, we are creating adults who are more likely to be civically engaged, more likely to vote, more likely to volunteer, more likely to use their voices, and more likely to make a difference.

²³ A Center on Education Policy report found that in response to the pressure to raise test scores under the No Child Left Behind Act, 71% of school districts reported cutting back on other subjects, most frequently social studies, in order to create more opportunities for math and reading instruction. DIANE STARK RENTNER ET AL., CTR. ON EDUC. POL'Y, FROM THE CAPITAL TO THE CLASSROOM: YEAR 4 OF THE NO CHILD LEFT BEHIND ACT 89, 96 tbl.4-D (2006).

²⁴ CAMPAIGN FOR THE CIVIC MISSION OF SCHS., GUARDIAN OF DEMOCRACY: THE CIVIC MISSION OF SCHOOLS 16 (Jonathan Gould ed., 2011) [hereinafter GUARDIAN OF DEMOCRACY]; RICHARD G. NIEMI & JANE JUNN, CIVIC EDUCATION: WHAT MAKES STUDENTS LEARN 147 (1998); SIDNEY VERBA ET AL., VOICE AND EQUALITY: CIVIC VOLUNTARISM IN AMERICAN POLITICS 305 (1995); Andolina et al., *supra* note 13, at 275; David E. Campbell, *Voice in the Classroom: How an Open Classroom Climate Fosters Political Engagement Among Adolescents*, 30 POL. BEHAV. 437, 437 (2008); Alison K. Cohen & Benjamin W. Chaffee, *The Relationship Between Adolescents' Civic Knowledge, Civic Attitude, and Civic Behavior and Their Self-Reported Future Likelihood of Voting*, 8 EDUC., CITIZENSHIP & SOC. JUST. 43, 53 (2013); Joseph E. Kahne & Susan E. Sporte, *Developing Citizens: The Impact of Civic Learning Opportunities on Students' Commitment to Civic Participation*, 45 AM. EDUC. RES. J. 738, 753-54, 759-62 tbl.A3 (2008); Wendy Klandl Richardson & Judith Torney-Purta, *Connections Between Concepts of Democracy, Citizen Engagement, and Schooling for 14-Year-Olds Across Six Countries*, in CIVIC EDUCATION FOR DIVERSE CITIZENS IN GLOBAL TIMES: RETHINKING THEORY AND PRACTICE 95 (Beth C. Rubin & James M. Giarelli eds., 2008); Judith Torney-Purta, *The School's Role in Developing Civic Engagement: A Study of Adolescents in Twenty-Eight Countries*, 6 APPLIED DEV. SCI. 203, 210 (2002).

²⁵ MICHAEL X. DELLI CARPINI & SCOTT KEETER, WHAT AMERICANS KNOW ABOUT POLITICS AND WHY IT MATTERS 226-27 (1996); Joseph Kahne, Bernadette Chi & Ellen Middaugh, *Building Social Capital for Civic and Political Engagement: The Potential of High-School Civics Courses*, 29 CANADIAN J. EDUC. 387, 405 (2006); Samuel L. Popkin & Michael A. Dimock, *Political Knowledge and Citizen Competence*, in CITIZEN COMPETENCE AND DEMOCRATIC INSTITUTIONS 117, 142 (Stephen L. Elkin & Karol Edward Soltan eds., 1999); Kahne & Sporte, *supra* note 24, at 753; Bachner, *supra* note 13, at 12; Hugh McIntosh & Marco A. Muñoz, *Predicting Civic Engagement in Urban High School Students 4-5*, 9 (Ctr. for Info. & Res. on Civic Learning & Engagement, Working Paper No. 69, 2009).

1. *Individual Development*

At the individual level, we know that effective civic learning makes students better thinkers.²⁶ The discussion, debate, and perspective-taking that are hallmarks of quality civic-education programming teach students how to be creative and how to communicate, collaborate, and think critically. Students who debate and discuss in their civic-education classes learn to appreciate multiple perspectives and understand the rationales behind why people hold different opinions.²⁷ These students also become better at negotiating, evaluating opinions, formulating conclusions, and reaching group consensus.²⁸ Civics classes provide students with unique opportunities to develop and practice these skills on a daily basis in relevant and meaningful contexts.

Civic-education initiatives also allow students to practice their leadership skills, develop better relationships with adults, and feel like part of a community they want to participate in.²⁹ Students who engage in authentic and open debate and discourse around political issues are less likely to illegally protest and more likely to want to stay involved and be informed voters in the future.³⁰ These students develop a sense of their own efficacy and ability to bring about change by working within the system, making them less likely to feel the need to disregard existing opportunities for change. Students in project-based civics courses enjoy learning more, become more adept at the learning process, and perform better on AP exams than students in traditional classes.³¹ They remember the material better and are more creative and confident thinkers than students who do not have the opportunity to engage in this type of intellectual debate and conflict.³²

²⁶ DIANA. E. HESS, *CONTROVERSY IN THE CLASSROOM: THE DEMOCRATIC POWER OF DISCUSSION* 17–18 (2009); NIEMI & JUNN, *supra* note 24, at 147; Andolina et al., *supra* note 13, at 278; Hugh McIntosh et al., *A Five-Year Evaluation of a Comprehensive High School Civic Engagement Initiative* 3 (Ctr. for Info. & Res. on Civic Learning & Engagement, Working Paper No. 70, 2010).

²⁷ CARPINI & KEETER, *supra* note 25, at 22; HESS, *supra* note 26, at 23; Patricia Avery et al., *Deliberating Controversial Public Issues as Part of Civic Education*, 104 SOC. STUD. 105, 112–13 (2013).

²⁸ Avery, *supra* note 27, at 106, 110; Michael McDevitt & Spiro Kiousis, *Deliberative Learning: An Evaluative Approach to Interactive Civic Education*, 55 COMM. EDUC. 247, 262 (2006).

²⁹ McIntosh et al., *supra* note 26, at 2.

³⁰ Campbell, *supra* note 24, at 451.

³¹ Walter C. Parker et al., *Beyond Breadth-Speed-Test: Toward Deeper Knowing and Engagement in an Advanced Placement Course*, 50 AM. EDUC. RES. J. 1424, 1452 (2013).

³² DAVID W. JOHNSON & ROGER T. JOHNSON, *CREATIVE CONTROVERSY: INTELLECTUAL CHALLENGE IN THE CLASSROOM* (4th ed. 2007); David W. Johnson & Roger Johnson, *Democratic Decision Making, Political Discourse and Constructive Controversy*, COOPERATIVE LINK, Mar. 2005, at 3.

Today, these skills—critical thinking, communication, collaboration and creativity—are often labeled 21st Century Skills, as they are so critical to how we work, innovate, and learn in today’s rapidly changing global economy and infrastructure. These skills are prized by employers and seen as critical to the success of tomorrow’s leaders. The ability to apply these skills in different factual contexts is much more important than mastering all the facts in one context. Civics is one of the best vehicles for teaching and practicing these skills.³³ Students who develop these 21st Century Skills and become better learners and thinkers are able to bring new eyes and tools to their other classes and learning opportunities. As we move towards a more interdependent and interconnected global community, civic education offers a tremendous opportunity for our society to develop 21st century citizens and students.

2. *Social Outcomes*

Effective civic education also leads to positive social outcomes inside and outside of schools. High schools with civic-education programs have more positive school climates, which lead to greater teacher retention, lower dropout and truancy rates, and an overall reduction in negative student behaviors.³⁴ Schools with more positive climates are also safer and more inclusive.³⁵ Democratic deliberation processes, such as those in civics class, have been shown to develop improved adult–student relationships, a more positive school culture, a greater sense of school community, increased student participation in school activities, and increased community service.³⁶

Students who experience quality civic programming gain a greater appreciation for our democratic system, including an increased trust in our courts and judicial system, and more confidence in our leaders.³⁷ Students who discuss, deliberate, and learn about political issues and how

³³ HESS, *supra* note 26, at 18; GUARDIAN OF DEMOCRACY, *supra* note 24, at 6; Judith V. Torney-Purta, *International Psychological Research that Matters for Policy and Practice*, 64 AM. PSYCHOL. 825, 833 (2009).

³⁴ GUARDIAN OF DEMOCRACY, *supra* note 24, at 23–25; Jonathan Cohen et al., *School Climate: Research, Policy, Practice, and Teacher Education*, 111 TCHR. C. REC. 180, 185 (2009); Charlane Fay Starks, *Connecting Civic Education to Civil Right and Responsibility: A Strategy for Reducing High School Dropout Among African American Students* vi (2010) (unpublished M.A. thesis, California State University, Sacramento), <http://csus-dspace.calstate.edu/handle/10211.9/512>.

³⁵ DENNIS J. BARR, *FACING HISTORY AND OURSELVES, CONTINUING A TRADITION OF RESEARCH ON THE FOUNDATIONS OF DEMOCRATIC EDUCATION* 6 (2010); GUARDIAN OF DEMOCRACY, *supra* note 24, at 23.

³⁶ McIntosh et al., *supra* note 26, at 18.

³⁷ Connie Flanagan & Leslie Galloway, *Adolescent Development of Trust* (Ctr. for Info. & Res. on Civic Learning & Engagement, Working Paper No. 61, 2008).

our government works gain an increased sense of their own efficacy.³⁸ They learn that their own actions can make a difference and that they do have legal options within the existing structures and systems to improve and reform those systems. This creates students who are more likely to act lawfully and channel their energy purposefully.³⁹

Civic education helps people understand their own interests and how they can promote and protect their own interests within groups and across the public sphere.⁴⁰ Sometimes called “social capital,” this ability to network and form functional and utilitarian social relationships across communities and other groups is a critical resource in realizing goals that benefit the community.⁴¹ The benefits of civic education do not stop at the schoolhouse door. Students who experience quality civic programming are also more likely to engage others in political discussion and debate outside of the classroom.⁴² These students share what they learn with their friend-and-family networks and help spread the civic-education and civic-awareness attitudes they developed in school.⁴³

3. *Democratic Values*

The importance of civic engagement in preserving our democratic system has deep roots. One of the concepts most central to our founding fathers was the need to build a system of government where the people could serve as a check against possible government tyranny. Madison wrote in Federalist 51 that “[i]f men were angels, no government would be necessary” and that “[a] dependence on the people is, no doubt, the primary control on the government.”⁴⁴ Jefferson similarly realized that “[e]very government degenerates when trusted to the rulers” and that “[t]he people themselves therefore are its only safe depositories.”⁴⁵ This theme, of the people as a check on government, pervades our system of checks and balances, our bicameral legislative structure, and the ideal of one person, one vote. Yet as Jefferson also knew, in order to keep the people safe against the possible degeneration of government, “their

³⁸ Lauren Feldman et al., *Identifying Best Practices in Civic Education: Lessons from the Student Voices Program*, 114 AM. J. EDUC. 75, 92–93 (2007).

³⁹ CARPINI & KEETER, *supra* note 25, at 226–27; Robert Atkins & Daniel Hart, *Neighborhoods, Adults, and the Development of Civic Identity in Urban Youth*, 7 APPLIED DEV. SCI. 156, 163 (2003); Kahne et al., *supra* note 25, at 405; Kahne & Sporte, *supra* note 24, at 760; Bachner, *supra* note 13, at 11; McIntosh & Muñoz, *supra* note 25, at 2.

⁴⁰ CARPINI & KEETER, *supra* note 25, at 227.

⁴¹ Kahne et al., *supra* note 25, at 405.

⁴² McDevitt & Kiousis, *supra* note 28, at 261.

⁴³ *Id.*

⁴⁴ THE FEDERALIST NO. 51, at 322 (James Madison) (Clinton Rossiter ed., 1961).

⁴⁵ GARRETT WARD SHELDON, THE POLITICAL PHILOSOPHY OF THOMAS JEFFERSON 65 (1991).

minds must be improved.”⁴⁶ Civic education is how we improve these minds to keep the people safe.

Civic-education programs also contribute to the spread and acceptance of democratic values and principles throughout our broader groups. At the most basic level, civic education makes people more likely to civically engage, including by voting, thus improving the number of people participating in our democracy.⁴⁷ The legitimacy of public decisions in a democratic state turns on how accurately those decisions represent the collective will. The more people participate, the closer we move to a system that realizes the democratic ideal of a system that represents the collective preferences and interests of all people. More uniform rates of participation across all racial, ethnic, and socioeconomic demographics helps also ensure that the interests and voices of each of all groups are protected and respected.

Additionally, students who participate in quality civic-education courses are more tolerant and more understanding of others, including those from unpopular groups.⁴⁸ These students care more about basic concepts of equality, how others are treated, and whether the rights of people, including those with whom they disagree, are protected.⁴⁹ Increased civic education reduces fear of immigrants and how they fit within our society.⁵⁰ Civic education helps create more informed and generous voters who are more likely to cast a vote based on what is best for the collective rather than simply what is best for their own self-interest.⁵¹ Thus, civic education not only makes people more likely to vote and participate in our democracy, it also makes people more likely to prioritize what is best for the collective.

Civic-education programing has value as a meaningful instrument of social mobility, an opportunity to escape from poverty for the disproportionately black and Latino inhabitants of urban low-income neighborhoods.⁵² As individuals learn about their own ability to effect change and

⁴⁶ *Id.*

⁴⁷ Campbell, *supra* note 24, at 437.

⁴⁸ CARPINI & KEETER, *supra* note 25, at 238–64; NORMAN H. NIE ET AL., EDUCATION AND DEMOCRATIC CITIZENSHIP IN AMERICA 71–72 (1996).

⁴⁹ Constance Flanagan et al., *Schools and Social Trust*, in HANDBOOK OF RESEARCH ON CIVIC ENGAGEMENT IN YOUTH 307, 318–19 (Lonnie R. Sherrod et al. eds., 2010); BARR, *supra* note 35, at 27.

⁵⁰ Samuel L. Popkin & Michael A. Dimock, *Knowledge, Trust, and International Reasoning*, in ELEMENTS OF REASON: COGNITION, CHOICE, AND THE BOUNDS OF RATIONALITY 214, 222–23 (Arthur Lupia et al. eds., 2000).

⁵¹ CARPINI & KEETER, *supra* note 25, at 59–60.

⁵² Dawinder S. Sidhu, *Civic Education as an Instrument of Social Mobility*, 90 DENV. U. L. REV. 977, 989–91 (2013); Robert Pondiscio, *Schools, Civic Engagement and Upward Mobility*, CITIZENSHIP FIRST (July 22, 2013), <http://citizenshipfirst.us/schools-civic-engagement-and-upward-mobility/>.

how to access the mechanisms to bring about this change within one sphere, they also begin to develop a sense of self-efficacy in other spheres as well.⁵³ Civic programming helps create individuals who act to make their own communities safer and more supportive. This ability to effect change in one domain can also create individuals who believe they have the power to alter their present socioeconomic circumstances.⁵⁴

Although statistics such as those comparing Americans' knowledge of reality-show judges to Supreme Court justices grab the headlines and make good sound bites, the real impact of the marginalization of our civic programming is much more pernicious. The real impact is seen in our low levels of civic engagement and the missed opportunities to create better citizens, better schools, better communities, and a better democracy. These costs will compound over time. Fortunately, we know a great deal about how to reverse these trends. At the same time, we also know that not all civic-education programs are quality programs. The next Part introduces what we know around the best practices of quality civic programming and the challenges to realizing those best practices.

III. BEST PRACTICES & CHALLENGES

Recent research suggests that we know what civic-education practices work. These practices include classroom approaches, curricular innovations, and experiential methods. However, civic education faces challenges from high-stakes assessments, political controversy, and the difficulty of delivering high-quality, relevant civics instruction. This Part outlines what we know about both best practices and challenges in civic education.

A. *Best Practices*

Over the course of the last 20 years, as the conversation has shifted from whether civic education works to what type works best, researchers have identified a series of best practices in civic learning. Most recently, the Campaign for the Civic Mission of Schools and a coalition of leading civic organizations wrote about six proven practices that schools can implement to provide students with a well-rounded civic education.⁵⁵

First, a quality civic-education experience starts in the classroom. Students must be provided with a solid instructional grounding in history, government, law, democracy, and politics. This grounding in the ba-

⁵³ Sidhu, *supra* note 52, at 989–91.

⁵⁴ *Id.*

⁵⁵ GUARDIAN OF DEMOCRACY, *supra* note 24, at 26; LISA GUILFOILE & BRADY DELANDER, GUIDEBOOK: SIX PROVEN PRACTICES FOR EFFECTIVE CIVIC LEARNING (2014) [hereinafter GUIDEBOOK], <http://www.ecs.org/clearinghouse/01/10/48/11048.pdf>.

sics orients students and helps equip them to access more complicated concepts. As with any content, the more learner-centered and participatory the instruction, the more likely the students will remember and apply the material beyond the classroom. The attention to an interactive methodology and commitment to student engagement within the classroom is important for pedagogical purposes, but it also serves as a model the students will hopefully adopt themselves.⁵⁶

Second, within the classroom, students must have the opportunity to engage in authentic, open discussion of relevant and controversial local and national issues and events. Students become more capable of recognizing the diversity that exists among their peers and also learn how to consider and reflect on views different from their own through these discussions. This eventually leads to an increased tolerance for diverse opinions. Students learn how to integrate new information into their own existing knowledge and to make an independent conclusion.⁵⁷

Third, schools should provide students with service learning opportunities in the local community. This work allows students to make the bridge between classroom learning and their communities, transferring the theoretical or third-person civic-action skills they acquire within the school's walls to first-person civic efficacy in their own neighborhoods and communities.⁵⁸

Fourth, schools should also provide extracurricular opportunities for students in their classrooms or communities. These are programs that are extensions of the classroom learning experience and also vehicles through which students can apply their classroom learning to new problem-solving tasks. Examples include Model United Nations or speech-and-debate team.⁵⁹

Fifth, students should be able to legitimately participate in school governance. Student council, the most common iteration of student self-governance, is a good start, provided that the students have the opportunity to make meaningful contributions to school activities and decision-making.⁶⁰

⁵⁶ GUARDIAN OF DEMOCRACY, *supra* note 24, at 26; GUIDEBOOK, *supra* note 55, at 7.

⁵⁷ GUARDIAN OF DEMOCRACY, *supra* note 24, at 28; GUIDEBOOK, *supra* note 55, at 10; HESS, *supra* note 26, at 17–18; Andolina et al., *supra* note 13, at 277; Torney-Purta, *supra* note 24, at 203; McIntosh & Muñoz, *supra* note 25, at 2.

⁵⁸ GUARDIAN OF DEMOCRACY, *supra* note 24, at 29; GUIDEBOOK, *supra* note 55, at 12; Tobi Walker, *Service as a Pathway to Political Participation: What Research Tells Us*, 6 APPLIED DEV. SCI. 183, 185 (2002); McIntosh & Muñoz, *supra* note 25, at 2.

⁵⁹ GUARDIAN OF DEMOCRACY, *supra* note 24, at 32; GUIDEBOOK, *supra* note 55, at 17; Jennifer L. Glanville, *Political Socialization or Selection? Adolescent Extracurricular Participation and Political Activity in Early Adulthood*, 80 SOC. SCI. Q. 279, 285 (1999).

⁶⁰ GUARDIAN OF DEMOCRACY, *supra* note 24, at 33; GUIDEBOOK, *supra* note 55, at 19; McIntosh et al., *supra* note 26, at 13.

Sixth, schools should create opportunities for their students to participate in meaningful simulated democratic processes such as mock trials, town halls, model congresses, and other simulated civic-learning experiences.⁶¹ These types of programs are popular with students and allow them to apply their classroom learning in a meaningful and relevant way. Mock trials, in particular, can afford students a very different perspective on the judicial system than the one portrayed on television, amongst their peer groups, or in their communities.

As the research body supporting these six practices has grown, the practices have evolved from “promising” to “proven.” We know what schools need to do in order to promote effective civic learning and create 21st century students and citizens. We also know what some of the greater challenges are in implementing these practices and realizing this promise.

B. Challenges

Despite the potency of civic education and the relatively settled nature of these proven practices, quality civic education remains the exception rather than the rule. Several reasons explain this imbalance, some unique to civic education and others more characteristic of public education generally.

The threshold challenge facing civic educators is simply finding dedicated time in cluttered high-school schedules for civic-education courses. Although some form of civics is taught in every state, civics is rarely a required, stand-alone subject. Instead, civics is typically a smaller unit within government or social studies courses force fed to disinterested high-school seniors. The age-old education adage that “what gets tested, gets taught” is particularly relevant here. The accountability and testing regime ushered in by the No Child Left Behind Act prioritizes accountability in English and math courses. In response, schools have bolstered their required English and math offerings, primarily at the expense of social studies classes and requirements.⁶² Civic education, in contrast, is only tested on statewide standardized tests in eight states, and only two of those states require that students pass the test to graduate.⁶³

There are no uniform national standards for civic education. Although proposed efforts such as the College, Career, and Civic (C3)

⁶¹ GUARDIAN OF DEMOCRACY, *supra* note 24, at 34; GUIDEBOOK, *supra* note 55, at 21.

⁶² JENNIFER McMURRER, *CTR. ON EDUC. POLICY, CHOICES, CHANGES, AND CHALLENGES: CURRICULUM AND INSTRUCTION IN THE NCLB ERA 8* (Nancy Kober ed., 2007).

⁶³ SURBHI GODSAY ET AL., *CTR. FOR INFO. & RESEARCH ON CIVIC LEARNING & ENGAGEMENT, FACT SHEET: STATE CIVIC EDUCATION REQUIREMENTS* (2012).

framework offer some guidance,⁶⁴ civics still means too many different things to different people. This lack of cohesion around a common set of practices and—even within the civic-education community—conveys confusion and makes regional and local decisions more difficult. The absence of a united front makes the pursuit of even logical objectives challenging. For example, as the emphasis on teaching our students 21st Century Skills skyrockets, including in the new English and math Common Core standards presently being implemented by 43 states, the opportunity for civics to contribute to this skill development is evident.⁶⁵ Yet this overlap in desired student skillset outcomes is thus far a largely unexploited point of contact by both the civic-education and English/math communities.

Civic education can also be controversial. As students learn about their rights and responsibilities as citizens, they will also learn to develop their own voices and how to effect change within our democracy. Students learn about how our system of government—national, state, and local—should operate and often find that the reality outside their windows does not reflect this promise. Educating and empowering students to think critically about topics such as the realities of school-finance disparities, policing patterns in urban communities, and unequal access to the structures of power can create a vocal student group determined to speak out against the status quo. Even local student action and initiatives to promote recycling in the school cafeteria, increase the number of registered voters in the school community, or petition the city council to change curfew laws can create controversy. And although such active citizenship is the lifeblood of a healthy democracy and celebrated by many, change is never easy, and such activism can threaten more conventional administrators.

Additionally, we know that just finding a spot in the course catalog for a civics course is not enough. The positive social outcomes that can result from a quality civic-education class are not guaranteed from *any* civic-education class. To acquire civic skills and dispositions, students need to practice these skills and engage with their peers and the broader community. Students need to debate, discuss, and opine on unusual and challenging topics, but with clear educational objectives. They need to interact with their peers in structured group settings with defined learning outcomes and protocols. In an educational system where the vast majority of civics classes consist of students listening to teachers lecture, students reading textbooks, and students completing worksheets, adding

⁶⁴ See NAT'L COUNCIL FOR THE SOC. STUDIES, COLLEGE, CAREER, & CIVIL LIFE: C3 FRAMEWORK FOR SOCIAL STUDIES STATE STANDARDS (2013), <http://www.socialstudies.org/system/files/c3/C3-Framework-for-Social-Studies.pdf>.

⁶⁵ *Frequently Asked Questions*, COMMON CORE STATE STANDARDS INITIATIVE, <http://www.corestandards.org/about-the-standards/frequently-asked-questions/>.

more of the same is simply a waste of time.⁶⁶ Finding room for a civics course is an important first step, but ensuring that the course is meaningful and well-taught is just as important.

Being a good teacher is not easy. Effective pedagogy and deep subject matter knowledge are two of the most important characteristics of any good teacher. Unfortunately, when it comes to civic education, there are extremely limited opportunities for teachers to develop their skills in either of these areas.⁶⁷ Additionally, quality civics classes require a teacher willing to go beyond the classroom, a teacher who is engaged, knowledgeable about the local community, aware of the local dynamics, and inspired to work with students to bring about change. This teacher must have an understanding of legal systems, political priorities, and the role and responsibilities of government at both the local and national level. This teacher must also be comfortable moving away from the gradual release-of-responsibility approach to teaching and embracing authentic student-centered learning. The paucity of quality professional development for civic-education teachers is an additional hurdle to the development and growth of civic-education programming.

Finally, support for civic education has waned as it has been perceived as less critical to students' future success, specifically to their college and career plans. It is not difficult to draw a line between high-school math courses and a student's future career as an engineer or scientist. Reading and reading comprehension are seen as essential precursors to nearly all careers and college majors. Civic knowledge and skills, on the other hand, are often perceived as interesting supplements, but rarely as core competencies that all students should possess. Real civic learning can be hard to assess, especially as the definition broadens to include deeper thinking skills, and the value is hard to measure. This perceived superfluosity, combined with the traditional view of civics as rote memorization, characterized by uninspired teaching, means civic education's secondary billing will be hard to change.

Not every civic-education program will embody all of the proven practices or face all of the same challenges. But we do know that a program capable of overcoming these challenges, while exemplifying these best practices, can lead to powerful learning and life outcomes. One such program is Street Law.

⁶⁶ Kahne et al., *supra* note 25, at 403; Anna Rosefsky Saavedra, *Dry to Dynamic Civic Education Curricula*, in *MAKING CIVICS COUNT: CITIZENSHIP EDUCATION FOR A NEW GENERATION* 135, 135–36 (David E. Campbell et al. eds., 2012); Torney-Purta, *supra* note 24, at 203.

⁶⁷ Charles N. Quigley, Executive Director, Ctr. for Civic Educ., *The Status of Civic Education: Making the Case for a National Movement*, Presentation at The Second Annual Congressional Conference on Civic Education (Dec. 5, 2004), <http://www.civiced.org/pdfs/CongressionalConference2004.pdf>.

IV. WHAT IS STREET LAW?

Street Law is an innovative, law-school-based program that uses the law to educate, empower, and develop high-school students. The program originated at Georgetown and has now spread to 45 law schools across the United States. This Part details the history, current state, and structure of the Street Law program.

A. *The History*

The Street Law Clinic at Georgetown University Law Center (“Georgetown”) places law students in public high schools in Washington, D.C. to teach a yearlong course on practical law, with a focus on making our legal system more understandable and more accessible to high-school students. The Street Law Clinic at Georgetown was the first Street Law clinic established and has been operating continuously since its founding in 1972. In fact, at the outset, this structure of formally using law students to teach law to high-school students and other community members, including inmates, was so novel that the Clinic’s founders were required to coin their own term. And so, “Street Law,” became a new vehicle for law-related education. Although the Clinic has gone through many iterations over the years, the core mission of using law students to teach practical, relevant law to non-lawyers remains unchanged.

Today, Street Law programs exist at more than 45 law schools across the country.⁶⁸ The basic concept—law students teaching students or community members about the law—is consistent across programs but the actual model looks quite different in every law school. In some law schools, the Street Law program is a voluntary, student-run organization that conducts occasional legal workshops for a variety of different audiences.⁶⁹ Other models may target middle-school students and offer partial academic credit or externship recognition.⁷⁰ Some of the clinics have partial supervision or direct instruction by a law-school faculty member, while others rely on adjuncts or administrative oversight only.⁷¹ The Street Law Clinic at Georgetown remains the standard-bearer in terms of resources, academic requirements, staff, law-student involvement, and high-school students served.

⁶⁸ *Directory of Registered Law School Based Street Law Programs*, *supra* note 17.

⁶⁹ *Steps for Starting a Program*, STREET L., <http://www.streetlaw.org/en/ProgramStart>.

⁷⁰ *Starting a Street Law Program*, STREET L., http://www.streetlaw.org/en/Page/22/Starting_a_Street_Law_Program.

⁷¹ *Student Pro Bono Groups*, DUKE U. L. SCH., <http://www.law.duke.edu/publicinterest/studentled>.

B. The Present

At Georgetown, law students enroll in the Clinic as a six-credit, year-long graded course. The law students attend a weeklong orientation before school begins in August, weekly two-hour seminars conducted by Street Law faculty, and teach in a high-school setting for three to four classroom hours per week. The orientation and the weekly seminars focus on how to teach, i.e., classroom management, effective assessment, student engagement, and how to teach in the learner-centered and student-focused methodology that is critical to the Street Law approach.

Law students are each observed three times per semester and meet with Clinic faculty to debrief after each observation. The law students are also required to submit monthly reports consisting of weekly journals, copies of all lesson plans, student work samples, and their grading rubric. At the end of the year, each law student submits an exit portfolio and reflective journal followed by an exit interview with Clinic faculty.⁷²

The Clinic has a full-time clinical director, two paid clinical teaching fellows, a research assistant, and dedicated office space. The fellows work with the Director of the Street Law Clinic, Richard Roe, to plan the weekly seminars, supervise the law students' teaching, draft the annual Mock Trial packet, and coordinate the Clinic's significant partnership and outreach efforts. Professor Roe has directed the Clinic for more than 30 years; the clinical teaching fellows serve staggered two-year terms.

During the 2012–2013 year studied, the Clinic operated in 13 public high schools in the District of Columbia. By any metric, these schools were a diverse group, ranging from some of the best schools in the region to some of the most challenging schools in the country.⁷³ The law students were typically supported by a District of Columbia Public Schools ("DCPS") cooperating teacher who helped with administrative matters and was the teacher of record in the classroom. The law students

⁷² For more on the Street Law Clinic, see Richard Roe, *Street Law Clinics at Georgetown University Law Center, Washington, D.C., and Others*, in *THE EDUCATION PIPELINE TO THE PROFESSIONS: PROGRAMS THAT WORK TO INCREASE DIVERSITY* 138–42 (Sarah E. Redfield ed. 2012); see also *About Our Clinic*, GEO. U. L. CTR., <http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/DC-Street-Law-Program/about-our-clinic.cfm>.

⁷³ The Street Law program operated in the following 13 schools during the 2012–2013 school year: Anacostia High School, Ballou High School, Benjamin Banneker High School, Cardozo Education Campus, Columbia Heights Education Campus, Duke Ellington School of the Arts, Dunbar High School, Eastern High School, Luke C. Moore High School, Spingarn High School, School Without Walls High School, Thurgood Marshall Academy, and Woodrow Wilson High School. Standardized test scores for each DCPS school are available through the District of Columbia Public Schools School Profile webpage, available at: <http://www.profiles.dcps.dc.gov/>. Scores for Thurgood Marshall Academy, a public charter school, are available at: <http://thurgoodmarshallacademy.org/wp-content/uploads/2014/11/Thurgood-Marshall-Academy-PCS.pdf>.

were solely responsible for all lesson planning, grading, and instruction during the Street Law course period.

C. The Curriculum and Pedagogy

The high school course catalog entry for Street Law describes the course as an elective course in practical law. And it is. But Street Law is really about much more than teaching students about the law and how it affects them—Street Law is about teaching high-school students how to have a voice and how to be better thinkers, communicators, and learners. Law is a perfect vehicle for helping students develop these cognitive and expressive skills while also gaining practical and relevant substantive knowledge.

At the content level, the Street Law curriculum focuses on practical law, or the fundamental laws that affect a person's everyday life. To frame this understanding, the course first seeks to provide high-school students with an understanding of the legal system and how the legal process works in our democracy. This includes an overview of the constitutional principles such as separation of powers and the checks and balances underlying the system. Students are also exposed to the values and policies that originally shaped our legal system and that continue to shape and influence our legal system today.

A typical Street Law course provides this background context through a one to two week unit on sources of law and where law comes from. Students then explore different aspects of criminal law, including the different types of crimes and the respective punishments. The class next moves to criminal procedure, where the students learn about the protections of the Fourth Amendment against unlawful search and seizure and protections offered by the Fifth and Sixth Amendments. The third month of the fall semester focuses more specifically on individual rights in the Bill of Rights and introduces students to topics such as First Amendment speech protections and the Second Amendment's right to bear arms. The fall semester of the course concludes with an examination of human rights, covering both local and international protections and challenges. Depending on student interest, other legal topics such as family law, torts, employment law, housing law, and consumer law may also be introduced in this first part of the course.

The second part of the course immerses the high-school students in a Mock Trial experience. The students explore a hypothetical fact pattern designed to be both appealing and relevant to high-school students, while also exploring emerging areas of the law. The students will work with six different witness statements and numerous pieces of supplemental evidence while preparing to assume the attorney, party, and witness roles for the plaintiff or the defendant. The students learn how to move from a fact pattern to the underlying law and then to make evidence- and precedent-based arguments that support their advocacy. The

high-school students develop arguments on both sides of the issue and think deeply about all components of their communication and advocacy efforts, all while learning how to present these arguments in the context of a Mock Trial. The trials are held at the D.C. Superior Court and judged by Superior Court judges and local attorneys.

Significantly, throughout both the practical law and Mock Trial components of the course, the law students teach and the high-school students learn through an intensive, inquiry-based, learner-centered pedagogy. The Street Law methodology prioritizes student inquiry and student discovery as fundamental building blocks for every lesson. The course utilizes a democratic approach to learning that is interactive, requires student participation, and seeks to maximize student engagement around topics that are relevant to the students. This constructivist approach to learning is a hallmark of the Street Law methodology and a fundamental principle that guides the instructional model for both the law students and high-school students.

Discussion, deliberation, and discourse are central to any Street Law lesson. Students are constantly invited to adopt different points of view and challenged to think through problems from very different perspectives. One example of this includes an activity where a group of students work with a fact pattern and draft arguments that the plaintiff might use to advance her case in court. Students then meet in small groups to share and refine these arguments before being assigned to meet in new groups and prepare to role-play the situation while acting as the defendant. In another class, students might be assigned different roles as various stakeholders—business owners, youth, parents, police, teachers—and asked to advocate for their interests before a town council considering new legislation. In a different activity, students are presented with a bare-bones fact pattern and asked to weigh the reliability and influence of different pieces of evidence as the story unfolds. With each new piece of evidence, groups of students evaluate the strength of the parties' arguments and present reasons why their chosen side will ultimately prevail.

Through these activities, students learn to articulate the reasons behind a law or policy, to understand both sides of an issue, and how to combine these skills to effectively advocate for their own concurring or dissenting position. Students learn how to make arguments supported by evidence and how to anticipate challenges to these arguments. Students learn about their rights as citizens and how they can use those rights. Students also learn about their responsibilities as citizens and what happens when they do—or do not—exercise those rights.

Although the course catalog description focuses on practical legal knowledge, I suggest that the real aim of the Street Law course is not content based. Instead, Street Law seeks to help students become better thinkers and learners as they uncover the power of their own agency. Street Law empowers students to see how they can effect change, how

they can think about modern topics and controversial issues in a critical and thoughtful way, and how their voices can be powerful tools. By creating these informed and interested agents, Street Law helps realize the promise of a government and system of justice that will truly be open and accessible to all. Street Law, in other words, helps build the citizens this country needs.

D. Street Law: Best Practices and Challenges

Street Law exemplifies some of the best practices in civic learning while avoiding many of the challenges. To begin, Street Law provides students with a strong classroom grounding in the law's origination, purpose, and functioning. Students learn about the mechanics of government and our judiciary as well as how different rights and responsibilities interact. This important background context is not taught in a vacuum, however. Street Law's prioritization of relevant, accessible education, that engages and stimulates students, ensures that this strong grounding takes root. Street Law asks students to draw on this knowledge and apply it in discussions and debates around issues that matter to them today. Students learn to formulate and defend their own positions while recognizing and engaging with their like-minded and dissenting peers.

The entire second semester of the Street Law course is dedicated to immersing students in a simulation of one of the most important democratic processes in our country: trials. Students learn how to make opening and closing statements, question and cross-examine witnesses, make objections, and think like lawyers. Students learn how to think on their feet, anticipate arguments made by the other side, and review their own arguments for potential weaknesses. Students examine the evidence and evaluate whether it will help their case and, if so, how much. Students will eventually play all the roles at trial and, for many students, it will be their first positive experience with our judicial system.

The intentional structure and scripting of the Street Law course helps avoid many of the pitfalls that waylay other civic-education efforts. First, the course is formally listed as an approved elective within the course catalog and the program is supported by DCPS' central administration. There is no cost to the school to operate the Street Law program and the Clinic does annual outreach to each school to address scheduling and logistical issues.

With respect to content, the Street Law Clinic deliberately structures the Mock Trial—and other materials—so that both the plaintiff and the defendant, whether school system, city, or governmental actor, such as the police, are portrayed fully and fairly. The Clinic's goal of presenting balanced arguments minimizes potential controversy and also helps high-school students to understand the possible motives and context of difficult institutional decisions.

The law students teaching the course bring the in-depth subject matter knowledge necessary to teach about the evidentiary standards and court processes behind trials. Though they lack the benefits of formal teacher training, the law-student instructors are supported by experienced classroom teachers from the host high school. Clinic staff are able to share proven pedagogies and methodologies for teaching about the Mock Trial and use frequent instructional coaching and mentoring to ensure that the law students are effectively employing learner-centered methodologies.

The culminating event of the Street Law year, the Mock Trial, is a clear demonstration of what the students have learned over the course of the year. The Mock Trial is held over two days, with all teams participating in each of the first two rounds. Students who were unaware of the term “plaintiff” eight months earlier are now asking the judge to certify an expert witness. The change in student attitude, confidence, and enthusiasm between the first and second rounds is equally remarkable. The marked evolution of students’ critical-thinking and analytical skills does not go unnoticed by anyone who attends this final assessment. The changes in students’ oral- and cognitive-advocacy skills are undeniable to those in attendance and the parade of accolades from parents, teachers, and school administrators reinforce the students’ sense of accomplishment.

Unfortunately, this powerful evidence of Street Law’s transformative effects is too often limited to those in attendance at the Mock Trial. Street Law needs to firmly assert its value outside of Mock Trial courtrooms. One way to do this is by quantifying whether and how students grow over the course of a yearlong Street Law course.

V. TESTING STREET LAW

Although the law students, high-school students, and educators who have experienced Street Law over the last 40-plus years are typically fervent supporters of the program, there is no existing quantitative data to actually prove that the program works. During the 2013–2014 school year, we administered two assessment instruments to high-school students—a pre-test in early September and a post-test in early May. The tests asked identical questions and sought to measure student growth; whether the high-school students’ Street Law course affected their knowledge, concept, and skills in select domains.

A. *The Three Tested Goals*

Within the broad practical-law intent of the substantive curriculum, the goals of the Street Law program are diverse and include knowledge, concept, and skill goals for both the law students and high-school students. Our study selected one important content goal, one concept goal,

and one skill goal, and used pre- and post-tests to measure whether high-school students' mastery of those goals changed as a result of the students' participation in the Street Law course.

1. Content

Content, or knowledge, goals are the basic building blocks that the high-school students need to be familiar with to access the more complex concepts and principles that the course seeks to develop. Although memorizing content knowledge is the lowest priority for Street Law instructors, we did want to benchmark any progress in this area. For purposes of this study, we assessed the high-school students' understanding of individual rights as expressed in the Bill of Rights. Specifically, the study focused on students' understanding of their First, Second, and Fifth Amendment rights under the U.S. Constitution. The study focused on individual rights for several reasons, including the importance of these rights in individual student empowerment, the potential for student engagement, the modern and evolving relevance of these individual rights, the ability to identify discrete content goals for these rights, and the significant overlap with portions of the D.C. Social Studies standards.

2. Concept

This study focused on applying the separation of powers and how students' understanding of this democratic concept evolved over the course of the year. A working understanding of this concept helped students appreciate the unique structure of our government and judiciary, the interactions between the three branches, and the different rights and responsibilities that are unique to one branch or shared between branches. Students were also introduced to different scenarios involving our system of checks and balances and how this system both limits and expands the power of our court system.

3. Critical-Thinking Skills

The skill component of this study focused on whether the high-school students demonstrated improvement in their ability to fully analyze an issue from multiple perspectives. Although the content and concept components are important, building new and enhanced cognitive and expressive skill sets within high-school students is the most significant objective of the Street Law program. It is also one of the most difficult to realize. Within the skills domain, the Street Law course emphasizes the broad development of students' critical-thinking skills, including those of comparison, critique, and evaluation. One of the most fundamental critical-thinking skills is the ability to view a problem from multiple perspectives, including those different from one's own. This enables students to develop the ability to formulate rational arguments for each side of a controversy, to identify competing concerns at stake in a controversy, and to engage in rational and reasoned discourse around a controversial issue.

B. The Test

The tests consisted of 20 multiple-choice questions and three short constructed responses. The pre- and post-tests were identical, save for the ordering of the multiple-choice questions. Seventeen of the twenty multiple-choice questions were taken directly, or with slight modification, from prior National Assessment of Education Progress (NAEP) assessments.⁷⁴ The questions appearing on these NAEP assessments were developed and vetted by a national committee of subject-matter experts, teachers, and university professors.⁷⁵ The questions are subject to quality-control and plausibility checks at several stages and comport with the highest standards of measurement, validity, and reliability.⁷⁶

Thirteen of the twenty multiple choice questions focused on individual rights expressed in the Bill of Rights with explicit questions on the First Amendment (two questions), Second Amendment (two questions), and Fifth Amendment (four questions). Four questions went to the general purpose of the Bill of Rights. Twelve of the twenty multiple-choice questions focused on separation-of-powers issues (including five questions that also tested the students' knowledge of the purpose of the Bill of Rights).

The first constructed-response question asked students, "If you could rewrite one law, what law would you rewrite and why?" This question required that students first know what a law is (as opposed to, for example, a suggestion, moral imperative, or principle) and then also required that they identify a specific law. Students then needed to explain why they believed this law is flawed and how they would rewrite or change the law. Thus, students needed to have some substantive legal knowledge simply to cite an example of a law and, to respond to the question statement, they needed to identify a particular type of law—one with which they disagreed. Students then needed to be able to understand what the law regulated, and how, in order to generate an opinion, the law was flawed. Students next needed to redefine the subject matter or scope of the law for their proposed revision and then be able to communicate this revision to the reader. Finally, students were asked to explain their reasoning, or why they would rewrite this law.

The second constructed-response question asked students to list the reasons why a school-uniform policy is both a good and bad idea. This question required students to consider and list arguments on both sides

⁷⁴ These National Assessment of Educational Progress (NAEP) questions are in the public domain and no copyright permission is required. *Frequently Asked Questions*, NAT'L ASSESSMENT OF EDUC. PROGRESS, <http://nces.ed.gov/nationsreportcard/faq.aspx>.

⁷⁵ *How Was the NAEP Civics Assessment Developed?*, NAT'L ASSESSMENT OF EDUC. PROGRESS, <http://nces.ed.gov/nationsreportcard/civics/howdevelop.aspx>.

⁷⁶ *Frequently Asked Questions*, *supra* note 74.

of the uniform debate. A complete answer to this question would require the students to identify at least two reasons supporting a school-uniform policy and two reasons supporting the opposite argument. As this is a fairly well-known debate in education and across schools, we anticipated that most students would have some previous exposure to the debate and have an opinion on the subject. In order to identify arguments different from their own, students would be required to adopt a different perspective from their own and consider arguments that ran counter to those they already held.

The third constructed-response question provided a hypothetical fact pattern involving student suspensions and inappropriate websites. Students were asked whether the suspended student's rights were violated and whether the test-taker agreed or disagreed with the school's disciplinary actions. This question incorporated First Amendment free-speech issues and required students to evaluate the actions of school officials in light of existing judicial precedent. The goal was to force each student to consider and evaluate both alternatives before selecting one position on each issue. Students needed to first identify the legal issue and the actions of each individual in the fact pattern around this issue. Students then had to evaluate the school's actions with respect to each individual and form an opinion as to whether the school's actions were merited in this circumstance. Students were allowed to advocate for either position, but had to explain their reasoning using evidence from the fact pattern.

C. Methodology

Each law student was given a packet of pre-tests during the first week of classes and asked to administer the instrument as soon as at least 60% of the class was present. Before distributing the test, each law student read a prepared statement explaining that the test would not be graded and that the results would be kept confidential. The same process was followed during the law students' last week of teaching in the spring. Each test also included an introductory header paragraph reiterating that the test was both confidential and ungraded.

After administering the test, the completed exams were returned to the Street Law office in a sealed envelope. In the spring, each packet of exams was graded "blindly" so that graders did not know either the identity of the school or whether the packet was from a pre-test or post-test. Graders scored multiple-choice questions in a binary fashion (correct answer or incorrect answer), while the constructed response questions were scored from Level 0–4, depending on the knowledge, integration, and comprehensiveness of the student's answer. Answers left blank, or multiple-choice questions with more than one answer circled, were marked as wholly incorrect.

The pre-tests were taken by a total of 269 high-school students across 12 public high schools in the District of Columbia. The post-tests were

taken by 169 students. Ninety-seven students took both the pre-test and post-test.⁷⁷ This Article focuses only on the 97 students who took both exams to ensure that the reported results truly measure student growth over the course of the year. The reported results do not include students whose growth cannot be accurately captured due to their participation in only one of the two instruments. It is worth noting that despite this concern, the results are substantially the same when data from all 269 pre-test takers and all 169 post-test takers is used.⁷⁸

VI. THE RESULTS

The chart below shows how the 97 students who took both the pre- and post-test performed on each test. For the multiple choice questions, the average percentage of questions students got correct on each test is shown in three categories: (1) all 20 questions; (2) the 12 separation-of-powers questions; and (3) the 13 Bill of Rights questions. The table also displays raw student scores on the essay questions (graded from 0–4) and the percentage difference between the pre- and post-test scores.

Students Who Took Both Pre-Test and Post-Test (n=97)						
					95% Confidence	
	Pre-Mean	Post-Mean	Difference	P-Value	Minimum	Maximum
Total MC	48.80%	59.90%	11.20%	<0.001	7.50%	14.90%
Sep. of Powers	44.20%	55.20%	11.10%	<0.001	6.60%	15.60%
Bill of Rights	56.10%	66.50%	10.30%	<0.001	6.10%	14.50%
Essay A	1.39	2.32	23.50%	<0.001	0.68	1.2
Essay B	2.393	3.124	18.30%	<0.001	0.491	0.973
Essay C	1.33	2.3	24.30%	<0.001	0.741	1.197

On the multiple-choice questions, students scored 11.2% better on the 20 questions on the post-test than on the pre-test. This equates to approximately two more questions answered correctly on the post-test than on the pre-test. The average score on the multiple choice questions moved from less than 50% correct, to just shy of 60%. Students improved

⁷⁷ The large fluctuation is due to a host of factors, largely turning on the timing of the tests (there is significant class turnover and student shuffling after the first week of school and a large number of excused and unexcused absences during the last week of the semester).

⁷⁸ I suspect that this is because most of the student shuffling occurs early in the year. Thus, the majority of post-test takers will have spent the bulk of the academic year in the Street Law class and will have benefitted similarly to students who were in the class from the very beginning.

roughly the same amount on the separation of powers question subset (11.1%) as on the Bill of Rights questions (10.3%). On average, students got two-thirds (66.5%) of the Bill of Rights questions correct on the post-test and 55% of the separation-of-powers questions correct on the post-test.

On the essay questions, the gains were more substantial. Students improved 23.5% on the first question (identify and revise one law), 18.3% on the second question (uniform policy pro/con), and 24.3% on the third question (the First Amendment and school-discipline hypothetical). Students' absolute scores were highest on the uniform question (post-test average of 3.1 out of 4 possible points), although the greatest gains were made on the First Amendment and school-discipline question.

All gains were statistically significant (p values of less than .001). Importantly, use of the 95% confidence intervals strongly suggests that these results are replicable across similar student populations in future settings.⁷⁹

VII. DISCUSSION

Our beginning hypothesis was that the high-school students' scores in all three tested areas—content (knowledge of individual rights), concept (understanding of separation of powers), and skill (ability to adopt multiple perspectives)—would substantially improve as a result of the Street Law course. This hypothesis was borne out in all three areas, but the remarkable gains in students' critical-thinking skills exceeded expectations and suggest that Street Law could be a very powerful vehicle to remedy one of the most persistent and challenging skill deficits faced by today's high school graduates. This Part focuses first on those gains.

A. *Constructed Response Gains*

On each of the three constructed response questions, students performed at least 18% better on the post-test than on the pre-test. On two of the questions, students demonstrated improved critical-thinking skills that were almost 25% better than their pre-Street Law capabilities. The consistency of these gains across three differently structured questions speaks to the broad applicability of the skills learned during Street Law courses.

Students were better able to articulate and support their opinions, consider multiple perspectives on an issue, evaluate evidence, and formulate a conclusion based on their analysis of a complicated fact pattern. These are some of the most difficult skills to develop in students.

⁷⁹ For more on the benefits of using confidence intervals as a more precise and informative way of reporting data than traditional p values, see Geoff Cumming, *The New Statistics: Why and How*, 25 *PSYCHOL. SCI.* 7, 11–13 (2014).

The impact of these enhanced skills will have ramifications in their lives as students, community members, and citizens. I suggest that three distinctive components of the Street Law methodology contributed to these gains.

1. Prioritizing Critical-Thinking Skills

First, Street Law intentionally and explicitly prioritizes the development of high-school students' critical-thinking skills as the primary instructional objective that the law students should build their lessons around. Although the law-student instructors arrive with considerable experience as students in a classroom, we have found that the vast majority of that experience has been in traditional, teacher-directed classrooms that prize content transfer. And while the law students have discretion to shape the legal content the high-school students use, the Clinic has a clear and consistent instructional culture around how the students will work and engage with this material. Clinic staff consistently emphasize and reinforce getting the high-school students to think critically—especially by adopting multiple perspectives on an issue, communicating and collaborating, and analyzing, evaluating, and developing opinions supported by evidence—in the Clinic, in seminars, and in debriefs with law students.

From the first day of orientation with the law students, Clinic staff prioritize the pedagogical tools and approaches necessary to create a high-school classroom climate where the high-school students are doing the real work—the inquiring, deciding, and concluding. When Clinic staff observes the law students teaching, the focus is never on how much content was delivered but on how the high-school students engaged with that content. Activities that prompt the students to use higher-order cognitive skills—such as analysis, synthesis, and evaluation—are encouraged while fill-in-the-blank worksheets, copying from PowerPoint presentations, and repeating lecture content are strongly discouraged.

A typical example of a Street Law activity, “Aliens” asks students to rank the importance of different fundamental rights. As the activity proceeds, students are forced to decide which of these rights they would relinquish to the alien overlords. Within their small groups, the students must reach a consensus on the relative merits of different rights and each student is asked to justify his or her selection. Each group then shares their final decision on which rights to keep and explains to the larger group the reasoning behind both the rights maintained and the rights sacrificed. The teacher facilitates the discussion and structures the activity but the students are doing all the thinking—a framing that sets students up to succeed in addressing future problems, whether on a test or in real life.

2. *Practicing Critical-Thinking Skills*

Second, Street Law values giving the high-school students repeated and varied ways to acquire, practice, and develop their critical-thinking skills. Street Law treats critical-thinking skills as muscles that benefit and improve from sustained and challenging exercise. The Street Law approach rejects the more traditional path of teaching from a textbook or checking boxes to maximize content coverage. Instead, Street Law focuses on scaffolding students' abilities to interpret, assess, and evaluate evidence and arguments as tools to employ when evaluating any content. A Street Law course, for example, might engage students in a protracted, multi-period discussion and debate around the competing tensions at work in a First Amendment freedom-of-speech case rather than explore all the rights protected under the First Amendment and the evolution of Supreme Court precedent on each of those rights.

As students grow more accustomed to this methodology, they also learn that Street Law is a class where criticism, original thinking, and advocacy are expected and respected. Students practice forming and defending opinions in small groups, on paper, and in front of the whole class. The confidence and sense of empowerment that students gain as they use their voices and advocate for what they believe are very powerful learning aids. When students learn that their opinions matter and their voices will be listened to, they become much more interested in having an informed opinion. Students who tentatively hemmed and hawed when asked to support their arguments about the definition of a crime in early September are eager to share their opinions about the competing priorities in the Fourth Amendment by November. These students learn to expect to be asked to justify their position, select evidence that supports their argument, and explain what the underlying interests are for both parties.

During the Mock Trial process that dominates the second semester of the school year, students add more explicit advocacy and communication skills to the analytical and evaluative skillsets they developed during the first semester. As they work with the 100-plus page Mock Trial packet, students are required to repeatedly evaluate both facts and law as they analyze witness statements, wrestle with inconsistent evidence, and compare the relative merits and weaknesses of their chosen positions and applicable legal precedent. The skills that students practice every day in their Street Law classroom are on display in the culminating Mock Trial as they assume the roles of lawyers: delivering opening and closing statements, examining and cross-examining witnesses, and objecting to missteps by opposing counsel. This culture also primes students to automatically bring these skills to bear when considering any new problem, as evidenced by the gains in the constructed response scores.

3. *Connecting Relevant Content to Critical-Thinking Skills*

The third distinctive component of the Street Law methodology is that it starts with the students. One of the fundamental precepts of Street Law is that the content must be relevant and engaging to the high-school students. The law is a very broad field and even the subset of practical legal knowledge is too rich and diverse to meaningfully explore in a yearlong high-school course. Fortunately, Street Law does not even attempt to survey the field of practical legal knowledge. Instead, law students are provided with broad curricular guidelines around the civil- and criminal-law topics that most affect students' lives and that are most critical to their future as informed citizens.

Within these broad guidelines, the law students work together to identify the particular topics that are of most interest to their high-school students. Typically, these ideas will come from the high-school students themselves, either through an intentional feedback loop, a charged classroom discussion, or a probing question. Once these topics have been identified, the law-student instructors work together with Clinic staff to develop lesson plans that will use interesting and sometimes provocative content to stimulate a rich classroom experience. The engaging content hooks the students into lessons. The law student uses this engagement to facilitate activities that require the high-school students to think critically about the broader legal themes and interests at stake. Over the course of the lesson, the high-school students move from examining the concrete fact pattern to identifying the more abstract legal principles at issue and then demonstrate their conceptual understanding by applying those principles to another fact pattern.

For example, during an initial discussion around individual freedoms and First Amendment rights, students in a predominantly Latino high school had lots of questions around freedom of speech and when the government could limit an individual's right to free speech. The law student and Clinic staff identified a recent California court decision holding that public school officials had the right to send home students wearing American flag t-shirts on Cinco de Mayo.⁸⁰ Students in the same school were permitted to wear t-shirts with the Mexican flag but school officials deemed the American flag t-shirts to be a threat to student safety. Based on past violent altercations in the school and expected future confrontations, school officials required students to turn their American flag t-shirts inside-out or go home. This topic resonated strongly with the high-school students and led to a heated classroom debate over the court's decision. Students explored the reasons behind the court's decision and discussed why school officials acted as they did and whether students agreed with this reasoning. Students went on to design their own t-

⁸⁰ *Dariano v. Morgan Hill Unified Sch. Dist.*, 822 F. Supp. 2d 1037, 1039 (N.D. Cal. 2011).

shirts that might be permitted or banned in different school contexts based on this precedent.⁸¹

Street Law's three-pronged approach, of prioritizing and practicing critical-thinking skills connected to relevant content, seeks to develop high-school students well-versed in the application of these skills. The sizable gains made by these students in the constructed-response portion of the post-test are a very suggestive testament to the efficacy of this approach.

B. Multiple-Choice Gains

We anticipated that the high-school students would make gains in factual knowledge as assessed through the multiple-choice questions. Student gains on the multiple-choice questions were slightly weaker than expected, however. There are several possible explanations.

First, by the time they took the pre-test, the students had already answered thousands of multiple-choice questions. This is an assessment format with which they are familiar. Additionally, there are a finite number of answer choices and no penalty for guessing, all factors that skew towards students being able to achieve relatively high—and perhaps unrepresentative—scores on the pre-test. The modest gains (approximately 10%) captured through the post-test can be partially attributed to the assessment format. Students are not required to independently generate a response on multiple-choice questions, and there is no way to require that students engage in any higher-order cognitive-thinking skills before circling an answer, thus minimizing the primary skills students develop through Street Law. Moreover, multiple-choice questions are rarely used as assessment tools in Street Law classrooms and students would not have become more practiced at responding to these types of questions during their Street Law course.

Second, by the time students get to high school, they have been exposed to the Bill of Rights and our governmental structures in multiple history and social studies courses. The content on the pre-test was therefore not completely novel to them. Instead, student scores on the pre-test reflected how they applied their pre-existing knowledge base from prior classroom experiences. Furthermore, as Street Law explicitly does not focus on augmenting students' content knowledge, the relatively modest gains on the multiple-choice portion of the instrument reflect Street Law's prioritization of higher-order thinking skills over content acquisition.

Third, as discussed above, Street Law prioritizes connecting relevant content with the needs and interest of the students in the individual classroom. Law students are afforded significant curricular flexibility and

⁸¹ This lesson was designed and executed by Georgetown Law student and Street Law instructor, Bryan Dressler, on November 12, 2012.

are expected to respond to student interests rather than hew to a lock-step curriculum model. While law students are provided with broad guidelines around the most fundamental civil- and criminal-law topics to cover with their students, the law students retain autonomy over how they teach within these broader units. With a limited number of classes and a diverse set of interests on the parts of both the law students and the high-school students, there are many different and equally valid instructional paths.

For example, one law student might dedicate three classes to the Second Amendment and focus on the differences between states' concealed carry laws while another law student might spend one class on the topic and discuss the merits of armed school-security guards. A third law student might spend four classes discussing the separation-of-church-and-state clauses in the First Amendment while a fourth law student found her class completely disinterested in that topic but supremely curious about the modern meaning of the right to peaceably assemble.

The curricular flexibility that allows law students to respond to the interests and needs of their individual classes also means that no two Street Law courses are identical—or predictable. As the testing instrument was not calibrated to assess gains on what was taught in each classroom but instead on a limited range of pre-determined content issues, the relatively minor gains on the multiple-choice portion can be partially explained by the differences between what was taught—or not taught—in each classroom. Students in one class may have performed much better on questions around the Fourth Amendment, for example, but struggled with separation-of-powers questions while students in another class may have demonstrated the opposite result.

VIII. FUTURE RESEARCH

This study is the first quantitative assessment of the effectiveness of a Street Law program. It was intended to begin the process of measuring and analyzing the effects of participation in the Street Law program on high-school students across three different domains. The goal of this study was to develop a viable preliminary hypothesis of Street Law's impact and not to engage in a comprehensive program evaluation. More rigorous assessment of the program's benefits and this hypothesis are clear next steps. Four specific suggestions follow.

First and foremost, future efforts would benefit from the inclusion of a random control group. Adolescence is a time of rapid development for teenagers' brains, and especially for the portions of the brain allocated to executive functioning and higher-order thinking skills. These skills are important learning objectives across the curriculum and especially in courses such as English and history. Thus, it is possible that the improvement in students' critical-thinking skills was affected by learning experiences in other classes or extracurricular activities. While the

results of this study are strongly suggestive, they cannot establish causation absent the inclusion of a random control group of similarly situated students who did not participate in Street Law. A random control group would enable us to determine whether students exhibit greater, equivalent, or lesser gains due solely to their participation in the Street Law course. The random control group should be from the same schools as the Street Law students and with roughly the same grade-level, gender, and socioeconomic diversity as the studied class.

Second, one of the foundational premises behind the importance of civic education is that quality civic education leads to increased civic engagement. A study that followed Street Law participants (and a control group) over an extended period of time would be able to determine whether and how this purported connection is affected by participation in a Street Law course. Student voting and volunteer rates are examples of measures that could be captured within a two- to three-year period after enrollment in a Street Law course. A longitudinal study could also test different hypotheses around the connection between effective civic-education programs like Street Law and other outcomes such as reduced truancy, increased graduation rates, and improved school climate.

A third possible avenue for further research would look at how the 21st Century Skills emphasized in the Street Law program translate to other areas of the high-school students' academic lives. In theory, as the students develop their higher-order cognitive and expressive skills in Street Law, the students would employ these skills in all their classes. The abilities to think critically, support an argument with evidence, and communicate effectively, should help students engage and analyze material across the curriculum. The use of a control group and longitudinal mapping of the correlation between participants' prior academic outcomes would be helpful in assessing this effect.

Fourth, this study focused on the benefits of Street Law to the high-school students. The effect of participation in the program on the law-student instructors is another important area of study. Of the 26 lawyering-effectiveness factors identified by Marjorie Schultz and Sheldon Zedeck, Street Law arguably helps law students develop their effectiveness in each of the 26.⁸² This type of research would help clarify Street Law's value to two important constituencies—law students and law schools. Street Law's continued success relies on law-student interest and law-school support. Research explicitly connecting improved lawyering skills with law-student participation in the program would ensure continued support from both constituencies.

⁸² Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 LAW & SOC. INQUIRY 620, 630 (2011).

The Street Law methodology, the dual-constituency model, and the wide applicability of the 21st Century Skills offer other potentially rich areas of future research. For example, results could be disaggregated by race or socioeconomic status to explore any differences in impact and the importance of those differences in reaching marginalized communities. Attitudinal studies around students' interest in future civic participation (voting or otherwise) or interest in legal careers would be informative. Student and community perceptions of the law, law schools, and lawyers may be influenced. Student self-efficacy and political efficacy are mindsets that extend well beyond the schoolroom door and could have positive effects in how tomorrow's citizens approach and resolve conflict.

IX. CONCLUSION

Abraham Lincoln is often credited for the observation that “[t]he philosophy of the school room in one generation will be the philosophy of the government in the next.”⁸³ Although the quote's actual provenance remains unclear, the sentiment is sound. Unfortunately, the evidence that we are not effectively preparing today's students to be tomorrow's informed and responsible citizens is incontrovertible. Our collective civic illiteracy and increasing disengagement from civic life threaten to undermine the legitimacy of a democratic system of government that rests on the premise that all citizens' interests are represented and that all citizens' voices are heard.

At the same time, we are also not doing a very good job at preparing our students for the colleges and careers of tomorrow. More than ever, today's students need to know how to think critically, communicate, and collaborate to thrive in the knowledge economy and information society into which they will soon be thrust. But, our education system remains largely mired in the 19th century factory model of schooling, weighed down by excessive standardized testing and the view that school should be a place where students superficially absorb as much content as possible in as short a time as possible.

Effective civic education is one tool that we can use to reverse both of these disheartening trends. Effective civic education engages and involves students in civic life and prepares them to be invested and active citizens. Effective civic education gives students a voice and empowers them to be the leaders and change agents that our country needs. Effective civic education is also one of the best platforms to teach student the 21st Century Skills they will need to work together to solve tomorrow's problems.

⁸³ I am not alone in being unable to properly source it in any of his written or oral communications. See, e.g., John Tessitore, *The Philosophy of the School Room*, BE TRUE (Feb. 4, 2013), <http://betrue-tessitore.blogspot.com/2013/02/the-philosophy-of-school-room.html>.

Street Law is a viable and practical example of an effective civic-education program with the potential to help develop the citizens and thinkers of tomorrow. This Article provides the first empirical evidence supporting Street Law's value proposition as an effective method for teaching critical-thinking skills in the context of a course on practical law. These results have significant implications for both high schools and law schools.

At the high-school level, one of the thorniest challenges facing educators is how to develop students with the critical-thinking skills required to succeed after graduation. This Article provides evidence suggesting that Street Law can help address this challenge in a meaningful and practical way. Street Law offers a solution that does not require additional staff or resources. Street Law courses are engaging and learner-centered courses that appeal to a wide variety of students. Street Law provides high-school students with mentors, role models, and programming that can reshape how students connect their classroom learning to broader themes of democracy, justice, and civic participation.

At the law-school level, Street Law offers a unique opportunity for law schools to forge new partnerships and become more meaningfully involved in their communities and cities. Street Law helps law students connect their classroom learning to the real world and provides law students with a unique perspective on how the law is experienced and understood by the next generation. Street Law puts law students at the forefront of the effort to make the law more accessible and understandable. Street Law programs help law schools reach a new audience and increase their value and relevance in the public sphere.

The timing of this Article is especially propitious. As part of a renewed national commitment to civic education, states and school districts around the country are looking for innovative, evidence-based solutions to remedy our national civic-education deficit.⁸⁴ Law schools are facing heightened scrutiny around the relevance of a legal education and are being pushed to increase experiential learning opportunities for law students. Events in Ferguson, New York, and Cleveland have demonstrated both the importance and the need for broader and more informed conversations around civic rights and responsibilities. Street Law is uniquely positioned to help meet these needs and to help create tomorrow's citizens today.

⁸⁴ Caroline Porter, *Civics Instruction Moves Up in Class*, WALL ST. J. (Dec. 26, 2014), <http://www.wsj.com/articles/civics-instruction-moves-up-in-class-1419613231>.