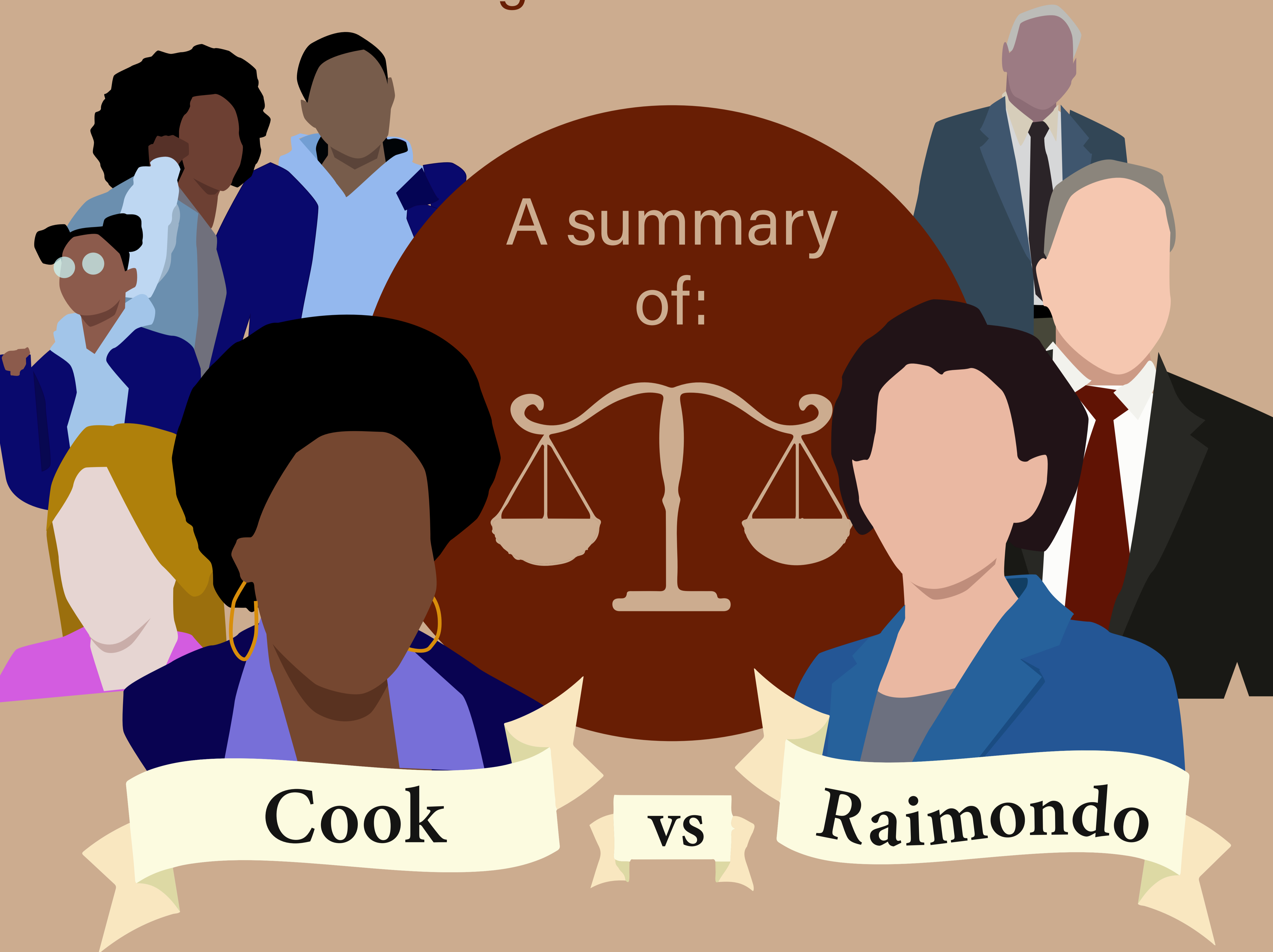



Is Education a Constitutional Right?

These high schoolers say yes. And they're taking it to the court.



How a lawsuit led by the students of Rhode Island may lead to the long overdue realization of education as a constitutional right, and how you can help 

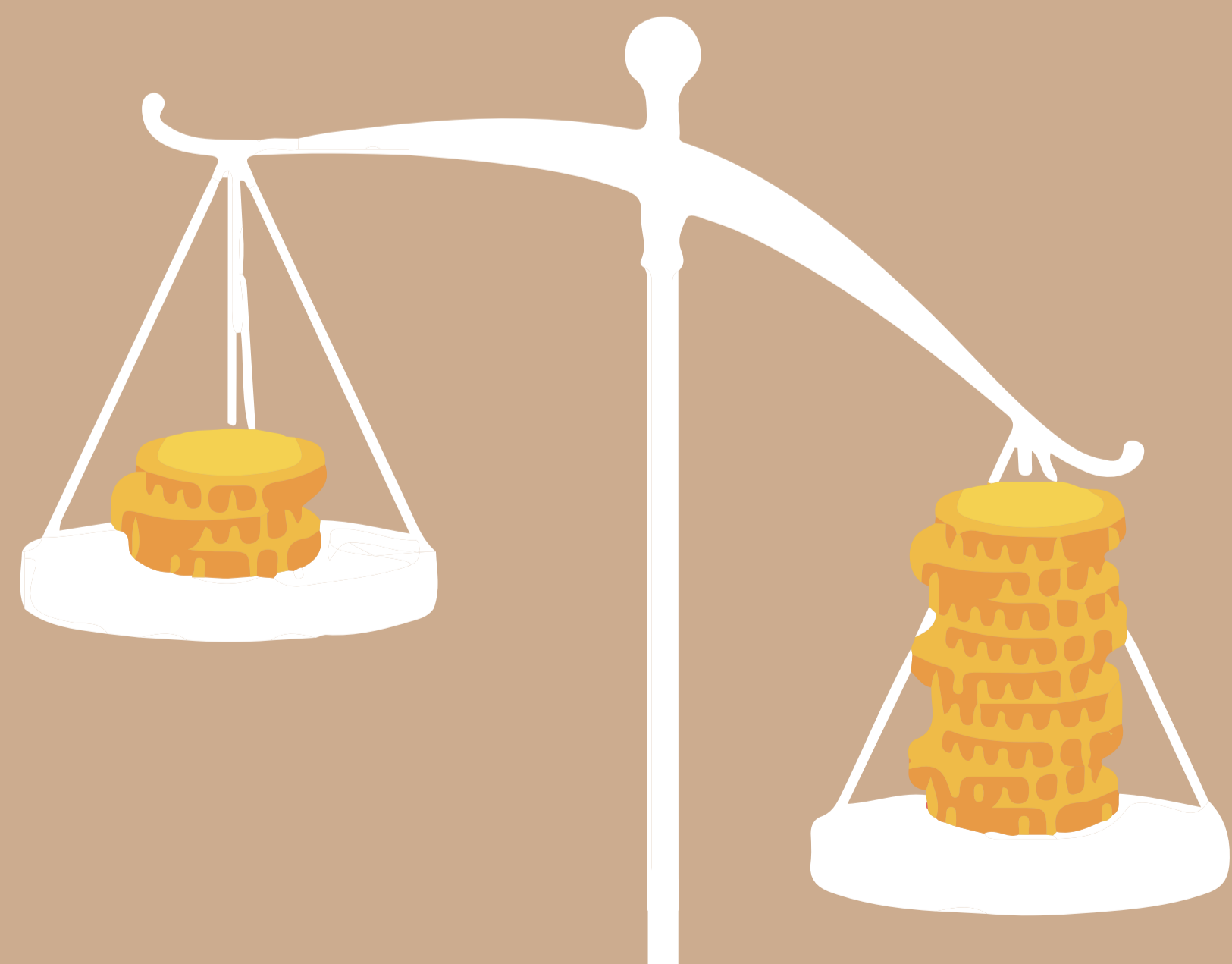
Background: Education is Not a Constitutional Right (*Yet*)

San Antonio, TX, 1968:

White neighborhood schools were given almost 2x the funding per student than the next-door Latinx neighborhood, which was severely underfinanced.



San Antonio's Latinx students tried to sue the state for failing to provide equality of education.



The case became known as *Rodriguez vs San Antonio*.

Fun Fact

The **14th** Amendment



prohibits the states from denying equal protection of the laws to any person within their jurisdictions. It was under the 14th that *Brown v the Board* was ruled in Brown's favor. Rodriguez also tried to argue their case under the 14th.

Background: Education is Not a Constitutional Right (*Yet*)

In a 5-4 decision, the Supreme Court voted in San Antonio's favor, deciding there is no right to an education under the US constitution.

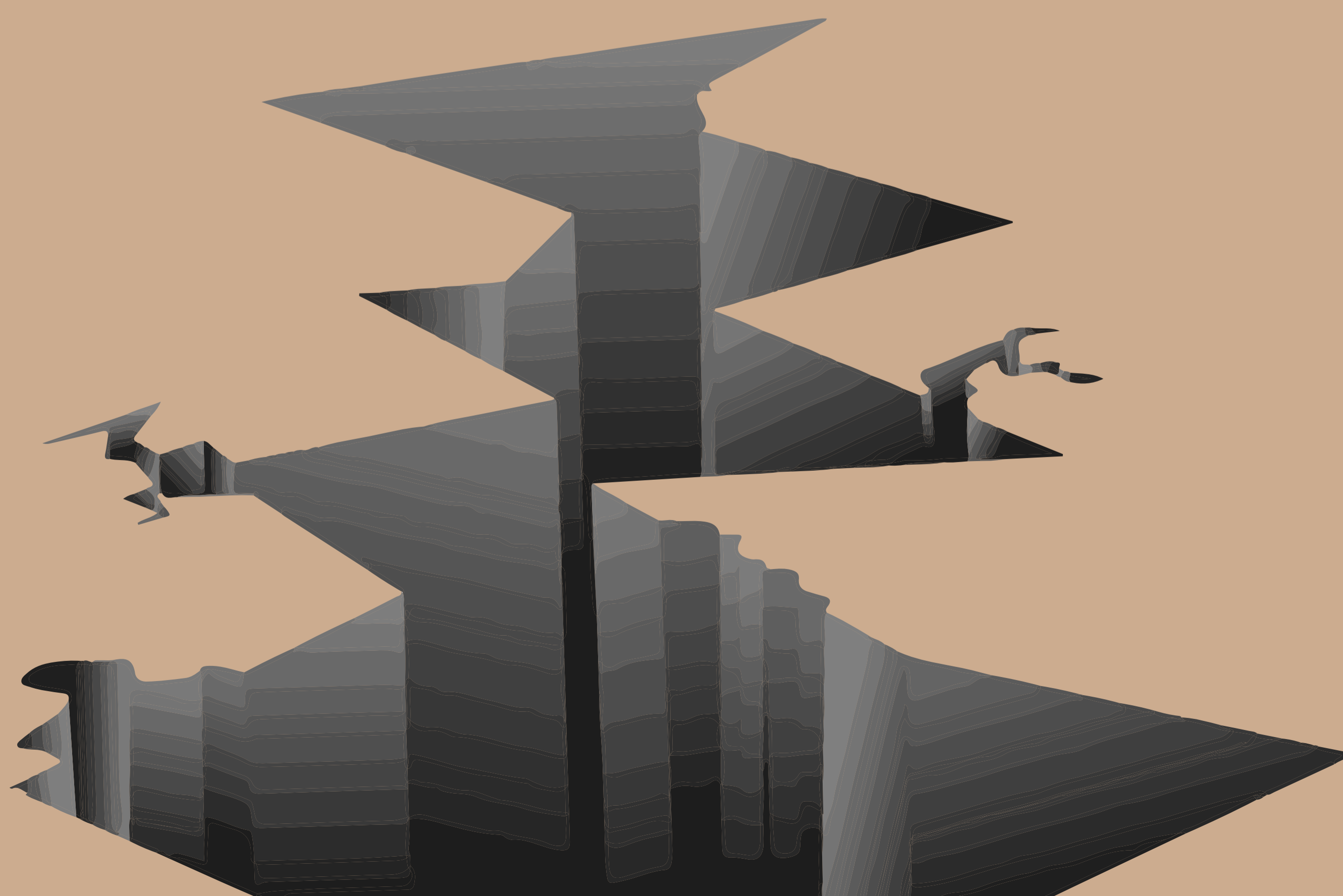
“Education...is not among the rights afforded explicit protection under our Federal Constitution.”

- Judge Justice Powell



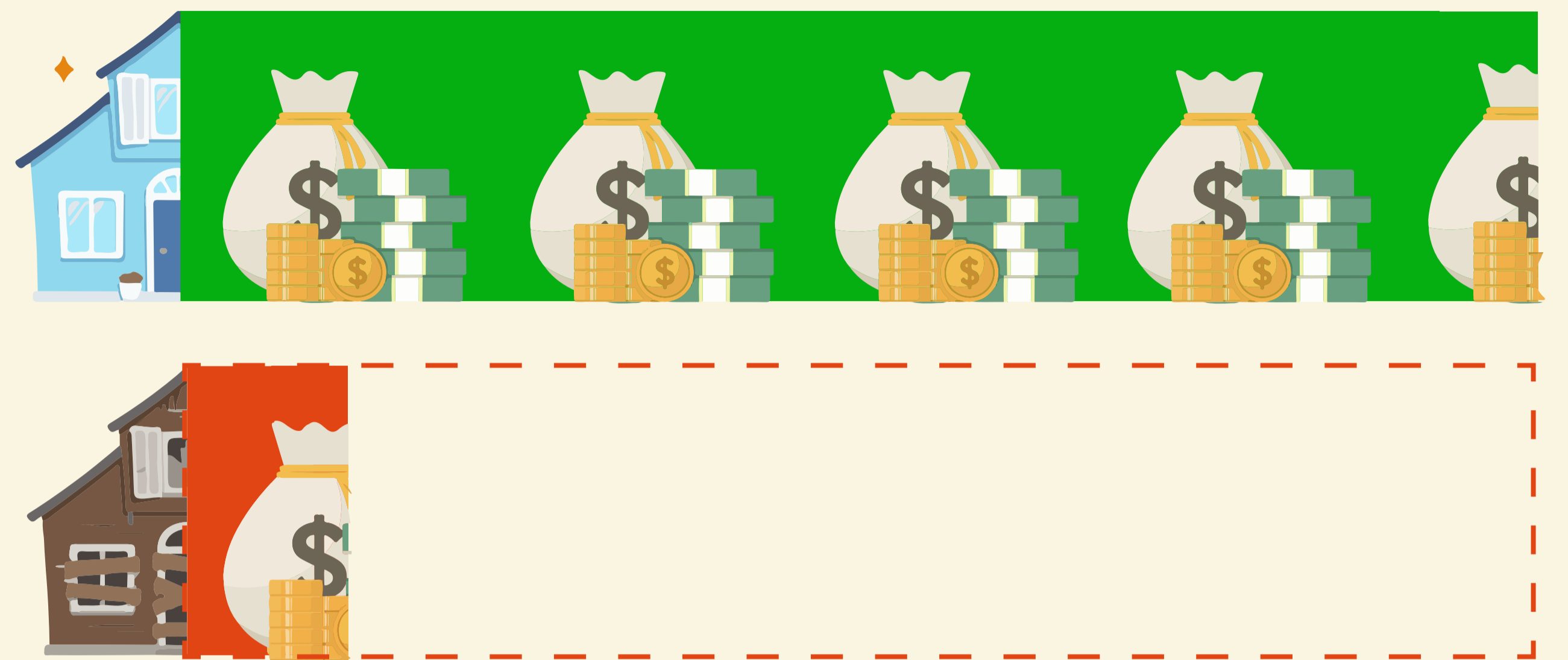
Consequences of the decision:

Schools are funded by property taxes, meaning that one's zip code dictates the quality of their education.



Consequences:

The wealthiest districts spend nearly 10x more than the poorest 10%



Due to years of discriminatory housing laws, those in poorer zip codes are largely BIPOC



Segregation is the worst it's been in 50 years: over 50% of students are in districts where 75%+ of its students are White or non-White



Schools serving greater numbers of BIPOC students have significantly fewer resources than those with mostly White students.*



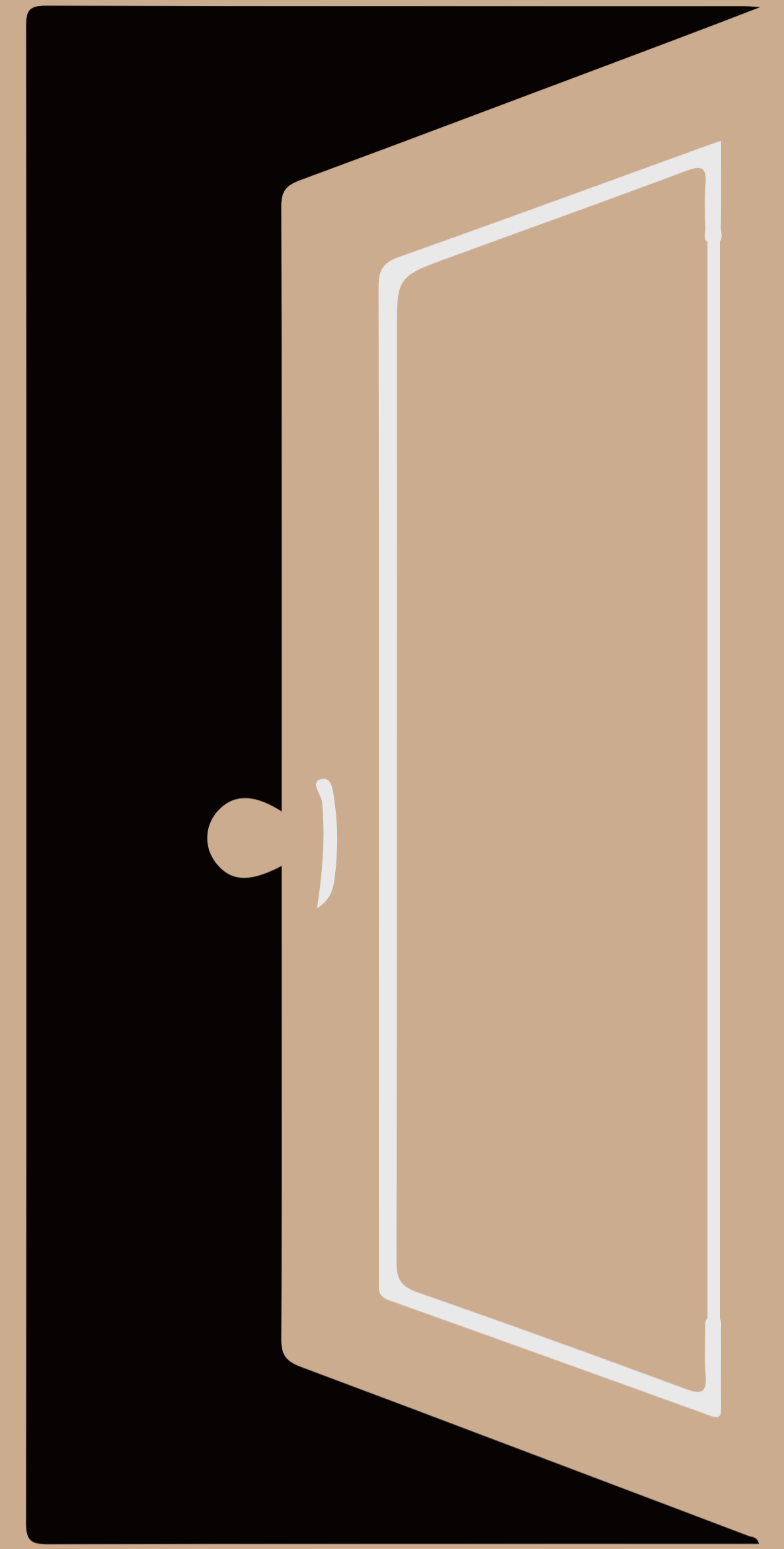
Note: **Rodriguez vs San Antonio** was decided in 1973, when a period of backlash against racial integration had begun, and when 2 Nixon-appointed judges were on the bench.

*(according to analysis in AL., NJ, NY, LA, and TX)

A Chance to Rewrite History

But the Supreme Court “left a door open”: they would reconsider the case if it was shown that school funding is **explicitly connected to the exercise of citizenship.**

Specifically, that citizens need education to exercise:



Their 1st Amendment
right to free speech



Their 15th Amendment
right to vote

In 2018, the students & parents of RI argued that their education has not prepared them for “voting, serving on a jury, understanding economic, social, and political systems sufficiently to make informed choices, and to participate effectively in [civic rights and responsibilities]” →

Rhode Island Students Take the Lead

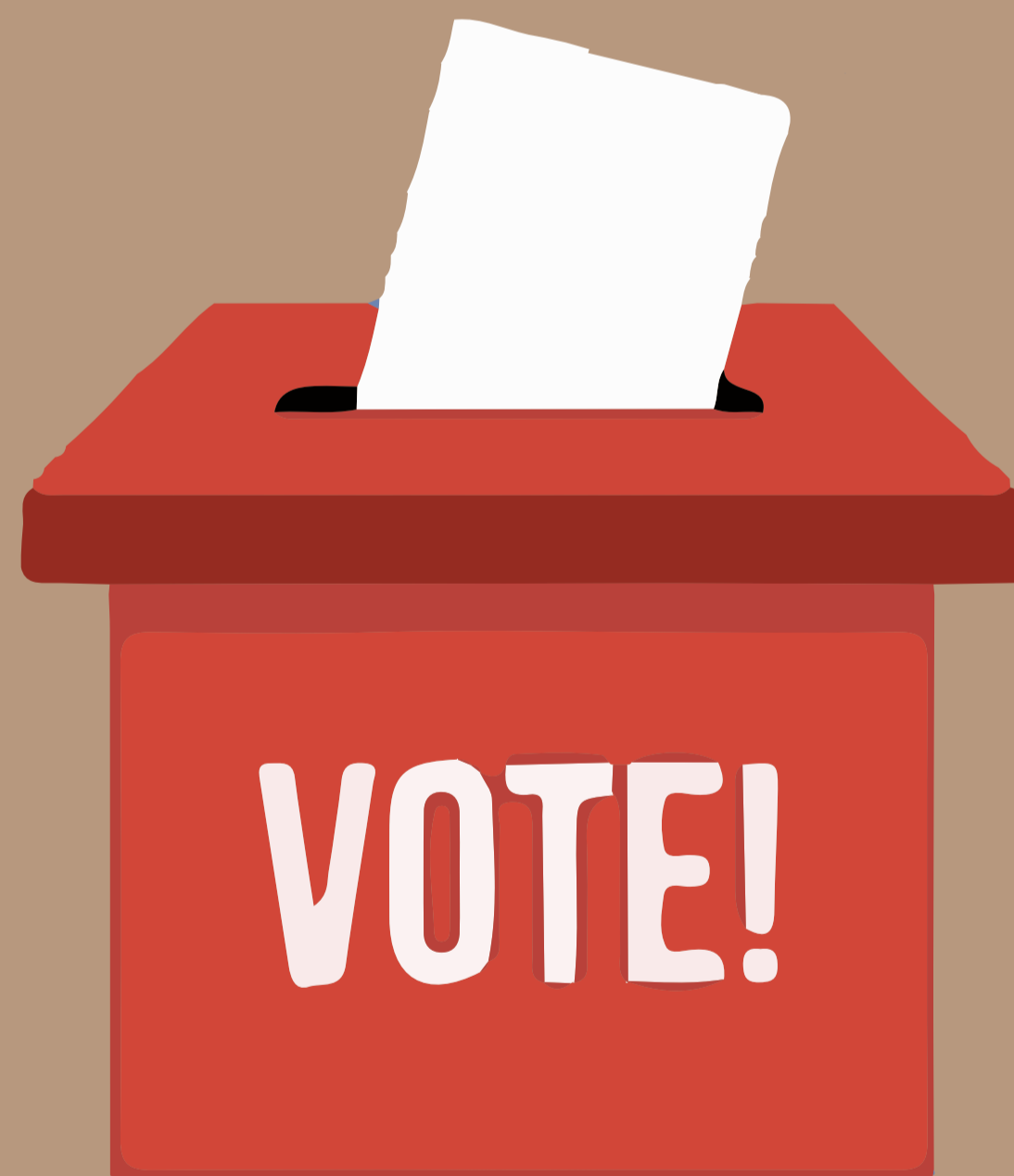
In 2018, the public school students, youth organizations, and parents of Rhode Island met to discuss the possibility of a new lawsuit to uphold students' constitutional rights.



They're arguing that the underfunding of their schools (and lack of civic education in particular) has not adequately prepared them to exercise their rights to:



Free Speech



Voting



Serve on Jury

Note: Low quality (or complete lack of) civic education has been identified as a top reason for low youth voter turnout in the USA. The impact of this is most long-lasting on those who lack out-of-school opportunity, time, and resources to develop civic skills.

Who's Involved?

The Plaintiffs

14 plaintiffs include students from 3rd grade, high school seniors, and parents of young children. Cook is a recent PVD high school herself.



The Defendants

The students are suing Governor Raimondo, the RI Speaker of House, RI Senate President, Commissioner of Education, and Councils of Education



How can you support the students?

Follow and donate to the organizations these student activists are working with, leading, and supported by:



A Timeline of Events

Nov 28, 2018:

“Cook v Raimondo” is filed by Providence student activists



May 20, 2019:

All 5 defendants file Motions asking the court to throw out the lawsuit

Dec 5, 2019:

Both sides appear at the RI Federal District Court to argue for whether or not the case should be thrown out



Oct 13, 2020:

The Judge rules against the students, but throws his support behind their movement, “leaving the Plaintiffs a road map to present their appeal to the First Circuit”



What does this mean?



The Court Ruling

Judge Smith, to his regret, found that he did not have sufficient legal basis to rule in favor of the students.

But, in a rare move for a judge, he explicitly threw his support behind the students and thanked them for bringing the case to court.



According to Michael Rebel, the plaintiffs' lead counsel, the Judge has given them "a clear roadmap to the US Court of Appeals for the First Circuit."

“The Court cannot provide the remedy Plaintiffs seek, but in denying that relief, the Court adds its voice to Plaintiffs’ in calling attention to their plea. Hopefully, others who have the power to address this need will respond appropriately.”

- Judge William Smith

The Students Will Be Appealing.

Lend your support by following and donating to the student organizations doing this work:



Sources

"Rhode Island District Court Applauds but Dismisses a Suit Seeking to Establish a Federal Constitutional Right to a Civic Education"

(Teachers College Newsroom)

"Making the Case for Continuing the Case" (Teachers College Newsroom)

"Rhode Island right-to-education lawsuit to be heard in federal court"

(Linda Jacobson)

"Providence Student Union Organizers Are Trying to Fix Their Broken School System" (Julia Rock)

"Campaign Updates" (ARISE Providence)

"Why Don't Young People Vote and What Can Be Done About It?"

(Alexandria Symonds)

"Inequality in Teaching and Schooling" (Linda Darling-Hammond)