



January 5, 2024

*By Email*

Chancellor Lester Young  
NYS Board of Regents  
89 Washington Avenue  
Albany, NY 12234

Commissioner Betty Rosa  
NYS Department of Education  
89 Washington Avenue  
Albany, NY 12234

**RE: NYSED’s Blue Ribbon Commission on Graduation Measures**

Dear Chancellor Young and Commissioner Rosa,

We are attorneys and members of the New York City Bar Civic Education Task Force.<sup>1</sup> We write in response to your recently released Blue Ribbon Commission on Graduation Measures Report. The Report sets forth two recommendations regarding civics: first, the Report proposes a state diploma with the option to add seals, including the Seal of Civic Readiness. Second, the Report recommends education standards in the area of “civic responsibility (ethics).” We were gratified to see such a large consensus among the members of the Commission that the high-level skills, knowledge areas, and competencies that holistically reflect successful outcomes of P-12 education include readiness for civic life and civic engagement. However, we write to urge you to make the teaching of these skills mandatory rather than what it is now - an optional part of a broader social studies curriculum.

The Court of Appeals, New York’s highest court, held in 2003 that the state constitution requires New York State to provide all of its students “a meaningful high school education,” one that will prepare them to “function productively as civic participants capable of voting [or] serving on a jury,” and “to obtain ‘competitive employment.’”<sup>2</sup> And New York City Public Schools Chancellor Banks has spoken of the need to equip students in the City with the ability to be positive

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<sup>1</sup> The judges on the New York City Bar Association’s Civic Education Task Force were not involved in the drafting and submission of this letter. However, the judges on the Task Force fully support civic education in the schools.

<sup>2</sup> Campaign for Fiscal Equity, Inc. v. State of N.Y., 100 N.Y.2d 893 (2003).

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

forces for change in their communities.<sup>3</sup> In New York, voter turnout is alarmingly low: only about 13% of New Yorkers<sup>4</sup> eligible to vote did so in last year's primaries and in the 2018 general election New York ranked in the bottom quartile<sup>5</sup> in the nation in voter turnout. The lone civic education requirement in New York State is a one semester Participation in Government high school course. While the Report recommends that diploma credit requirements include "civic responsibility (ethics)," and there are civic education programs already offered that focus on community building and respecting others' opinions, a student could matriculate in New York State schools without a single civics course or offering until that Participation in Government course is taught in high school.

We applaud the launch of the Seal of Civic Readiness program, including its defined domains – civic knowledge, civic skill and actions, civic mindsets, and civic experiences. However, there is no directive to schools to incorporate these important domains into their learning standards. The Report itself acknowledges that the seal is "optional" and one of "Multiple Pathways." Further, only 350 schools joined the Seal Program in Year 2 of the program, a small fraction of the public and charter schools in New York State.

We urge the New York State Education Department (NYSED) to make the Civic Education Seal available in all schools and to create civic education standards for all students that require students, beginning at an early age, to:

- have an acute knowledge of the structure and function of the three branches of government;
- learn about democracy at the local, state, and federal levels;
- obtain an understanding of the rights guaranteed by the U.S. Constitution and New York State Constitution; and
- gain an understanding of civic responsibilities like voting and how to engage with local officials and government institutions.

Schools should also offer student and faculty-led voter registration drives including pre-registration for students ages 16 and 17.<sup>6</sup> New York should provide funding for these programs, related curricular development and teacher training, and additional funding for the Seal of Civic Readiness to ensure that it is available in all school districts.

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<sup>3</sup> The Official Website of the City of New York, *Transcript: Mayor Adams Delivers Introductory Remarks At DOE Chancellor Banks' State Of Our Schools Address*, (September 2023) <https://www.nyc.gov/office-of-the-mayor/news/689-23/transcript-mayor-adams-delivers-introductory-remarks-doe-chancellor-banks-state-our-schools> (All websites last accessed on Jan. 2, 2024).

<sup>4</sup> Gotham Gazette, *A Closer Look at Voter Turnout in New York's August 2022 Primaries*, (September 2022) <https://www.gothamgazette.com/state/11551-voter-turnout-new-york-august-2022-primaries-senate-congress>.

<sup>5</sup> Patch, *Here's How New York Ranked In Voter Turnout Last Year*, (April 2019), <https://patch.com/new-york/bedford/here-s-how-new-york-ranked-voter-turnout-last-year>.

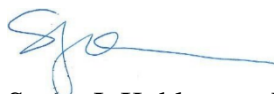
<sup>6</sup> Recent amendments to New York Election Law §5-507(2) require local boards of education to adopt policies that promote student voter registration and pre-registration, and may include, *inter alia*, procedures for providing high school students access to application forms and assistance with filing them, and educating students on the related state requirements.

A Massachusetts civic education law enacted in 2018<sup>7</sup> serves as an excellent model for New York. The law requires all public schools to teach civics, offer civics projects for eighth grade and high school students, and provide teachers with related professional development. It also encourages voter registration through the establishment of a high school voter challenge program. Many of these initiatives are supported with funding.<sup>8</sup>

New York should do the same. Civic education cannot be squeezed into a social studies course only when teachers are able to find extra time. Nor should it be reduced to classes on ethics, civility, and respectful dialogue. While those are important skills, knowledge of how our government works is a distinct subject area that is more critical than ever in a time when false news is rampant and there are ongoing attacks on the rule of law and our institutions.

We urge NYSED to integrate civic education as a central part of the New York State P-12 learning standards. The need is urgent and should be a priority. We would welcome a meeting with the NYSED to discuss how we can work in partnership to move civic education in New York State forward.

Sincerely,



Susan J. Kohlmann, President  
New York City Bar Association



Dawn L. Smalls, Co-Chair  
Civic Education Task Force

*Jonathan Glater*

Jonathan Glater, Co-Chair  
Education & the Law Committee

*Rebecca Berkebile*

Rebecca Berkebile, Co-Chair  
Education & the Law Committee

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<sup>7</sup> The Commonwealth of Massachusetts, *Senate No. 2631*, <https://static1.squarespace.com/static/5e28672e4ca4f34e9feb2c29/t/5eab52eefa13191dd12a97ab/1588286190189/S2631+%282%29.pdf>.

<sup>8</sup> On the federal level, there is bipartisan support for the Civics Secures Democracy Act, which would create a fund to provide \$1 billion annually for civics and history initiatives and direct \$585 million to state education agencies. The Task Force endorses the Act as a measure that will put real resources to support these important initiatives.

Cc: Shino Tanikawa, Member, NYSED Board of Regents  
Luis O. Reyes, Member, NYSED Board of Regents

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*The City Bar's Civic Education Task Force includes members from large and small firms, the state and federal judiciary, government agencies, nonprofits, and law schools. The Task Force seeks to increase public understanding of how government works on the local, state, and federal levels in America, and the fundamental principles that enable our democracy and system of justice to thrive. The Task Force seeks to develop ways in which lawyers, judges and legal professionals can contribute to and support efforts to improve civil discourse, combat disinformation, foster greater civic engagement and participation in elections, and strengthen belief in, and allegiance to, the rule of law.*