

Civic Lessons: Public Schools and the Civic Development of Undocumented Students and Parents*

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¶1 *When Leticia Lopez was four years old, her family traveled from their indigenous village in Mexico to the Vista neighborhood of Los Angeles. They crossed the border without official permission or documentation. Leticia's parents came to the United States to find work that would support their family—such employment was no longer available in their village. When Leticia was five, her parents enrolled her in Vista's elementary school. Leticia's mother, Gracia, began volunteering in Leticia's classroom. As Leticia moved on to Vista Middle and Vista High, Gracia attended school meetings and volunteered at a variety of school functions. Leticia's father, Arturo, was also active at Vista High—despite working sixteen-hour shifts at a local restaurant. Arturo attended parent meetings about college access and discovered that a disproportionate number of immigrant students were being placed in lower-level classes that were not preparing them for college. After sharing his concerns with the counselor and principal, Arturo met with the school site council to talk about the importance of providing high-quality education to all students. Arturo eventually became a candidate for an open seat on Vista High's site council and, when he was elected, served as the group's only immigrant member. Drawing inspiration from her parents, Leticia participated in various school activities and extra-curricular organizations at Vista High, including a new club she founded that provided tutoring services. Leticia also campaigned for several of her friends who ran for student government and joined with other students in a campaign against a statewide proposition affecting youth incarceration.¹*

¶2 The story of the Lopez family demonstrates the central role of public schools in the civic development of immigrant youth and immigrant parents. Like public schools across the nation, Vista High is charged by the state with instructing students in the core academic skills necessary for civic life and providing a civics curriculum that explains

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¹ The names of all students and parents in this article are pseudonyms. We also use pseudonyms in referring to the community of Vista and its schools.

how democratic institutions function and why they matter. Vista High also represents a key site for students and parents to engage in civic practice. Students at Vista High participate in a variety of different school-sponsored clubs and activities, including many that encourage young people to take on leadership roles and address community concerns. Parents at Vista High participate in school-based social networks and contribute to the broader community by volunteering at the school. The right of Vista High parents, regardless of race or national origin, to exercise their voices and participate in official decision-making structures at their children's school is protected by federal law.²

¶3 Leticia's ability to enroll in Vista High was fundamentally important both to the Lopez family and to the quality of civic life in the Vista community. Vista High served as a gateway to a variety of social networks for the entire Lopez family, opening up opportunities for civic participation and leadership. It also afforded Leticia a pathway to college. The Vista community benefited as well. Leticia and her parents contributed to the school through volunteer service, in particular, the tutoring program Leticia helped bring to campus. Arturo's participation on the school site council made that body's deliberations on school policy more inclusive and responsive to community concerns. Further, the Lopez family's enthusiastic civic participation energized similar engagement among Vista's citizens.

¶4 This paper argues that Leticia's case is neither idiosyncratic nor isolated and that her legal right to access public school is critical to the health of American democracy. Our argument both echoes and illuminates the Supreme Court's decision in *Plyler v. Doe*: that access to public schooling is important to sustaining democracy and hence must be protected.³ Writing for the majority in *Plyler*, Justice Brennan reasoned that barring undocumented youth from public schools "imposes a lifetime hardship" by preventing the youth from acquiring basic literacy, as well as the skills and knowledge necessary to "live within the structure of our civic institutions."⁴ The Court concluded that such denial prevents undocumented youth from contributing to "productive social or political use within the state."⁵

¶5 In accordance with *Plyler*, we argue that undocumented students' access to core academic instruction enhances the quality and quantity of participation in democratic institutions and civic life. Building on the Court's reasoning in *Plyler*, we argue that access to public schools provides undocumented immigrant youth with opportunities to practice and develop the skills of civic engagement. Taking the Court's reasoning in *Plyler* a step further, we argue that the democratic purposes of public education are

² The No Child Left Behind Act provides for parents to participate in the "planning, review, and improvement" of their school's program. No Child Left Behind Act of 2001, § 1118(c)(3), 20 U.S.C. § 6318 (2000 & Supp. IV 2004). In advising State Education Agencies and Local Education Agencies on the parent involvement provisions of the federal No Child Left Behind Act, the United States Education Department notes "all parents in a schoolwide program school are eligible to participate in parent involvement activities." U.S. Dep't of Educ., Parental Involvement: Non-Regulatory Guidance 24 (2004), www.ed.gov/programs/titleiparta/parentinvguid.doc [hereinafter Education Department]. The Education Department also advises: "schools may not discriminate on the basis of race, color, [or] national origin . . . consistent with Title VI of the Civil Rights Act of 1964." *Id.* at 6.

³ 457 U.S. 202 (1982).

⁴ *Id.* at 223. We use the terms "undocumented immigrants" or "undocumented youth" to refer to individuals who entered the United States without official authorization, overstayed a valid visa, or in some way violated the terms of their immigration status.

⁵ *Id.* at 230.

advanced when the undocumented parents of undocumented youth are able to develop their civic skills and commitments by participating in their children’s schools.⁶ Public schools, we contend, provide the undocumented parents of undocumented youth with unique opportunities for civic development. By guaranteeing undocumented youth access to public schools, the State thus promotes the civic participation of both youth and adults, and, in so doing, enhances the quality of democratic life.

¶6 United States public schools are the primary public sites where immigrant youth and adults encounter other citizens and engage the state. Public schools teach about, and provide practice in, civic engagement. Undocumented immigrant students and parents develop knowledge, skills, and commitments for civic engagement by participating in school activities, school-based social networks, and school governance. Foreclosing these opportunities, we argue, would undermine civic engagement and the health of democratic institutions.

¶7 Our argument unfolds in five sections. Section One briefly reviews how the Supreme Court has understood the role of education in promoting an informed and engaged public. It then examines recent literature from the social sciences on the decline of civic engagement in the United States and the importance of such participation to American democracy. Section Two argues that public schools promote the civic knowledge and engagement of undocumented youth. We offer a case study documenting the civic development of Leticia Lopez and two of her classmates. Section Three assesses the civic engagement of undocumented immigrants. We share survey data that indicates the relatively high levels of school participation among undocumented immigrant parents in Los Angeles County. Section Four considers some opportunities for school-based civic participation available to undocumented parents and how some parents have used these opportunities to develop their own civic skills. We review how federal law mandates certain opportunities for parental involvement and then report on a case study of twelve community-based groups who support robust school participation of immigrant parents. We conclude in Section Five by speculating on the effects of exclusionary policies on civic engagement and American democracy.

I. EDUCATION FOR DEMOCRACY

¶8 The Supreme Court has long recognized the centrality of public education to the health of American democracy. In *Pierce v. Society of Sisters*, the Court acknowledged the power of the State to ensure that all schools teach “certain studies plainly essential to good citizenship.”⁷ Three decades later, the Court in *Brown v. Board of Education*, reasoned that education was “the very foundation of good citizenship.”⁸ Public schools,

⁶ The Court in *Plyler* did not consider how access of undocumented youth to public schools affects the civic participation of the undocumented parents of these students. The Court focused only on how access to public schooling shapes the civic development of the undocumented youth. *Id.* Indeed, the Court distinguished “illegal entrants” from the “minor children of those illegal entrants,” arguing that the children should be viewed as “innocent” of any wrongdoing. *Id.* at 220. The Court’s reasoning suggested a greater sympathy for the plight of undocumented children than their parents. Yet despite this assessment, the Court’s broader argument in *Plyler* reflects a concern with the ability of undocumented adults to “live within the structure of our civic institutions.” *Id.* at 223. We infer from this concern that the civic development of undocumented parents is a valid state interest.

⁷ 268 U.S. 510, 534 (1925).

⁸ 347 U.S. 483, 493 (1954).

the Court concluded in *Abington School District v. Schempp*, are “a most vital civic institution for the preservation of a democratic system of government.”⁹

¶9 The Court has taken a broad view of *how* public schooling contributes to democracy. Both *Pierce* and *Wisconsin v. Yoder*¹⁰ emphasized the importance of the school curriculum on students’ civic understanding. In *Ambach v. Norwick*, the Court recognized that teachers shape “students’ attitude toward government, the political process, and a citizen’s social responsibilities” by presenting and explaining course material in a particular way.¹¹ *Ambach* also suggested that the influence of public schools on democracy extends beyond curriculum and instruction. Citing John Dewey, the Court referred to public schools as an “‘assimilative force’ by which diverse and conflicting elements in our society are brought together on a broad but common ground.”¹²

¶10 In *Plyler v. Doe*, the Court considered how access of undocumented youth to public schools was related to the democratic purposes of public education.¹³ In considering this issue, the Court made two related arguments. First, it reasoned that the State had no way of knowing with certainty whether a particular undocumented youth would later attain legal residency or citizenship status.¹⁴ By denying undocumented students access to public education, the Court noted, the State risked undermining the civic education of future legal residents and citizens who would later be called upon to exercise civic responsibilities.¹⁵ Second, the Court articulated the State’s interest in ensuring educational access for those youth who would *not* later attain legal status: public education enables such youth to function within civic institutions. Conversely, denying these students access to public schools would “foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.”¹⁶

A. Democracy at Risk

¶11 In the twenty-five years since the Court in *Plyler* acknowledged the role of education in sustaining democracy, political scientists and sociologists have underscored the importance of attending school to the health of America’s civic life. One major concern is a decrease in the proportion of eligible adults who vote in elections,¹⁷ particularly the percentage of young adults who vote.¹⁸ Putnam finds that declining

⁹ 374 U.S. 203, 230 (1963).

¹⁰ 406 U.S. 205 (1972).

¹¹ 441 U.S. 68, 79 (1979).

¹² *Id.* at 77.

¹³ 457 U.S. 202, 222 (1982).

¹⁴ *Id.* at 226.

¹⁵ *Id.* at 230.

¹⁶ *Id.* at 223.

¹⁷ Mark N. Franklin & Wolfgang P. Hirczy de Mino, *Separated Powers, Divided Government, and Turnout in U.S. Presidential Elections*, 42 AM. J. POL. SCI. 316, 320 (1998); ROBERT PUTNAM, *BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY* 31-47 (2000).

¹⁸ NAT’L ASS’N OF SEC’YS OF STATE, *NEW MILLENNIUM PROJECT PART I: AMERICAN YOUTH ATTITUDES ON POLICIES, CITIZENSHIP, GOVERNMENT AND VOTING* 1-2 (1999); William A. Galston, *Civic Education and Political Participation*, PS: POL. SCI. & POL., Apr. 2004, at 263, 265, available at <http://www.apsanet.org/imgtest/CivicEdPoliticalParticipation.pdf> (last visited Aug. 6, 2008); CARNEGIE CORP. OF N.Y. & CTR. FOR INFO. & RES. ON CIVIC LEARNING, *THE CIVIC MISSION OF SCHOOLS* (Cynthia Gibson & Peter Levine eds., 2003) [hereinafter *CIVIC MISSION OF SCHOOLS*].

voting rates have been accompanied by a significant drop-off in civic participation generally, such as participation in civic associations and volunteering in community activities.¹⁹

¶12 Reviewing these trends in 2005, a committee convened by the American Political Science Association declared that “Americans have turned away from politics and the public sphere in large numbers, leaving our civic life impoverished.”²⁰ The committee concluded that “American democracy is at risk” and called for a renewal of civic engagement to shore up the “health and legitimacy of our shared political order.”²¹ What is needed, the committee suggested, is for young and old to play an active role in “influencing the collective life of the polity.”²²

B. Civic Education for Adult Civic Engagement

¶13 The heightened attention paid to the health of democracy and the quality of civic engagement has renewed focus on the civic purpose of public schools. In recent years, policy makers and scholars in political science and education have addressed the need for youth to understand the purpose and function of government; they also have identified the need for young people to develop the skills and commitments needed to participate robustly in electoral politics, public institutions, civic organizations, and (where necessary) protest activities.²³ A broad consensus has emerged that public schools are uniquely positioned to support these ends. Not only are schools equipped to address the cognitive dimensions of civic knowledge, but they also provide young people with the opportunity to “learn to interact, argue, and work together with others.”²⁴

¶14 Social science research offers definitive evidence that schooling powerfully shapes adult participation in civic life. Lake and Huckfeldt find that “the positive relationship between education and political participation is one of the most reliable results in empirical social science.”²⁵ Similarly, Nie, Junn, and Stehlik-Barry note “study after study over the past 50 years has identified formal education as a critical determinant of democratic political behavior and attitudes in the United States.”²⁶ On average, as levels of formal education rise, so too do the skills and resources that support robust civic participation.²⁷

¶15 Over the last decade, a new body of research has documented how school-based experiences contribute to civic knowledge, commitments, and engagement. Drawing on

¹⁹ PUTNAM, *supra* note 17, at 31-64.

²⁰ STEPHEN MACEDO ET AL., DEMOCRACY AT RISK: HOW POLITICAL CHOICES UNDERMINE CITIZEN PARTICIPATION AND WHAT WE CAN DO ABOUT IT 1 (2005).

²¹ *Id.*

²² *Id.* at 6.

²³ *See generally* RICHARD G. NIEMI & JANE JUNN, CIVIC EDUCATION: WHAT MAKES STUDENTS LEARN (1998) (analyzing data from the 1998 National Assessment of Educational Progress Civics Assessments to report on what civic knowledge students learn in schools); MICHAEL X. DELLI CARPINI & SCOTT KEETER, WHAT AMERICANS KNOW ABOUT POLITICS AND WHY IT MATTERS 3-8 (1996); CIVIC MISSION OF SCHOOLS, *supra* note 18, at 10.

²⁴ CIVIC MISSION OF SCHOOLS, *supra* note 18, at 5.

²⁵ Ronald L. Lake & Robert Huckfeldt, *Social Capital, Social Networks, and Political Participation*, 19 POL. PSYCHOL. 567, 567 (1998).

²⁶ NORMAN H. NIE ET AL., EDUCATION AND DEMOCRATIC CITIZENSHIP IN AMERICA 164 (1996).

²⁷ S. VERBA, K. SCHLOZMAN & H. BRADY, VOICE AND EQUALITY: CIVIC VOLUNTARISM IN AMERICAN POLITICS 433-37 (1995).

data comparing the effects of civic education across nations, Torney-Purta reports that most American fourteen-year-olds understand the basic principles of democratic governance, are able to interpret the core meaning of political communication (in the form of political cartoons), and recognize the importance of adult participation in activities aimed at helping the community, promoting human rights, and protecting the environment.²⁸

¶16 William Galston notes that students develop such knowledge and beliefs most powerfully when schools offer an array of civic learning opportunities.²⁹ Clearly, some of these opportunities center on the classroom—for example, instruction in the history and principles of American democracy and classroom discussion of current events that make a direct and tangible difference in young people’s lives. But equally important are other opportunities students encounter in the broader school context: community service, participation in extracurricular organizations, and participation in public forums and democratic governance in school.³⁰

¶17 The powerful effect of out-of-classroom activities on adult civic participation has recently been confirmed by Hart et al.³¹ This study analyzed a longitudinal data set following a cohort of eighth graders into adulthood. It found that students who participated in high school community service and extracurricular activities in school had higher rates of political participation and volunteering as adults.³² Community service provides young people with the opportunity to become personally involved with public issues and to think about them concretely.³³ Engagement in extracurricular activities enables young people to practice working within social networks and, at times, offers them opportunities to express collective identity or respond to social issues.³⁴

II. THE CIVIC DEVELOPMENT OF UNDOCUMENTED YOUTH IN VISTA HIGH

¶18 Do undocumented youth develop civic knowledge, skills, and commitments through their participation in public schools? The general literature on youth civic development does not specifically address undocumented youth.³⁵ To answer this

²⁸ Judith Torney-Purta, *The School’s Role in Developing Civic Engagement: A Study of Adolescents in Twenty-Eight Countries*, 6 APPLIED DEVELOPMENTAL SCI. 203, 206-08 (2002).

²⁹ Galston, *supra* note 18, at 265.

³⁰ CIVIC MISSION OF SCHOOLS, *supra* note 18, at 20-29; Joseph Kahne & Joel Westheimer, *Teaching Democracy: What Schools Need To Do*, 85 PHI DELTA KAPPAN 34, 40, 57-58, 61-54 (2003); DELLI CARPINI & KEETER, *supra* note 23 at 277-80; *see also* MARY KIRLIN, THE ROLE OF ADOLESCENT EXTRACURRICULAR ACTIVITIES IN ADULT POLITICAL PARTICIPATION (CIRCLE 2003), available at <http://www.civicyouth.org/PopUps/WorkingPapers/WP02Kirlin.pdf> (last visited Aug. 6, 2008) (reviewing empirical research on the relationship between adolescent participation in extracurricular activities and adult political engagement).

³¹ Daniel Hart, Thomas M. Donnelly, James Youniss & Robert Atkins, *High School Community Service as a Predictor of Adult Voting and Volunteering*, 44 AM. EDUC. RES. J. 197, 205-11 (2007).

³² *Id.*

³³ *See generally* Edward C. Metz & James Youniss, *Longitudinal Gains in Civic Development through School-Based Required Service*, 26 POL. PSYCHOL. 413 (2005) (finding that students who initially were less inclined toward civic engagement became more committed to civic participation once they experienced community service first-hand); JAMES YOUNISS & MIRANDA YATES, COMMUNITY SERVICE AND SOCIAL RESPONSIBILITY IN YOUTH 18-19 (1997).

³⁴ David S. Crystal & Matthew DeBell, *Sources of Civic Orientation Among American Youth: Trust, Religious Valuation, and Attributions of Responsibility*, 23 POL. PSYCHOL. 113, 114, 126 (2002).

³⁵ Indeed, there is a little research on the role of schools in the civic development of immigrant youth

question we offer a case study of three students who entered high school as undocumented youth. All three students attended Vista High, a comprehensive high school in Los Angeles County enrolling a racially diverse student body of approximately three thousand. Our sample of three undocumented students was identified for the purpose of this study out of a larger pool of sixty-five Vista High students in the Class of 2001 who participated in a longitudinal study of high school reform. The larger study followed the trajectories of students for ten years, tracking students' course enrollment and extracurricular activities in both high school and postsecondary institutions.³⁶ While the legal status of students was not known to us when the study was initiated, over time we learned that at least four of the students were undocumented when they initially enrolled in high school. Our case study focuses on the three students for whom we have complete data.³⁷

¶19 Leticia Lopez, Amado Perez, and Maria Rodriguez enrolled as ninth graders in Vista High in the fall of 1997. Leticia, who we introduced at the beginning of this paper, had attended public schools in Vista since kindergarten. Amado came to the United States from Mexico when he was eleven and enrolled in Vista public schools beginning in fifth grade. Maria immigrated to the United States from Mexico when she was twelve. She attended North Vista Middle for sixth, seventh, and eighth grades. By ninth grade, all three students were fluent English speakers. Each student followed an academic pathway, with some important differences: Amado consistently enrolled in honors and advanced placement courses, Maria took a mix of honors and “regular” college prep courses, and Leticia enrolled in the regular college prep curriculum.

A. Classroom-Based Civic Education

¶20 All three students participated in Vista's standard four-year sequence of social studies courses. Ninth grade “humanities” encouraged young people to participate in school activities, recognize the value of diversity, and perform community service. In tenth grade, students enrolled in World History, a course that highlighted the origins of democratic government. As eleventh graders, they studied United States History, analyzing the changes in the meaning and practice of democracy. The students continued these themes in greater depth in their twelfth grade government class. They studied the three branches of government, the U.S. Constitution, and opportunities for youth and adults to shape public life. According to the State of California curriculum framework, this class represented the “culmination of the civic literacy strand that prepares students to vote, to reflect on the responsibilities of citizenship, and to participate in community activities.”³⁸ During interviews conducted at the end of twelfth grade, the students talked

generally. One notable exception is Alex Stepick and Carol Stepick, *Becoming American, Constructing Ethnicity: Immigrant Youth and Civic Engagement*, 6 APPLIED DEVELOPMENTAL SCI. 246 (2002) (examining the different civic experiences of immigrant youth at the beginning of the twentieth and twenty-first centuries).

³⁶ Data collected in this longitudinal study includes: student transcripts, field notes of classroom and school activities, bi-annual interviews with students, interviews with students' parents, and student surveys. Unless otherwise specified, all quotes in this section are drawn from this data set.

³⁷ It is likely that more than four students out of the cohort of sixty-five were neither citizens nor legal residents. Since we did not directly ask students about their legal status, we only learned that students lacked documentation when they offered this information during interviews.

³⁸ CAL. DEP'T OF EDUC., HISTORY—SOCIAL SCIENCE FRAMEWORK FOR CALIFORNIA PUBLIC SCHOOLS:

about their appreciation for curriculum that connected the broad principles of democracy to their everyday concerns inside and outside school. Maria was so taken with class discussions about “how the government works” that she decided to study political science in college.³⁹

B. Participation in Extracurricular Activities

¶21 Leticia, Amado, and Maria all participated in an array of extracurricular activities. Some of these activities did not directly address civic concerns, but placed the students in social networks. Other activities afforded the students opportunities to practice civic skills such as communicating political ideas, negotiating differences within diverse communities, and identifying and acting upon shared interests. Maria served as a reporter on the Vista High weekly newspaper. She decided to create the first-ever Spanish-language column in the paper both to serve Vista High’s recent immigrants and to encourage native English speakers to learn more Spanish. Maria recounts that, in choosing topics for her column, she “took advantage . . . and presented some of the ideas that we discussed” in social studies class.⁴⁰ The whole experience, Maria notes, “made me realize how [issues related to rights and equality] need to be exposed more.”⁴¹

¶22 Leticia participated in “Diverse Democracy,” a student and faculty-led program that convened students of various ethnic backgrounds to identify stereotypes and discuss common interests across groups.⁴² After her first year of involvement, Leticia was asked by teachers to become a facilitator for the program due to her leadership skills and commitment. Leticia also was active in the Vista High campus chapter of Movimiento Estudiantil Chicano de Aztlán (or, more commonly, MEChA). With an agenda that encourages Latinos to enter and finish college, MEChA provided an opportunity for Latino students to organize for political and educational purposes.⁴³ Leticia played a leadership role in this club’s activities that included bringing attention to the low enrollment rates of Latino students in Vista High’s college preparatory, honors, and Advanced Placement courses. Her engagement in MEChA encouraged Leticia to create a new Vista High club—CREO, or “I believe”—to celebrate and support immigrants from her parents’ home state in Mexico.⁴⁴

C. Community Service

¶23 All three students participated in community service while enrolled at Vista High: Amado tutored other Vista students in math and science, Leticia arranged for students from the local university to tutor Vista students involved in CREO, and Maria volunteered at her church. Through their school experiences, the students developed a service ethic. When asked about his tutoring, Amado responded:

KINDERGARTEN THROUGH GRADE TWELVE 158 (2005), available at <http://www.cde.ca.gov/re/pn/fd/documents/hist-social-sci-frame.pdf> (last visited Aug. 6, 2008).

³⁹ Interview with Maria Rodriguez, in L.A., Cal. (Oct. 17, 2003).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² “Diverse Democracy” is a pseudonym. See explanation *supra* note 1.

⁴³ Movimiento Estudiantil Chicano de Aztlán, <http://www.nationalmecha.org/about.html> (last visited Aug. 6, 2008).

⁴⁴ Interview with Leticia Lopez, in L.A., Cal. (May 20, 2004).

I think that through education you are allowed to help so many people in a lot of different ways. That's really important. You can change people's lives in a lot of ways. And that's really important to me. If I can help somebody and I have the tools to do that, I'm more than glad to do it.⁴⁵

D. Political Engagement

¶24 Though none of the undocumented students in this study were members of Vista High's student government, they all enthusiastically participated in several student government elections. At the end of eleventh grade, Leticia, Amado, and Maria supported the campaign of one of their friends who ran for student body vice president. They helped develop a campaign slogan, reviewed the candidate's draft speeches, and created posters. Leticia also participated with many other Vista High student activists in the campaign against Proposition 21—a California ballot measure that sought to move many youth offenders into the adult criminal justice system.⁴⁶ Leticia helped to organize a youth-led march opposed to the Proposition. In addition, Leticia was one of a small group of Vista High students who led a campaign to retain a popular English teacher threatened with dismissal by the school administration. The students felt that the teacher was being targeted for his political beliefs—specifically his commitment to non-violent civil disobedience as a strategy for social change. Leticia and her classmates formed a committee that met with Vista High's administrators to share their grievances.

E. After High School: Changing Legal Status and Civic Contributions

¶25 All three students graduated from Vista High in June 2001. Leticia became a legal resident of the United States during her senior year at Vista High. She was accepted to a public university in California and enrolled there the next fall. Amado was admitted to several universities, but due to his lack of legal status, he could not access state or federal financial support for college. A Jesuit university offered him a private scholarship, which he accepted. During his sophomore year of college, Amado secured legal resident status. Maria was not so fortunate. She was admitted to several highly selective four-year colleges and universities, but due to her lack of documentation and limited financial resources, she could not afford to enroll. She began taking classes part-time in the local community college while working full-time to support herself.

¶26 Leticia has had an active civic life since leaving Vista High. She was elected as a senator for her college, served on the national Coordinating Committee for MEChA, and participated in a variety of other campus clubs and organizations. As a sophomore, Leticia was active in a campaign to save a local hospital clinic that serves a largely immigrant population. She plans to graduate from college in June 2008 and pursue work as a community organizer.⁴⁷ Leticia has also applied to become a United States citizen.

¶27 Amado continued his commitment to service while at college:

⁴⁵ Interview with Amado Perez, in L.A., Cal. (Oct. 22, 2003).

⁴⁶ Cal. Sec'y of State, Proposition 21: Gang Violence and Juvenile Crime Prevention Act of 1998 (2000), available at <http://primary2000.sos.ca.gov/VoterGuide/Propositions/21text.htm> (last visited Aug. 6, 2008).

⁴⁷ Interview with Leticia Lopez, in L.A., Cal. (May 20, 2004). Leticia's progress through college was delayed when, following her sophomore year, she took some time off from her studies to participate in community organizing.

I want people to know me not as, “Oh, he’s a person from my class,” but “that person’s from my class and he was active. He learned all these things and he shared with his classmates. . . . He was helpful.” . . . That’s what makes a difference. . . . You can be the smartest student, but if you’re not going to leave anything behind then what’s the point?⁴⁸

Amado provided academic guidance and tutored high school students throughout his four years in college. Active in the university’s outreach efforts to the immigrant community, he often visited schools to talk about his high school experience. “I think that [by] doing stuff like that, indirectly I’m advocating for . . . people who are like me . . . those who are struggling.”⁴⁹ Since graduating from college in 2005, Amado has worked as a high school counselor. He, too, has applied to become a United States citizen.

¶28 Maria served as Officer at Large of a service organization at her community college. She led other students in efforts to clean the local beaches and she volunteered at a homeless shelter. Combining a full-time work schedule with college studies, Maria eventually transferred to a four-year university where she studied political science. Maria graduated with her Bachelor’s degree in 2006. However, because she still lacks legal residency, she works as a waitress in a local restaurant. She frequently draws on her understanding of the legal and political system to help neighbors and colleagues at work. Maria has encouraged and counseled her friends, who are citizens, to use the courts to resolve disputes peacefully. She explains official documents to her fellow workers and encourages them to pursue legal remedies when employers discriminate or otherwise violate the law. Maria continues to hope that she will one day gain legal residency and citizenship status. She would like to become an immigration attorney.

III. SCHOOL-BASED CIVIC ENGAGEMENT OF UNDOCUMENTED PARENTS

¶29 For immigrants, civic engagement represents both a valuable end and a means towards developing the skills, commitment, and confidence needed for future political participation.⁵⁰ This dual function of civic engagement presents something of a chicken and egg problem. That is, how do you promote the practice of civic engagement before you have established the conditions conducive to such engagement? In this section, we draw on evidence from a survey of residents in Los Angeles County to argue that public schools represent a uniquely conducive site for immigrant parents—and in particular undocumented parents—to initiate patterns of civic participation. These patterns of civic participation contribute to the quality of public schooling and serve as a bridge to further political participation that sustains democratic life generally.

¶30 The research on immigrant civic participation suggests that non-citizens and new immigrants generally participate in civic life at lower levels than native-born United States citizens.⁵¹ According to a survey conducted by the Tomas Rivera Policy Institute,

⁴⁸ Interview with Amado Perez, in L.A., Cal. (Apr. 7, 2003).

⁴⁹ *Id.*

⁵⁰ Craig McGarvey, *Immigrants and Civic Engagement*, 94 NAT’L CIVIC REV. 35, 37 (2005).

⁵¹ Gary M. Segura, Harry Pachon & Nathan D. Woods, *Hispanics, Social Capital, and Civic Engagement*, 90 NAT’L CIVIC REV. 85, 85-96 (2001); S. Karthick Ramakrishnan, *But Do They Bowl? Race, Immigrant Incorporation, and Civic Voluntarism in the United States*, in TRANSFORMING POLITICS, TRANSFORMING AMERICA: THE POLITICAL AND CIVIC INCORPORATION OF IMMIGRANTS IN THE UNITED STATES 243-59

native-born Latino citizens are roughly two to three times as likely as Latino non-citizens to have worked with the community on a problem (53% to 28%); contacted a government official (35% to 13%); or volunteered (46% to 18%).⁵² Ramakrishnan finds that among all racial and ethnic groups, immigrant non-citizens volunteer at far lower rates than first generation immigrant citizens, and lower still than the U.S.-born children and grandchildren of immigrants.⁵³

¶31 We analyzed data from the 2001 Los Angeles Family and Neighborhood Survey (L.A. FANS) to determine whether these patterns hold for both school-based civic engagement and civic engagement more generally. The L.A. FANS data consists of household and individual data collected from sixty-five neighborhoods (census tracts) in Los Angeles County, with an over-sampling of households residing in poor and very poor neighborhoods, and of households with children. When sampling weights are used in the analysis of the data, results describe a representative sample of Los Angeles County children, primary caregivers of children, and other adult residents.⁵⁴

¶32 Using data from several questions in the L.A. FANS, we identified the pools of undocumented Los Angeles County public school students and undocumented parents with children attending Los Angeles County public schools.⁵⁵ Students and parents were identified as undocumented if they reported that they lacked U.S. citizenship, a green card, and a current visa and that they have not been granted asylum.⁵⁶ Our analysis indicates that an estimated 7.1% (+/- 1.5%) of Los Angeles County public school students were undocumented and that 17.9% (+/- 2%) of Los Angeles County public school parents were undocumented. Our pool of undocumented parents primarily consisted of mothers who were identified as the primary caregivers of children in the L.A. FANS survey.

¶33 We compared the responses of undocumented adults to those of United States-born citizen adults on a variety of questions related to civic engagement. In keeping with the findings of previous research, undocumented adults reported participating at lower levels than United States-born citizen adults across every dimension we examined. Indeed, we found dramatic differences in the participation rates of the two groups in all forms of civic engagement outside public schools. In short, very few undocumented adults participate in *any* civic activity outside public schools. Less than one in twenty undocumented adults reported that they attended neighborhood meetings. Approximately one in forty undocumented adults participated in volunteer activities in local community organizations. Fewer than one in fifty undocumented adults reported participating in any

(Taeku Lee, S. Karthick Ramakrishnan and Ricardo Ramirez eds., 2006); S. KARTHICK RAMAKRISHNAN & CELIA VIRAMONTES, *CIVIC INEQUALITIES: IMMIGRANT VOLUNTEERISM AND COMMUNITY ORGANIZATIONS IN CALIFORNIA* 3-4 (Public Policy Institute of California 2006).

⁵² Segura, Pachon & Woods, *supra* note 51, at 90.

⁵³ Ramakrishnan, *But Do They Bowl?*, *supra* note 51, at 250.

⁵⁴ Narayan Sastry, Bonnie Ghosh-Dastidar, John Adams & Anne R. Pebley, *The Design of a Multilevel Survey of Children, Families, and Communities: The Los Angeles Family and Neighborhood Survey* 41 (RAND Corp. Working Paper DRU-2400/1-1-LAFANS 2003) [hereinafter L.A. FANS].

⁵⁵ Table 1 compares the responses of U.S. born citizens with undocumented legal residents. The LA FANS also identify individuals with a green card, current visa, and temporary protection status. We do not report patterns of civic engagement for such individuals in the present analysis.

⁵⁶ Because the data do not allow us to identify individuals with work permits or other forms of temporary documentation (aside from a visa and asylum), our estimates of the undocumented are likely to include a small proportion of individuals who have permission to temporarily live and work in this country.

other civic activity, such as in business or civic groups, ethnic pride clubs, political organizations, or arts and literary discussion groups. Meanwhile, as shown in Table 1, the participation of United States-born citizens in neighborhood meetings, business/civic groups, ethnic pride clubs, political organizations, arts and literary discussion groups, and local organizations was notably higher.

School-Based Civic Participation	United States-Born Citizens	Undocumented Residents
Neighborhood Meeting	13.9%	4.6%
Business/Civic Group	11.3%	0.0%
Nationality/Ethnic Pride Club	4.2%	0.2%
Local/State Political Organization	8.3%	1.8%
Literary/Art Discussion Group	15.4%	1.5%
Volunteer Activities in Local Org.	26.4%	2.6%
Unweighted Sample Size	1180	407

¶34

The response of undocumented parents to questions about participation in school-based civic activities stands in stark contrast to the responses of undocumented immigrants to questions on out-of-school civic activities. As shown in Table 2, more than eight in ten undocumented parents reported talking with their child's teacher and more than half have participated in school events. Roughly one in three undocumented parents reported that they had talked with their child's principal and attended PTA or other school meetings. Approximately one in four undocumented parents volunteered in his/her child's class or school library—ten times the rate that undocumented immigrants volunteered in local organizations outside of public schools. It is significant to note that there are only modest differences between the rates of school-based civic participation of undocumented parents and United States-born citizen parents in schools. The one indicator where we see a substantial difference is in the proportion of parents reporting that they have spoken with their child's principal (fifty-five percent of citizens compared with thirty-three percent of undocumented parents).

School-Based Civic Participation	United States-Born Citizens	Undocumented Residents
Talked with Child's Teacher	84.8%	83.5%
Talked with Child's Principal	55.2%	33.0%
Attended School Event	69.2%	53.0%
Attended PTA or other Meeting	39.3%	34.8%
Volunteered in Child's Class or School Library	32.5%	26.6%
Unweighted Sample Size	898	383

⁵⁷ Weighted statistics, 2001 L.A. FANS, *supra* note 54.

⁵⁸ *Id.*

¶35 The analysis of L.A. FANS data suggests that having children in public schools matters for the civic participation of undocumented immigrant parents. It affords opportunities for these parents to enter public places and speak with representatives of public institutions. It also provides undocumented parents opportunities to forge networks with other parents—citizen and non-citizen alike—who are participating in the public school. Having children in public school prompts parents to volunteer and to develop the skills and confidence necessary for participation in other civic sites. For some undocumented parents, school-based civic participation can lead to robust democratic activity—exercising their voices, setting agendas, making decisions, and even participating in the electoral process. We turn to these forms of civic engagement in the next section.

IV. EDUCATION REFORM AND THE ROBUST CIVIC ENGAGEMENT OF UNDOCUMENTED PARENTS

¶36 In the last few years, educators and policy makers have advanced and implemented policies and practices to support parent engagement in American public schools. Much of the research on the impact of these policies has focused on school quality, as defined by scores on achievement tests.⁵⁹ Yet, these policies also have important implications for the civic development and civic engagement of parents.⁶⁰ As one national advocate for parent participation has argued, schools benefit because new policies can “give citizens more opportunities to see what goes on in local schools, to become well informed about how schools work, and to become more involved in education policy debates, decisionmaking, and accountability in general.”⁶¹

¶37 This section looks further at the range of opportunities for school-based parent participation, how undocumented parents use the opportunities, and the effect on undocumented parents’ civic development and civic life generally.

A. *No Child Left Behind and Parent Engagement*

¶38 The passage of the No Child Left Behind (NCLB) Act in 2001⁶² signaled a new consensus among policy makers and researchers about the central importance of engaging parents in educational reform. NCLB legislation mentions parent involvement more than 300 times and specifies a variety of ways for parents to participate in school improvement.⁶³ Section 1118 of the legislation calls for schools and districts to develop, in consultation with parents, parental involvement policies.⁶⁴ It also requires school-

⁵⁹ See, e.g., Laura Desimone, *Linking Parent Involvement With Student Achievement: Do Race and Income Matter?* 93 J. EDUC. RES. 11, 19-20 (1999).

⁶⁰ See, e.g., John Rogers, *Creating a Public Accountability for California Schools*, 106 TCHRS. C. REC. 2171 (2004) (describing the relationship between accountability policies and the democratic purposes of a public educational system); John Rogers, *Forces of Accountability? The Power of Poor Parents in No Child Left Behind*, 76 HARV. EDUC. REV. 611 (2006) (articulating the public purposes of educational accountability).

⁶¹ Wendy D. Puriefoy, *Why the Public is Losing Faith in the “No Child” Law*, EDUC. WEEK, June 8, 2005, at 34, 34.

⁶² 23 U.S.C. § 6318 (2000 & Supp. IV 2004).

⁶³ PUBLIC EDUCATION NETWORK, PARENTAL INVOLVEMENT ACTION GUIDE FOR PARENTS AND COMMUNITIES 2 (2004), available at http://www.publiceducation.org/pdf/nclb/parental_involvement.pdf.

⁶⁴ No Child Left Behind Act of 2001, § 1118, 23 U.S.C. § 6318.

parent compacts, or written agreements between educators and parents, about how they will share responsibility for improving the academic achievement of students. These compacts are supposed to ensure that parents have reasonable access to school staff and opportunities to volunteer at the school. Like previous federal legislation, NCLB requires schools to include parents in school site governance councils that make decisions about Title I budgets and programs. Acknowledging that such forms of parent participation require knowledge and skill, the law calls for each district to reserve “not less than 1 percent” of its Title I funds to build parents’ capacity to participate effectively.⁶⁵

¶39 Both the legislative language of NCLB and the Education Department’s guidance on the legislation demonstrate a commitment to include all parents of public school students in parent involvement activities. The Department’s non-regulatory guidance to districts states that “*all* parents in a schoolwide program school are eligible to participate in parent involvement activities.”⁶⁶ It also notes that districts “may not discriminate” against parents “on the basis of race, color, [or] national origin.”⁶⁷ NCLB legislation makes clear that districts and schools should take proactive steps to provide all parents a meaningful opportunity to participate. Under the principle of “accessibility,” districts and schools should enable the full range of participation from limited English proficient parents and “parents of migratory children.”⁶⁸ This means, among other things, that “to the extent practicable,” information should be provided “in a language such parents can understand.”⁶⁹

¶40 The official rhetoric of NCLB thus sets forth substantial opportunities for undocumented parents to engage in various forms of school-based civic participation. These include opportunities to volunteer, meet with other parents and school officials, learn about education issues, and participate in decision-making at the school and district level. However, NCLB’s broad commitments to expanding parent engagement and to inclusiveness have not been realized fully in practice. There is substantial evidence that NCLB’s parent involvement policies lack sufficient oversight and enforcement mechanisms.⁷⁰ Nonetheless, the attention to parent involvement in the law has opened up new opportunities for undocumented parents to become engaged in school reform.

B. *Community Organizations and Robust School-Based Civic Engagement*

¶41 How have undocumented parents taken advantage of these opportunities? To examine this question we asked leaders of several community organizations how their members who are undocumented immigrant parents participate in educational reform. We turned to community organizations because of their central role in incorporating new immigrants into American civic life.⁷¹

⁶⁵ *Id.*

⁶⁶ Education Department, *supra* note 2, at 24.

⁶⁷ *Id.* at 6.

⁶⁸ No Child Left Behind Act of 2001, § 1118(f), 23 U.S.C. § 6318.

⁶⁹ No Child Left Behind Act of 2001, § 1116(e), 23 U.S.C. § 6318.

⁷⁰ Rogers, *Forces of Accountability*, *supra* note 60 at 621-23.

⁷¹ J. WONG, *DEMOCRACY’S PROMISE: IMMIGRANTS AND AMERICAN CIVIC INSTITUTIONS* 1-16 (2006) (arguing that given the declining role of political parties, community-based organizations have become the major force for promoting civic engagement and incorporating new immigrants into American civic life).

¶42

For this study, we interviewed leaders of twelve community organizations in California that engage immigrant parents in educational reform.⁷² To identify this sample, we reviewed a list of community organizations affiliated with educational reform networks, looking for membership-based groups with substantial numbers of immigrant parents or advocacy and service groups that work directly with immigrant parents. Our sample includes two professional advocacy and two service organizations, five parent-led organizations focused on educational reform, and three broad-based organizations that organize communities to address an array of social issues.⁷³ The scope and size of these organizations varies widely. The smallest of these groups include fewer than one hundred core participants in a particular community, while the largest has several hundred thousand across California.⁷⁴ Four of the organizations focus their work in a particular neighborhood, three work across a school district or county, and five groups are statewide. Immigrant parents are a key constituency of each of these groups. Most groups work with Spanish-speaking immigrants from Mexico and Central America; one organization works primarily with immigrants from Asia.

TABLE 3: Community Organizations Working with Undocumented Parents

	Organization Type	Scope of Work	Core Participants
1	Advocacy or Service	District or County-wide	100-500
2	Multi-Issue Organizing	State-wide	10,000-100,000
3	Advocacy or Service	District or County-wide	100-500
4	Advocacy or Service	State-wide	1000-5000
5	Parent Ed/Organizing	Neighborhood	100-500
6	Parent Ed/Organizing	District or County-wide	100-500
7	Multi-Issue Organizing	Neighborhood	50-100
8	Parent Ed/Organizing	Neighborhood	0-50
9	Advocacy or Service	State-wide	100-500
10	Parent Ed/Organizing	State-wide	1000-5000
11	Multi-Issue Organizing	State-wide	100,000-500,000
12	Parent Ed/Organizing	Neighborhood	50-100

¶43

Representatives of all twelve organizations reported that undocumented parents participate robustly in education reform and related civic activities. Parents affiliated with these organizations engage in common forms of parent involvement: speaking with their child's teacher and principal, attending school-wide meetings and events, and joining other parents to speak about common concerns or ideas for improving the school. Moreover, every organization reported that undocumented parents attend school governance meetings and school board meetings at the district. All but one organization reported that undocumented parents serve on school *and* district governance or advisory councils and meet with district or state officials.

⁷² In order to protect their members, we do not report the names of these organizations. Thus, we use pseudonyms below when referring to leaders of the organizations. See explanation *supra* note 1.

⁷³ See Table 3.

⁷⁴ By "core participants," we refer to the number of active members (for membership organizations) or the number of parents who participated in a regular and sustained way (for service organizations).

¶44 The civic capacities of undocumented parents affiliated with the community organizations in our sample are developed through an array of parent education structures. Four of the organizations hold parent institutes that provide weekly workshops for up to fifteen weeks. The workshops generally combine instruction in how the educational system works, with leadership training aimed at enabling parents to work in groups, win allies, and communicate with the media. Two of the state-wide organizations hold day-long trainings that bring parents from different regions together to study particular policy issues. Several organizations emphasize the importance of gathering and using data. Three organizations encourage groups of parents to research an educational issue that they want to address and then develop a “change plan” to improve their school or district. All of the neighborhood-based organizations train parents in how to access and make sense of official state data about the quality of local schools.

¶45 The workshops often bring together groups of parents who otherwise would not interact with one another. One workshop is regularly conducted with simultaneous translation across five different languages. The workshop leader reports that the shared material of the workshop—and the very presence of translation services—opens up lines of communication across different racial and ethnic groups, and across generations of immigrants. Two other parent organizing groups report that their organizations represent some of the only sites in their community where recent immigrant Latino parents work side by side with African Americans who often are long-term residents of the neighborhood.

¶46 All of the community organizations envision a role for undocumented parents in informing the broader community. In several of the organizations, parents who attend institutes or workshops become trainers in future parent workshops. One multi-issue organizing group instructs its members to meet neighbors door-to-door to talk about how to improve the community’s educational problems. Two of the parent groups regularly convene public forums. One group frames the forums as “People’s Hearings”—in which parent members “testify” about experiences they or their children have had in local schools.

¶47 Parents affiliated with several of the organizations learn how to communicate their knowledge and interests to key stakeholders. The groups of parents who develop the change plans described above are encouraged to explain their plans to elected officials. Three organizations sponsor “lobby days” during which members travel to the state capital to speak with elected representatives about education issues. At public demonstrations, many parents speak, solicit signatures, distribute leaflets, and engage in other such activities.

¶48 Generally, while undocumented parents first join the community groups because of their interest in improving their children’s education, many become involved in a broader set of civic issues over time. The director of a multi-issue organizing group notes: “People come in because they feel a need and urgency around an [educational] issue and then they don’t stop there. . . . They come in through that door and they get involved in any number of ways in local government and planning.”⁷⁵ Some organizations explicitly encourage parents to work across different issues by linking parents to civic organizations focused on public safety or housing.

⁷⁵ Interview with Sandy Brown, in L.A., Cal. (Mar. 21, 2007).

¶49 Perhaps the most striking form of civic participation for undocumented parents is their engagement in the electoral process. In three organizations, undocumented parents have played significant roles in efforts to increase the turnout of informed voters. Parents from one neighborhood organization have registered one thousand new voters over the last few elections. As the organization’s director explains: “Many of those who are encouraging citizens to register are immigrants who can’t vote themselves. This makes them more committed to the value of voting.”⁷⁶ Parents from her organization also go door-to-door during election campaigns to inform voters about candidates in the school board races. This effort has led to an increased voter turnout in their target precincts in each of the last five election cycles. Another organization engages undocumented parents in calling registered voters on the day of school board elections. One parent explained that she had come to make calls because “I can’t vote, but I have four future voters at home.”⁷⁷

¶50 Leaders from several organizations noted that the civic engagement of undocumented parents energized civic participation in the broader community. Four different organizations either sponsor citizenship classes or link their members to existing classes in the community. In at least two of these organizations, undocumented parents recruited friends with legal residency status to attend these classes. Reflecting on this role of undocumented parents, a representative from one of the advocacy organizations noted: “They inspire, because other parents see that these parents aren’t even documented and they are advocating for what they believe.”⁷⁸

V. ACCESS, EXCLUSION, AND THE DEMOCRATIC PURPOSES OF PUBLIC EDUCATION

¶51 We have argued throughout this paper that universal access to public schools matters to the health of American democracy. By attending United States public schools, undocumented youth develop civic capacity and a commitment to civic engagement. Some of these youth—like Leticia and Amado—will later become legal residents and citizens. Clearly it is in the state’s interest to educate these future voters. But, just as clearly, the state has a strong interest in the civic development of undocumented youth, like Maria, who become undocumented adults. Because of her access to public school, Maria has been better able to contribute to her school and the broader community. In addition to her community service, Maria provides her neighbors and co-workers with invaluable information about how democratic institutions work.

¶52 We also have argued that universal access to public schools matters because it provides the undocumented parents of undocumented students with opportunities for civic development. Public schools represent a unique public site for undocumented parents to practice civic engagement. When undocumented parents become engaged in their children’s school, they both contribute to the school and to their own civic development. In many cases, such engagement creates new relationships of trust in the broader community. It can also promote the flow of civic information and energize civic action. Finally, as demonstrated by Leticia’s ongoing civic participation, the active

⁷⁶ Interview with Isabel Sena, in L.A., Cal. (Mar. 27, 2007).

⁷⁷ *Id.*

⁷⁸ Interview with Veronica Ramirez, in L.A., Cal. (Apr. 18, 2007).

engagement of undocumented parents in schools can inspire and model such action in their children.

¶53

Exclusion of undocumented students from public schools would do more than wash away these benefits of universal access. Policies of exclusion create fissures in the civic community that are fundamentally at odds with the values of fairness, equal opportunity, and community that public schools try to teach. The likely result of exclusionary policies would be to call into question the legitimacy of public schools as agents of democracy. As the Court recognized in *Plyler*, public schools are too connected to the health of American democracy to make educational access vulnerable to the whims of any legislative body. This principle is even more salient today than it was twenty-five years ago.