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## Unique program teaching student rights to area high schoolers

Posted by Matt Rocheleau November 2, 2010 08:15 AM

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(Faith Ninivaggi)

Suffolk Law School student, Christina Fisher prepares her students for their mock trial. Fisher and Julian Smith are teaching a Constitutional Literacy course to city high school students at Another Course to College in Brighton.

By Matt Rocheleau, Town Correspondent

**Under what circumstances can administrators or police legally search high school students' lockers or their belongings? When do a school's attire restrictions infringe on students' freedom of speech?**

Nearly 200 high school students across five Boston schools and another in Cambridge are tackling such complicated issues of constitutional law as it applies to high schoolers through an innovative course launched this year. The class taught voluntarily by Suffolk University Law students uses a curriculum from a national project offered through 10 other law schools nationwide, and only one other in New England – Yale Law School in Connecticut.

Introduced jokingly as a “new student to the classroom” Monday morning, Mayor Thomas Menino, along with city school Superintendent Carol Johnson, listened to teams of students at Another Course to College in Brighton present opposing arguments on legal cases before their two law school student

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instructors – acting as judges. The debate around each case concerned the Fourth Amendment, which guards Americans against unreasonable searches and seizures.

“This is about learning what your rights are ... a lot of folks don’t take advantage of their rights,” Menino told the class of seniors.

In one assigned case, a student exiting a school building sets off a metal detector, refuses to be searched and is sent to an administrative office where school officials eventually search his backpack and find a small metal container – described as being too small to fit any sort of weapon – and small baggies of cocaine are found inside the container. One group of students was assigned to argue that the school’s search was appropriate, while the other argued the student’s right to privacy was violated.

When one instructor posed a “what if” question – what if the container had been made of wood and therefore would not have set off the metal detector – to one team, students replied sharply that such hypothetical questions are pointless in regards to the case being discussed; what matters are the facts.

Such confident rebuttals have impressed the class’ law student instructors. Both 25-year-old Suffolk Law students poised to graduate in May said the 25 teens they teach twice each week often bring a unique perspective.

“They’ll think of things I hadn’t even thought of,” said instructor Christina Fisher.

“It gives me goose bumps when they explain the case back to us because they really know and understand their argument,” added the class’ other instructor, Julian Smith.

Students have shared stories with their instructors about the rules they have encountered in their educational careers regarding school attire and about randomly being searched when security checkpoints are set up at MBTA stations, “so [the class material] really hits home for them,” Smith said.

“Kids have a genuine interest in what’s fair and right,” Jerry Howland, a teacher at the high school who leads the class during the three weekdays when Fisher and Smith aren’t there, said. “It’s not like algebra 2, which is hard to see how it relates to their life.”

The high schoolers have found interest in the class’ subject matter, which can range in topics, including bullying, locker searches, racial and sexual harassment, school clothing choices, drug tests, and free speech.

However, the instructors said students do not try to apply newly-discovered knowledge about their rights in a subversive or disruptive manner.

“I think the students are used to doing this, [stating their opinions], but in a different manner,” Howland said. “Now they’re doing it in more of an adult way, not learning to argue but to persuade and advocate.”

Among the biggest challenges is teaching the students the skills of knowing how to advocate confidently for both sides of a given case. Thus far, students have mostly wanted to advocate for students’ rights as opposed to the rights of authority.

Students Alec Guevara, 16, of Roxbury, and Sabrina D’Souza, 17, of Allston, said they’ve already learned a lot in the class’ first two months.

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"I think it's really helpful. It gives you an idea of all the rights you have as a student," Guevara said.

"It's empowering to know what rights I do have and what rights I don't have," D'Souza added.

The other six high schools participating in Suffolk's offering of the Marshall-Brennan Constitutional Literacy Program are: City on a Hill and Greater Egleston Community High School in Roxbury, Jeremiah E. Burke High School in Dorchester, Boston Preparatory Charter Public School and Social Justice Academy in Hyde Park, and Cambridge Rindge and Latin School.

Sixteen Suffolk law fellows, chosen from a competitive 40-student application process, are taught constitutional law in two-hour weekly sessions by Professors Michael Avery and Kim McLaurin. In pairs, the law students then use that training to teach their respective high school classes.

The law students prepare for the program in a year-long, credited seminar on constitutional law in high school, taught by Avery and McLaurin. However, the students received no credit or compensation for the time they spend coming up teaching the high school students and the preparation and law-related field trips that goes along with the teaching.

"It is a lot of work. We can't believe how popular signing up for this course was when students have to do all of this extra work on a volunteer basis," said McLaurin. "Their commitment is incredible."

The program, funded by \$60,000 from two alumni John DeSimone and Paul Mitchell is administered by the Suffolk University Law School Rappaport Center for Law and Public Service.

But Suffolk also hopes the project will have payback for the school, as it is one of several diversity initiatives focused on the Boston area and intended to attract students later attend the law school.

The high school students are also trained in oral advocacy skills through moot court competitions in their schools. In February a city-wide competition will select six students to go to the Marshall-Brennan National Moot Court finals in Philadelphia in April.

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