

# The Case of Mandatory Basic Law Education: Legal Literacy in Public Schools

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## ABSTRACT

High school graduates in America enter college with knowledge of math, science, and literature. Their level of basic legal knowledge, however, is often insufficient to navigate the decisions that arise in early adulthood. Law governs routine transactions, institutional interactions, and encounters with state authority. Legal literacy remains largely disregarded in K-12 schools. This matters because many teens have to make important legal choices before they graduate, often under stress and without clear information. The harm is not equal: students in marginalized and under-resourced communities face these situations more often and have fewer chances to learn the skills that would help them. As a result, legally unprepared youth are at a higher risk of being exposed to exploitation and injustice.

This paper advances a policy claim: states should require a basic legal literacy module embedded within existing civics or social studies coursework, preferably in grades 9–10, supported by professional development and partnerships with legal education organizations. The argument proceeds in three steps. First, it specifies the domains in which adolescents encounter legally consequential situations, such as police questioning, school discipline, and digital contracting. It explains why adolescent informational constraints make these domains high risk. Second, it synthesizes evidence indicating that adolescents often misunderstand core legal protections and procedures, and that these misunderstandings are associated with harmful outcomes. Third, it proposes a scalable policy intervention: a mandatory legal literacy module integrated into existing civics/social studies instruction, supported by structured teacher training and community partnerships.

## CONCEPTUAL BACKGROUND: DEFINING LEGAL LITERACY AND DISTINGUISHING IT FROM CONVENTIONAL CIVICS

For purposes of this analysis, this paper uses the term legal literacy to denote a bounded set of competencies, not professional legal training. Legal literacy includes: the ability to recognize common legal situations and the stakes they entail, the ability to take safe, rights-protecting steps in those contexts, and the capacity to identify credible legal resources and understand the limits of general legal information. This definition captures practical capacity rather than doctrinal mastery. Legal literacy is therefore best understood as an applied extension of civic education, oriented toward procedural competence and informed decision-making.

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## **THE CURRENT GAP IN LEGAL EDUCATION**

### **Limited Teacher Preparation**

A central obstacle to legal literacy education is the limited legal training embedded in K–12 teacher preparation. Research across school districts shows teachers receive virtually no instruction in legal concepts during their education. Most feel unprepared to teach constitutional rights, criminal procedure, or basic civil law. This produces a self-reinforcing cycle: because legal literacy is not treated as a core competency, teachers are not trained to teach it, and it remains peripheral within the curriculum.

### **Absence of Structured Legal Literacy Curriculum**

Aside from teacher preparation, the K-12 curriculum infrastructure is not based on law as subject matter as it ought to be. Civics requirements typically emphasize institutions and formal processes, branches of government, elections, lawmaking, and constitutional history, while devoting little attention to applied legal questions students will face in the near term. Topics such as Miranda comprehension, due process in school discipline, basic contract risk identification, small claims concepts, and pathways to legal assistance are frequently treated as enrichment or elective content. Consequently, legal literacy becomes contingent on teacher discretion, local programming, or student access to specialized courses, conditions that predictably lead to an inequitable distribution.

## **CONSEQUENCES OF LEGAL ILLITERACY FOR YOUNG PEOPLE**

### **Miscommunication in Police Encounters and School Discipline**

Among the most direct effects of legal illiteracy is the common inability of the young to recognize constitutional safeguards when faced with a law enforcer. Decades of studies on adolescents' understanding of Miranda warnings show that children and teens consistently have poor knowledge of their rights to remain silent and to contact an attorney. They erroneously believe that invoking silence will be treated as equivalent to a guilty verdict or that speaking without an attorney will lead to more lenient treatment. These misconceptions are the expected areas of knowledge deficiency resulting from a lack of legal education. When asked by the police, teens tend to waive their rights without understanding the legal consequences, and juvenile proceedings are no different, with the student often unaware that they have a right to due process or the opportunity to be suspended/expelled.

### **Exploitation and Risk in the Digital Economy**

The digital economy creates new vulnerabilities for legally illiterate minors. Teenagers routinely create social media accounts, download apps, and make online purchases without understanding the legal

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consequences. Although minors may have limited contractual capacity under state law, their assent to digital terms can still result in practical financial, privacy, and procedural consequences. Minors unknowingly accept arbitration clauses, waive privacy rights, and agree to liability terms they would reject if explained plainly. Without legal literacy training, teenagers enter binding agreements unaware of their rights or potential consequences.

### **Equity Implications for Marginalized Communities**

This is a matter of educational equity and social justice because legal illiteracy has a disproportionate negative impact on youth in disadvantaged communities. Black youth are imprisoned 5.6 times more than white youth, disparities that cannot be attributed to differences in offending rates but instead reflect systemic inequality in how legal interactions proceed and how justice is administered. Students in marginalized groups attend under-resourced schools where legal literacy often takes a backseat to test preparation, while simultaneously facing more frequent encounters with police, school-based arrests, and juvenile justice involvement, contexts in which legal knowledge is most critical. In the absence of constitutional literacy, such students are less able to defend themselves during interrogations, more likely to accept plea bargains they do not fully understand, and more vulnerable to punitive outcomes that informed advocacy could reduce. These dynamics produce clear distributive consequences: students in under-resourced schools are less likely to receive applied civics enrichment while facing greater exposure to disciplinary systems and policing, and without competence in procedural navigation—such as documentation, respectful advocacy, and identification of legal aid, they are more likely to accept punitive outcomes without contestation or make uninformed statements that worsen their legal position. Over time, these vulnerabilities compound larger structural disparities in educational and justice outcomes.

### **Literature and Program Evidence**

Policymakers do not need to develop legal literacy instruction from the ground up, as effective, well-established models already exist. Programs such as Street Law demonstrate that practical legal education can be successfully integrated into secondary classrooms through interactive, scenario-based instruction and community partnerships. Evaluations of Street Law report measurable gains in students' understanding of constitutional rights, legal processes, communication skills, negotiation capacity, and willingness to exercise rights responsibly. Similar outcomes are observed in the Marshall-Brennan Constitutional Literacy Project, which partners law schools with high schools to teach constitutional law and its real-world applications, often with a deliberate focus on underserved communities. Together, these programs provide strong evidence that legal literacy can be taught effectively at the high school level using discussion-driven pedagogy aligned with civic education goals, reinforcing both the feasibility and likely impact of broader policy adoption.

### **Policy Recommendation: Mandatory Legal Literacy Modules**

State education departments should require a basic legal literacy module within existing high school civics or social studies courses, ideally taught in the 9th or 10th grade, when students are beginning to encounter adult responsibilities. Where feasible, the module should span a semester, with flexibility for phased implementation across districts. The curriculum should focus on practical knowledge rather than technical legal theory, emphasizing topics students are likely to face in everyday life, including understanding basic rights and safe conduct during police encounters, navigating school discipline and due process, recognizing risks in common contracts such as subscriptions or employment forms, understanding digital privacy and online scams, and knowing how to resolve disputes or locate reliable legal help. Instruction should rely on applied learning methods such as real-world scenarios, guided discussion, and short simulations, so that students learn to make informed decisions rather than simply memorize rules. To support effective instruction, states should provide professional development for teachers through partnerships with law schools, bar associations, and legal aid organizations, as well as structured curriculum materials that integrate smoothly into existing civics requirements. Because every state already mandates some form of civics education, legal literacy can be incorporated without displacing core content, while equipping students with essential knowledge they will need to navigate legal situations they are likely to encounter soon after leaving school.

### **IMPLEMENTATION DESIGN: TEACHER CAPACITY, PARTNERSHIPS, AND GOVERNANCE**

To avoid placing unrealistic demands on teachers, implementation should provide a standardized curriculum package, including lesson plans, slides, assessments, and scoring rubrics, so that instruction is consistent and preparation time is minimized. To preserve legitimacy and reduce the risk of politicization, state guidance should explicitly require nonpartisan framing, focused on skills and procedures rather than political advocacy, ensure content is age-appropriate, and maintain a boundary between general legal education and individualized legal advice.

### **SCALABILITY WITHIN EXISTING STANDARDS**

Scalability is frequently cited as a barrier to new educational requirements; however, legal literacy instruction is particularly well-positioned for phased expansion because it closely aligns with existing civics and social studies standards. States may adopt a tiered implementation strategy, beginning with pilot programs in a limited number of districts to refine instructional materials, assess teacher workload, and evaluate student outcomes before broader adoption. Following evaluation, the curriculum can be incrementally expanded statewide using standardized materials and professional development frameworks. Long-term scalability is further supported by institutional partnerships with law schools, bar associations, and legal aid organizations, which can contribute instructional resources, guest expertise, and curriculum review. Because these partnerships often align with existing public service and pro bono

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initiatives, they offer a sustainable mechanism for supporting legal literacy instruction without imposing significant ongoing administrative or financial burdens on state education systems.

## CONCLUSION

Legal literacy in K–12 education warrants urgent policy attention, as many students leave school without the knowledge needed to navigate legal situations that increasingly shape early adulthood. Gaps in understanding basic rights, responsibilities, and legal processes contribute to unequal outcomes and heighten young people’s vulnerability to exploitation, particularly in high-stakes institutional and digital contexts. To address this deficit, states should require a basic legal literacy module embedded within existing high school civics or social studies coursework, preferably in grades 9–10, supported by professional development and partnerships with legal education organizations. Emphasizing practical, scenario-based instruction would equip students with skills they can apply in real-world legal interactions while preserving the core aims of civic education. A phased implementation, beginning with a structured pilot, provides a feasible path to evaluate impact, refine curriculum design, and scale responsibly across districts.

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