



YALE NATIONAL INITIATIVE

to strengthen teaching in public schools®

Curriculum Units by Fellows of the National Initiative
2006 Volume II: The Supreme Court in American Political History

Why Do We Have to Rely on the Supreme Court? An Interactive Examination of How the Supreme Court Shapes Policy through Individual Rights and Public Opinion

Curriculum Unit 06.02.03, published September 2006
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Overview

My motivation for developing this curriculum unit was to have the students to fully understand the Supreme Court's role in American political history, in relation to individual rights and public opinion. They will interact as peer teachers to gain insight into their thoughts regarding the Supreme Court's role in shaping policy. This will provide a deeper understanding of the thought processes of Supreme Court justices as they prepare "briefs" on important legal issues regarding student individual rights. The Curriculum plan will be a vehicle used to infuse the ideas shared from the seminar, heading straight into the classroom, in unit lesson plan format. For example, I plan to have lessons focus on certain cases (*Brown v Board of Education* and *Gideon vs. Wainwright*) focusing on individual rights. I want the students to focus on the Constitution's protections of individual freedoms at school and how the Supreme Court has interpreted these freedoms to specific cases. I want to define, refine and refocus the role of the Supreme Court and disseminate the Court's role. Within the unit plan, students will complete assignments ("briefs and group teaching") and share their findings in the group classroom setting. The interaction of shared ideas and thoughts from the students will spark introspective thought. The unit topic question can also signify irony, to suggest that maybe we should reexamine the Supreme Court and its role in shaping core values in society. In our American Government course and American History courses, we touch on many facets of our Government. This Unit Lesson will add focus to a subject (Supreme Court) that does not get much attention, but needs to have more attention.

Rationale

As a "black man" from integrated schools, I felt very much compelled to write this curriculum. I can give you so much of the quantitative statistics concerning the race issue and education in America. I would like to give a qualitative approach the issue through this unit. I want to provide the teachers and the students an interactive, fresh perspective on issues and case work that the Supreme Court undertakes. I have a personal rationale, in that, I feel that I have no choice in the matter when it comes to teaching the importance of

education, particularly dealing with the Supreme Court when they are interpreting the laws, and that interpretation transfers into public policy. African-Americans have to realize that having a basic interpretation of the laws of the land may save their lives and open each individual up to learning practical skills that are of practical use. This curriculum is designed to meet the needs of multicultural students who are Juniors or Seniors in Secondary High Schools. My hope is that all secondary teachers can supplement this Unit to the working curriculum, as they see fit.

Students have many different learning process and modalities. I wish for students to experience this lesson to become independent thinkers and to think critically on issues that directly affect them. Using the issues of the Supreme Court does that. Harnessing background information from my lecture through question and answer sessions, preparation of "class briefs", class discussions on our "briefs" and opinions concerning the issues of individual rights and public opinion will give me a focused perspective on how my students are learning the presented material.

The hope is through presentation, discourse, and introspection, the students desire to learn more about the Supreme Court will be something that they will take with them. I would like the students to become "mini-lawyers" be able to disseminate information, and present it from their own personal and intellectual view point. Being a teacher and witnessing students' processes at work is the goal.

Objectives

When I read this passage for the research for this unit, I felt that this quote summarized certain objectives that I want my students to realize. It opens the door for discussion within the lesson plan format and the information is applicable to everyday life.

"Most of us do not realize how much power nine unelected men and women wield in this country today. Just about every major decision that impacts our lives, our businesses, and our cities and towns has been decided through a series of court battles at the doorstep of the Supreme Court. Congressional and state or local legislation can be overturned and government regulations can be stopped if someone successfully challenges them through the court system and finally makes it to the Supreme Court on appeal. Elections can even be decided behind closed doors at the Supreme Court, as we saw in 2000 when the court decided to stop the counting of votes and award the election to President Bush against the decision of the Florida State Supreme Court" (Epstein, intro. pg. xv).

Understand that we see the court "as the final word on whether an action taken by Congress, the President or any one of the States is constitutional" (Epstein, pg. 1). The Court is a major force in the balance of power among our three branches of government- (Supreme Court), legislative (Congress) and executive (President). "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."-Article III, Section I, the U.S. Constitution.

As the nation's highest court, the Supreme Court decides cases that affect almost every aspect of American life. The Court determines whether laws, the actions of public officials, and lower-court rulings are legal according to the Constitution. Its rulings serve as precedents, or legal guidelines, for federal, state, and local

governments. As head of the judiciary branch, the Court also defines the powers of the legislative (Congress) and executive (President) branches. The President, in turn, appoints the Court's nine Justices (judges), who are then confirmed by the Senate. The Supreme Court hears only a small fraction-about 150-of the 7,000 cases submitted to it each year. The Court's role has changed over time. Early in its history, it focused chiefly on the division of authority between state and federal governments. Since the civil rights movement of the 1950s and 1960s, the Court has turned much of its attention to the protection of individual rights and liberties.

In recent years, many cases before the Court have been decided by a 5-4 vote. Legal experts say this lack of agreement reflects the increasingly polarized (opposing) views of the American people. (Landauro, pg. 12-13)"

This Unit intends to pose several questions to seek positive learning objectives and answers. Should the role of the federal courts be expanded? Should the Supreme Court have the power to override legislative and executive activity? Why do we have to rely on the Supreme Court on decisions based on individual rights and public opinion? What does the Supreme Court say, in relation to individual rights and public opinion? What are your opinions concerning those issues? How does a case reach the Supreme Court? How do these two cases affect your life? (Bush v Gore - Brown v Board of Education) The Unit will explore the role and structure of the courts, appointment process and term of office. Protection of rights, as well as the oversight role of the courts will be points of emphasis. The student's skills will be enhanced by the following skills that are incorporated within the curriculum: reading and decoding, organizing information, persuasive writing, critical thinking and analysis.

The Florida Sunshine State Standards will be incorporated into the lesson. The standards serve as a guide for the teacher to know what they are teaching. The standards are also noted so that the student knows and understands the concepts that the teacher is teaching. They will be cited and made clear within the Unit lesson.

Supreme Court Cases- Example I: Brown v. Board of Education

"In 1954, the renowned case, Brown v. Board of Education was decided. The Supreme Court declared segregated schools were inherently unequal and therefore unconstitutional. It called for the elimination of discrimination in all public schools. Because the Supreme Court focused on the race issue in public schools, so did the nation (Leahy, pg. 1)

Case Material

Background Summary and Questions: Brown vs. Board of Education

In the early 1950s, Linda Brown was a young African American student in the Topeka, Kansas school district. Every day she and her sister, Terry Lynn, had to walk through the Rock Island Railroad Switchyard to get to the bus stop for the ride to the all-black Monroe School. Linda Brown tried to gain admission to the Sumner School, which was closer to her house, but her application was denied by the Board of Education of Topeka because of her race. The Sumner School was for white children only.

Under the laws of the time, many public facilities were segregated by race. The precedent-setting Plessy v. Ferguson case, which was decided by the Supreme Court of the United States in 1896, allowed for such segregation. In that case, a black man, Homer Plessy, challenged a Louisiana law that required railroad companies to provide equal, but separate, accommodations for the white and African American races. He claimed that the Louisiana law violated the Fourteenth Amendment, which demands that states provide

"equal protection of the laws." However, the Supreme Court of the United States held that as long as segregated facilities were qualitatively equal, segregation did not violate the Fourteenth Amendment. In doing so, the Court classified segregation as a matter of social equality, out of the control of the justice system concerned with maintaining legal equality. The Court stated, "If one race be inferior to the other socially, the constitution of the United States cannot put them on the same plane."

At the time of the Brown case, a Kansas statute permitted, but did not require, cities of more than 15,000 people to maintain separate school facilities for black and white students. On that basis, the Board of Education of Topeka elected to establish segregated elementary schools. Other public schools in the community were operated on a nonsegregated, or unitary, basis.

The Browns felt that the decision of the Board violated the Constitution. They sued the Board of Education of Topeka, alleging that the segregated school system deprived Linda Brown of the equal protection of the laws required under the Fourteenth Amendment.

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

—Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution

Thurgood Marshall, an attorney for the National Association for the Advancement of Colored People (NAACP), argued the Brown's case. Marshall would later become a Supreme Court justice.

The three-judge federal district court found that segregation in public education had a detrimental effect upon black children, but the court denied that there was any violation of Brown's rights because of the "separate but equal" doctrine established in the Supreme Court's 1896 Plessy decision. The court found that the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The Browns appealed their case to the Supreme Court of the United States, claiming that the segregated schools were not equal and could never be made equal. The Court combined the case with several similar cases from South Carolina, Virginia, and Delaware. The ruling in the Brown v. Board of Education case came in 1954.

Questions to Consider:

1. What right does the Fourteenth Amendment give citizens?
2. What problems did Linda Brown encounter in Topeka that eventually resulted in this case?
3. What precedent did the Plessy v. Ferguson (1896) ruling establish? How was that precedent related to Brown?
4. This case is based on what the concept of "equality" means. What are the conflicting points of view on this concept in this case?

Key Excerpts from the Majority Opinion, Brown I

The decision was unanimous.

Chief Justice Earl Warren delivered the opinion of the Court.

. . . Here . . . there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications, and salaries of teachers, and other "tangible" factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of these cases. We must look instead to the effect of segregation itself on public education. . . .

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society . . . Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. . . .

To separate them [children in grade and high schools] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone. . . . Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. . . .

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and other similarly situated . . . are . . . deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

After the decision in *Brown* was reached, the Court decided a companion case *Bolling v. Sharpe* regarding the same issue of segregation in the District of Columbia. The Court notes first that although the Fourteenth Amendment is only applicable to states, the Fifth Amendment is applicable to the District of Columbia. The Court then held that while the Fifth Amendment does not contain an equal protection clause it does contain a due process clause, the concepts both stemming from the American ideal of fairness, and discrimination can be so unjustifiable it can be deemed violative of due process.

Questions to Consider:

1. In Chief Justice Warren's opinion, how valuable is education? Why?
2. What does the Court mean by the "tangible" factors of equality? Are these tangible factors the only factors the Court considered when determining whether the Fourteenth Amendment was violated?
3. According to the Supreme Court of the United States, what "intangible" factors play a role in whether school facilities are truly equal?
4. Can you find any weaknesses in the basis of the Court's decision?
5. What would your school be like if *Brown* had been decided differently and *Plessy* had never been reversed? How would education be different for white and African American students?
6. Do you think that there are still consequences resulting from schools being segregated in the past?

Key Excerpts from the Majority Opinion, Brown II

The decision was unanimous.

Chief Justice Earl Warren delivered the opinion of the Court.

These cases [Brown and others] were decided on May 17, 1954. The opinions of that date, declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein by reference. All provisions of federal state, or local law requiring or permitting such discrimination must yield to this principle. There remains for consideration the manner in which relief is to be accorded. . . .

Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. . . .

While giving weight to . . . public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems.

. . . [T]he cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases.

Questions to Consider:

1. On the basis of this decision, what were segregated school districts required to do to comply with the Fourteenth Amendment?
2. What problems does the Court foresee with the desegregation process?
3. Do you get the sense from this ruling that school districts must desegregate immediately? Why or why not?

Supreme Court Cases- Example II: Gideon vs. Wainwright

Case Material

Background Summary and Questions : Gideon vs. Wainwright

Between midnight and 8:00 am on June 3, 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, Florida. Someone broke a window, smashed the cigarette machine and jukebox, and stole money from both. Later that day, a witness reported that he had seen Clarence Earl Gideon in the poolroom at around 5:30 that morning. When Gideon was found nearby with a pint of wine and some change in his pockets, the police arrested him and charged him with breaking and entering.

Gideon was a semi-literate drifter who could not afford a lawyer, so at the trial, he asked the judge to appoint one for him. Gideon argued that the Court should do so because the Sixth Amendment says that everyone is entitled to a lawyer. The judge denied his request, ruling that the state did not have to pay a poor person's legal defense unless he was charged with a capital crime or "special circumstances" existed. Gideon was left to represent himself.

As might be expected, Gideon did a poor job of defending himself. He had done no preparation work before his trial; his choice of witnesses was unusual—for instance, he called police officers who arrested him to testify on his behalf, not having any reason to believe they would help his case. He had no experience in cross-examining a witness in order to impeach that person's credibility, so his line of questioning was not as productive as a lawyer's would have been.

Gideon was found guilty of breaking and entering and petty larceny, which was a felony. He was sentenced to five years in a Florida state prison, partly because of his prior criminal record. While in prison, he began studying law in the prison library, believing that his Sixth Amendment rights had been violated when he was denied a defense lawyer paid for by the State. His study of the law led him to file a petition for *habeas corpus* with the Supreme Court of Florida, which asked that he be freed because he had been imprisoned illegally. After the Supreme Court of Florida rejected his petition, he handwrote a petition for a *writ of certiorari* to the Supreme Court of the United States, asking that it hear his case. The Court allowed him to file it *in forma pauperis*, which meant that the Court would waive the fees generally associated with such a petition. Generally, the Court dismisses most of these petitions; Gideon's was among those that it did not dismiss.

In state criminal trials, are indigent defendants entitled to a lawyer, even in noncapital cases? That was the question the Court agreed to decide when they accepted Gideon's petition. It was not merely a question of whether Gideon had been treated fairly; the Court's ruling would affect many other people who faced similar circumstances. In a previous decision, *Betts v. Brady* (1942), the Court had held that in state criminal trials, an indigent defendant must be supplied with an attorney only in special circumstances, which included complex charges and incompetence or illiteracy on the part of the defendant. Since Gideon had not claimed special circumstances, the Court would have to overturn *Betts* in order to rule in Gideon's favor. (Florida's state law provided indigent defendants with lawyers only in capital cases; many other states had laws providing lawyers to most or all indigent defendants.)

Questions to Consider:

1. What were the accusations against Clarence Gideon?
2. Did Gideon seem capable of defending himself? How could a lawyer have helped him?
3. What was unusual about the petition Gideon filed with the Supreme Court of the United States?
4. Why did the Supreme Court of the United States agree to hear Gideon's case?
5. What is the language in the Bill of Rights that is relevant to this case? Would you interpret those words to mean a defendant cannot be denied an attorney if he can afford one, or that a defendant must be provided an attorney even if he cannot afford one? Why?
6. Do you think the states should be required to provide defendants like Gideon with a lawyer? Why or why not?

Does a Lawyer Really Make a Difference in a Trial?

Background: When Clarence Earl Gideon was tried for breaking and entering, he told the judge he was too poor to afford a lawyer and asked the judge to appoint one for him. The judge denied Gideon's request, saying that Gideon's case was not a capital offense. (A capital offense is one that holds the possibility of a death sentence.) The judge cited *Betts v. Brady* in explaining that in noncapital cases, the accused is entitled to a lawyer only if "special circumstances" exist. Examples of "special circumstances" include complex charges and illiteracy or incompetence on the part of the accused. Gideon did not fit into any of these categories, so he represented himself at trial.

Part I. Your teacher will play a clip from the movie, *Gideon's Trumpet*. (*Note to Teacher: Play the entire courtroom scene from beginning to end. This clip starts with the text "August 4, 1961" at approximately 6:24 into the movie and runs for approximately 13 minutes, until 19:28, when Gideon's lawyer leaves the courtroom.*) As you watch the clip, take notes on how Gideon defends himself. Questions for Class Discussion:

1. How well did Gideon defend himself?
2. What could a lawyer have done differently? Would that have changed the outcome of the case?
3. Can the average person, who like Gideon, is not illiterate or incompetent, do an adequate job of defending himself or herself at trial? Why or why not?

Part II. Your teacher will now play another clip from the same movie (*Note to Teacher: Play the final courtroom scene, which begins with Gideon and his lawyer walking up the steps to the courtroom. It starts at approximately 1:23:00 into the movie and runs for approximately 18 minutes, until 1:41:23, when Gideon leaves the courtroom.*) As you watch the clip, take note of the differences between this trial and the earlier one. Questions to Consider:

1. What did Gideon's lawyer do that was different from what Gideon had done? How did his knowledge of courtroom procedure, his investigative tactics, and his ability to question witnesses affect the outcome of the trial?
2. In the case of *Gideon v. Wainwright*, the Supreme Court of the United States determined that even in noncapital criminal cases, the accused is entitled to a lawyer. Based on the clip you have seen and what you already know, do you think this was an appropriate decision?

Strategies

The student will demonstrate understanding producing a reflective essay, participating in group meetings, analyzing and revising work to clarify the intended message or thought. They will also learn that the Judicial Branch serves as the watchdog of government and the protector of Constitutional rights. The following questions will be analyzed and discussed. 1.) Should the role of the federal courts be expanded? 2.) Should the Supreme Court have the power to override legislative and executive activity?

The student will exhibit a level of knowledge on the following topics: Role and structure of the courts,

Appointment process, term of office, method of removal for judges and justices, how a case reaches the Supreme Court , cases, Brown vs. Board of Education and Gideon vs. Wainwright, protection of individual rights, oversight role of the courts, and public opinion. Their skills within this unit include reading and decoding and organizing information, persuasive writing, critical thinking, and analysis.

The student will describe the function and organization of the Judicial Branch and its role in protecting the balance of power in the American Constitutional system. They will identify the purpose and duties of the Judicial branch as prescribed by Article III of the Constitution. Examine the structure of the Federal Court System including the U.S. Supreme Court. Explain the appointment process for Federal judges and Supreme Court Justices and the length of their term of office. Explain the concept of jurisdiction in relation to the Federal Courts system.

Content Standards define a body of knowledge. They describe information and skills essential to the practice or application of a particular discipline or content domain - *What students ought to know and be able to do.* (Sunshine State Standards)

Performance Standards define a body of knowledge and define the level of work that demonstrates achievement of the standards. - *What students ought to know and be able to do AND how good is good enough.* (New Standards Performance Standards - NCEE Standards)

Standards are posted - not as classroom wallpaper but for the purpose of making connections to the learning going on, to focus attention to expectations, and to direct attention to elements being taught **Rituals and Routines are posted** and observed (CHAMPs). These explain how things are done and the roles and procedures for the classroom. **Student work** is posted with commentary linked to standards. The flow of the class follows the **Instructional Workshop** which includes the opening, teacher directed lesson, work period, and closing. **Students** are applying rituals and routines, using a variety of appropriate strategies to learn, articulating and applying the standards, showing evidence of knowledge through formative and formal assessments.

Classroom artifacts are visible to the students. Examples of artifacts include: the current standards, rituals and routines, word walls, classroom libraries, and rubrics and examples that meet the standards

The teachers role includes, but is not limited to, inquiry based questioning, setting the purpose of the learning as it aligns to the standards, arranging class into smaller groups, working individually through conferencing, explaining the standards that are addressed, documenting assessments, and differentiating instruction.

The **classroom environment** should be conducive to learning with visual aids that enhance learning. The **student and teacher**, as well as, **student and peers** should engage in conversations about learning. The **workshop model** of teaching uses curriculum, individually paced work, student constructed meaning, processes, risk taking, portfolio/performance assessment, self assessment, and individualized learning and evaluation.

The **workshop environment** has standards posted, classroom management charts, classroom libraries categorized by reading level/genre/author/special interests, word walls, group learning, centers for conferencing, independent work stations, are a few of the key attributes.

The **workshop routine** is carried out everyday. It may include:

Opening and Mini Lesson (5-15 minutes) Procedure Skills Strategies

Work Session (20-40minutes) Cooperative Learning Independent Reading/Writing Small Group Instruction Conferencing Authentic Literacy Activities **Closing (5-20minutes)** Refocusing Students Sharing Learning Student Work

Understanding by Design is the curriculum framework for the four academic subject areas that follows the structure of Understanding by Design, developed by Grant Wiggins and Jay McTighe. It includes stages for teaching and learning.

Think with the end in mind, start with assessment. It differs from traditional approaches to designing curriculum. Instead of planning activities or tasks first, you begin with how and what will be assessed.

Stage One: Identify Desired Results- Elements of the Design: Goals, Knowledge and Skills, Essential Questions, Enduring Understandings.

The Goals for each unit are typically the national, state, and/or local standards. They often represent specific content objectives that must be met for a particular grade level or subject.

The Knowledge and Skills for each unit are objectives that students should be able to know and do and state Specific content knowledge and skills.

The Essential Questions address Open-ended questions that are thought-provoking and interpretive. They are at the core of your content and often leads to, or requires further investigation. Essential Questions also deal with situations that have no obvious right answer, raise more questions, and address concepts that are key to the discipline.

Enduring Understandings are *Big Ideas* that be transferred and made into statements, uncover abstract or misunderstood ideas, and reveals ideas. When the facets are a part of the curriculum, students are able to obtain true understanding.

Stage 2: Determine acceptable evidence of understanding-Performance tasks Academic prompts (short and extended response items), Quizzes and tests, including FCAT-like items, and Informal checks for understanding. (Questions, Observations Examination of student work.)

Stage 3: Plan engaging and effective instruction- Unit plans, and Lesson plans

Six Facets of Understanding gives a framework, so the instructor can have direction to see student comprehension. Explanation explains the theories presented. Interpretation is narratives and translations that provide meaning. Application is the ability to apply knowledge in a variety of contexts. Perspective deals with the critical insightful points of view. Empathy is the ability to see things from other points of view. Self-Knowledge makes one aware of there own boundaries and has the ability to recognize the limits of others.

The Duval County Public Schools **Implementation Rubric** is a tool designed to measure the level of implementation of schools throughout the district. The rubric results provide valuable data that indicates which areas within the school need additional support to improve instruction. Each school in the district is reviewed independently by school and district staff.

The Implementation Rubric has five targets:

1. Academic Performance
2. Safe Schools
3. High Performance Management
4. Professional Learning Communities
5. Accountability

The Model Classroom is a demonstration site for teachers to experience best instructional practices in a live classroom. Depending on the school's level of implementation, teachers can observe Readers/Writers Workshop, Math, Science, and History classes at their school site.

Each model classroom will have powerful examples of:

1. Artifacts
2. Planning
3. Instructional Delivery
4. Assessment
5. Student Work

These ESOL strategies will be implemented into the Unit in conjunction with the Florida Sunshine State Standards.

1. Use contextual clues - gestures, expressions, body language.
2. Use linguistic modifications: repetition, slow speech, restating, controlled vocabulary, controlled sentence length, paraphrasing, explanation, demonstration.
3. Use peer tutoring.
4. Use written and pictorial forms: maps, graphs, charts, pictures, semantic maps, webs, flow charts, outlines, and other graphic organizers.
5. Use a variety of media.
6. Adjust, modify, or shorten assignments.
7. Provide hands-on experiences and use reality.
8. Use individual and small group instruction and assessment.
9. Use cooperative learning activities.
10. Define content area language or terms.
11. Use alternative assessments: observation, demonstration of skill, product evaluation, portfolio assessment, dialogue journals, self evaluations, checklists, peer assessment, graphic presentations.
12. Reduce oral and written directions and information to easy-to-understand steps or parts.
13. Use role playing.
14. Adapt written text and materials to facilitate comprehension.
15. Use any pedagogically sound instructional strategy.

Lesson Plan Format

The Judicial Branch

Duration : 4-6 Days

Curriculum Unit 06.02.03

11 of 13

Concepts : The Federal Courts protect the right of the people

Grade Level : Grade 09,Grade 10,Grade 11,Grade 12

Subject : Social Studies - High

Course : AMER GOVT ,AMER GOVT HONORS

Sunshine State Standards:

Florida STATE FL Social Studies Curriculum Framework (2005)

Grades 9-12

Strand C: Government and the Citizen [Civics and Government]

Standard 1: The student understands the structure, functions, and purposes of government and how the principles and values of American democracy are reflected in American constitutional government. (SS.C.1.4)

Benchmark SS.C.1.4.3: understands how the overall design and specific features of the Constitution prevent the abuse of power by aggregating power at the national, state, and local levels; dispersing power among different levels of government; and using a system of checks and balances (e.g., federalism).

NCEE Performance Standard : The student demonstrates understanding of:

E2f—producing a reflective essay

E3b—participating in group meetings

E4b—analyzing and revising work to clarify the intended message or thought.

Enduring Understandings : The Judicial Branch serves as the watchdog of government and the protector of Constitutional rights.

Essential Questions : 1- Should the role of the federal courts be expanded?

2- Should the Supreme Court have the power to override legislative and executive activity.

Knowledge and Skills :

Knowledge

- Role and structure of the courts
- Appointment process, term of office, method of removal for judges and justices
- Public Opinion
- How a case reaches the Supreme Court
- Cases- Brown vs. Board of Education and Gideon vs. Wainwright
- Protection of individual rights
- Oversight role of the courts

Skills

- Reading and decoding
- Organizing information
- Persuasive writing
- Critical thinking
- Analysis

Required Performance Tasks :

- Students will create a data chart displaying the three levels of Federal courts and the special jurisdictions of the courts at each level.
- Students will create a position paper ("briefs") that supports the landmark decision of Brown vs. Board of Education and Gideon vs. Wainwright and how the Supreme Court shapes individual rights and public opinion.

Alternate Performance Tasks : Students will make a flow chart explaining how a case makes it to the Supreme Court.

Strategies : The student will describe the function and organization of the Judicial Branch and its role in protecting the balance of power in the American Constitutional system:

- identify the purpose and duties of the Judicial branch as prescribed by Article III of the Constitution.
- examine the structure of the Federal Court System including the U.S. Supreme Court.
- explain the appointment process for Federal judges and Supreme Court Justices and the length of their term of office.
- explain the concept of jurisdiction in relation to the Federal Courts system.

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