

Unit at a Glance

3 weeks (8 hours)

Unit 1



Unit Compelling Question:

How can understanding the structure and function of U.S. government help us understand our evolving rights as members of U.S. society?

[Engagement with an authentic, local problem provides a need to know.]

Module 1: Historical Foundations

SQ: What power dynamics and philosophical ideas shaped the U.S. political system?

Lesson 1.1:
Power and Power Dynamics
(45 min)

Lesson 1.2:
Philosophy 101
(50 min)

Lesson 1.3:
Early U.S. History
(45 min)

[Relevant knowledge is explored and applied to the problem.]

Module 2: Structure of Government

SQ: What is the structure and function of our government system?

Lesson 2.1:
The Structure of Government
(60 min)

Lesson 2.2:
Federalism
(60 min)

Lesson 2.3:
The Lawmaking Process
(60 min)

[Understanding deepens as students apply learning to new contexts.]

Module 3: Rights & Protections

SQ: What are our constitutional rights and protections?

Lesson 3.1:
Defining My Rights
(45 min)

Lesson 3.2:
Civil Rights Amendments
(45 min)

Lesson 3.3:
A 28th Amendment
(50 min)

includes diverse perspectives

Unit 1

Module Overview



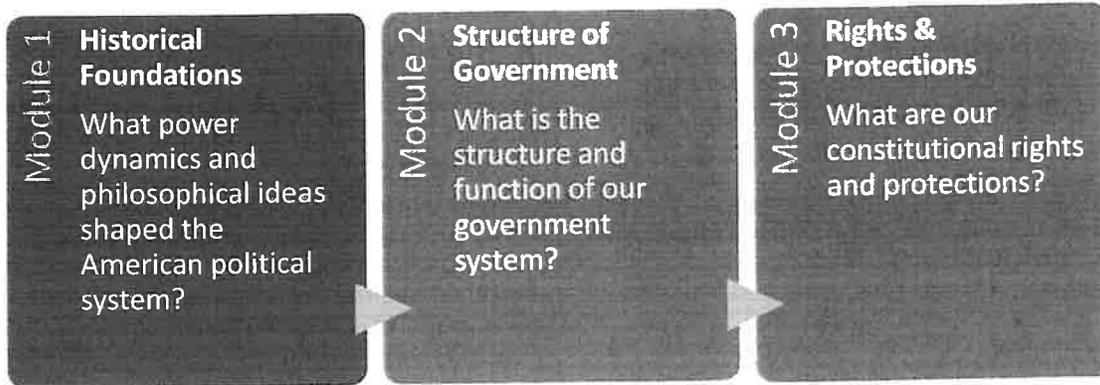
Module 1: Historical Foundations Foundations of U.S. Government

Unit Compelling Question

How can understanding the structure and function of U.S. government help us understand our evolving rights as members of U.S. society?

Module Supporting Question

What power dynamics and philosophical ideas shaped the U.S. political system?



Module Overview

In this module, students explore the historical foundations of U.S. government. This short module introduces students to the purpose of government and asks them to consider how power dynamics and philosophies have shaped the U.S. political system. In Lesson 1.1, students consider the different types of power that shape the world we live in today. They connect their understanding of power to their developing understanding of why we study civics. In Lesson 1.2, students dive into the philosophical ideas that influenced the development of government in the territory we now call the United States. In Lesson 1.3, students learn about key events in early U.S. history that led to the creation of U.S. government as it exists today. They identify how the ideas of power, sovereignty, and enlightenment-thinking influenced these early developments.

The purpose of this unit is to provide students with a base-level understanding of how U.S. government came to exist, how it is structured, and how it functions. This is not intended to be a deep dive into the more nuanced parts of early U.S. history or a more nuanced analysis of the impact of U.S. government structure on marginalized communities. Students will think about that in our upcoming units about protest, immigration, and wealth inequality. This unit will provide them with basic civic knowledge so they can engage with bigger societal civic issues later on. However, throughout this unit, you will find extension opportunities. Use discretion when deciding on when and how to use these extension opportunities, being mindful of the time spent on this unit with your students.

Module Overview

Module 1: Historical Foundations Foundations of U.S. Government



Lesson 1.1: Power and Power Dynamics (45 minutes)

<p>Key Standard for Success Criteria <u>SS.HS.4.2</u></p> <p>Learning Targets By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">• Create a mind map illustrating the relationship between key vocabulary.• Participate in a reflection about power dynamics in the world around you.	<p>In this lesson, students explore the concept of power and how it shapes interactions between individuals, groups, and institutions in society. They consider the definition of <i>power</i> and how it plays out in the world around them. Then, students learn about different types of power and create a poster about the relationship between power and government based on key vocabulary and personal life experience. Finally, students create a collaborative <i>Know & Need to Know</i> chart based on the learning they will do in this unit and course.</p>
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Lesson 1.2: Philosophy 101 (50 minutes)

<p>Key Standard for Success Criteria <u>SS.HS.4.2</u></p> <p>Learning Targets By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">• Use a primary source analysis tool to unpack key ideas laid out by influential Enlightenment thinkers.• Consider your views and beliefs about the role of government in providing a good and decent life for its people.	<p>In this lesson, students explore how Enlightenment thinkers influenced the Founding Fathers' ideas about government. They begin by participating in a discussion about what it means to live a good and decent life and will then consider their views and beliefs about a government's responsibility to ensure a good life for its people. Students learn about the Enlightenment. Then, they participate in a primary source exploration of different enlightenment thinkers. Finally, they connect their learning about Enlightenment philosophers to U.S. government and society.</p>
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Lesson 1.3: Early U.S. History (45 minutes)

<p>Key Standard for Success Criteria <u>SS.HS.4.2</u></p> <p>Learning Targets By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">• Create a timeline of key events in early U.S. history.• Use a primary source analysis tool to understand the main ideas laid out in the U.S. Declaration of Independence.	<p>In this lesson, students explore the key events and ideas that led to the American Revolution and the writing of the U.S. Declaration of Independence. They create a timeline of key events. Then, they complete a primary source analysis of the Declaration to understand how Enlightenment philosophies and the colonists' grievances against British rule led them to seek independence. Finally, students begin to consider the challenges and opportunities faced by the newly independent United States as it worked to create a new system of government.</p>
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Module Assessments

- **Lesson 1.1:** Power Mind Map
- **Lesson 1.2:** CAPPs primary source analysis
- **Lesson 1.3:** Declaration of Independence analysis

Module Overview

Module 2: Structure of Government Foundations of U.S. Government

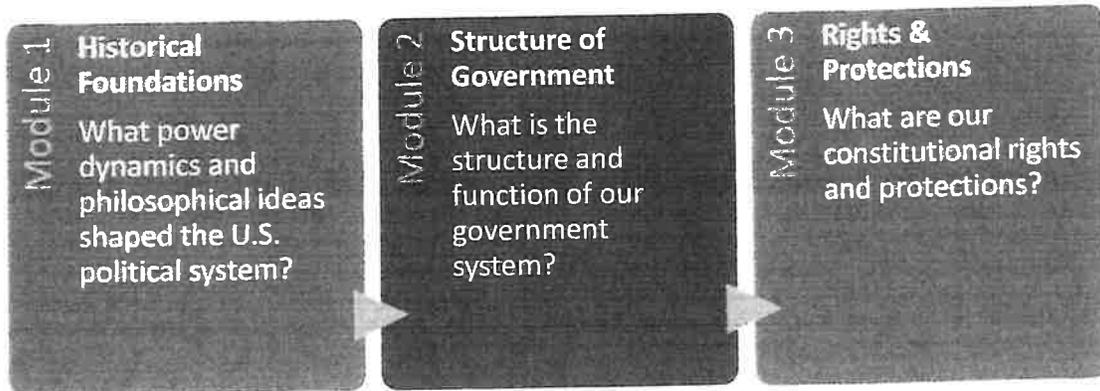


Unit Compelling Question

How can understanding the structure and function of U.S. government help us understand our evolving rights as members of U.S. society?

Module Supporting Question

What is the structure and function of our government system?



Module Overview

In this module, students unpack key elements of the structure and function of U.S. government. In Lesson 2.1, students unpack the first three articles of the U.S. Constitution and define separation of powers and checks and balances. In Lesson 2.2, students learn about federalism and examine the powers given to the federal government, the powers reserved for the states, and the powers these levels of government share. In Lesson 2.3, students learn about the lawmaking process. They follow the process from a bill to a law and then dig into the Colorado lawmaking process to compare the national constitution to their state constitution.

Lesson 2.1: The Structure of Government (60 minutes)	
Key Standard for Success Criteria <u>SS.HS.4.2</u>	In this lesson, students explore the first three articles of the U.S. Constitution, which establish the legislative, executive, and judicial branches of government. They define <i>checks and balances</i> and <i>separation of powers</i> , then connect these terms to their understanding of the Enlightenment philosophers. They participate in a close read of one of the first three articles of the Constitution. They create a poster based on their exploration and share with their peers to build an understanding of how the branches check each other's powers and how they work together. Finally, students participate in a review game to solidify their learning about the three branches of government.
Learning Targets By the end of the lesson, students will be able to: <ul style="list-style-type: none">• Define <i>separation of powers</i>.• Define <i>checks and balances</i>.• Complete a primary source analysis of one of the first three articles of the U.S. Constitution.	

Module Overview

Module 2: Structure of Government Foundations of U.S. Government



Lesson 2.2: Federalism (60 minutes)

Key Standard for Success Criteria
SS.HS.4.2

Learning Targets

By the end of the lesson, students will be able to:

- Define *federalism*.
- Complete a primary source analysis of the U.S. Constitution.
- Explain the differences between enumerated, reserved, and concurrent powers.

Students define *federalism*. They contextualize how federalism came to exist and understand how it has changed over time. They dig into the Constitution and participate in a short primary source scavenger hunt to begin thinking about how the Constitution supports the idea of federalism. Finally, students define enumerated, concurrent, and reserved powers and play a game attempting to sort the powers before discussing the correct classification as a class.

Lesson 2.3: The Lawmaking Process (60 minutes)

Key Standard for Success Criteria
SS.HS.4.2

Learning Targets

By the end of the lesson, students will be able to:

- Define key terms in the lawmaking process.
- Illustrate the lawmaking process.
- Create a Venn diagram comparing the national lawmaking process to the lawmaking process in Colorado.

In this lesson, students learn about how laws get made in the United States. They unpack the different key terms that are used in the lawmaking process. Then, they watch a video and attempt to sketch out the lawmaking process before discussing how this process might or might not be effective. Then, students discuss what they know about early U.S. history that might have influenced the current lawmaking structure. They preview a lawmaking poster and compare it to their sketches. Finally, students compare what they have learned about the lawmaking process, and the Constitution in general, to the constitution and lawmaking process in Colorado.

Module Assessments

- **Lesson 2.1:** Primary source analysis of one of the first three articles of the Constitution
- **Lesson 2.2:** Notes on the differences between enumerated, reserved, and concurrent powers
- **Lesson 2.3:** Venn diagram activity, or consider asking students to complete a written response to the module supporting question

Module Overview

Module 3: Rights & Protections

Foundations of U.S. Government

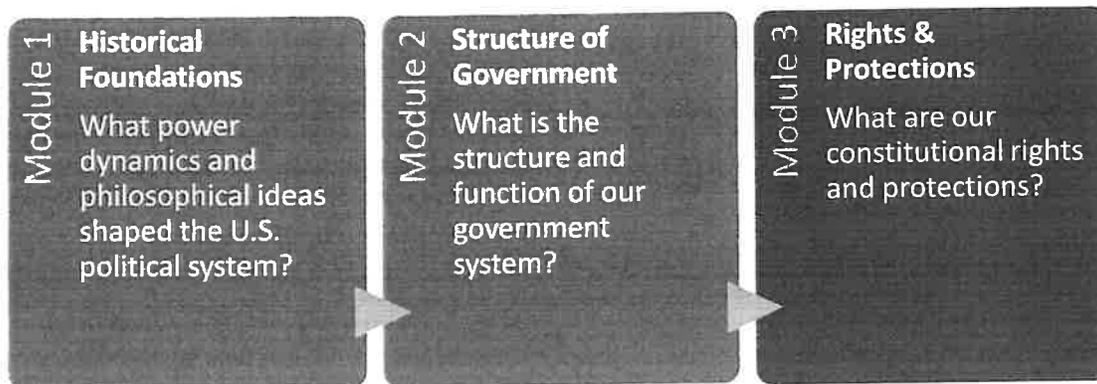


Unit Compelling Question

How can understanding the structure and function of U.S. government help us understand our evolving rights as members of U.S. society?

Module Supporting Question

What are our constitutional rights and protections?



Module Overview

Up until this point in the unit, students have considered the early influences of government. They have also learned about the basic structure of our government. Now, they will dig deeper into the U.S. Constitution and learn about the rights and protections outlined within it.

In Lesson 3.1, students learn about the Bill of Rights and the many protections created under that document. They apply their learning to constitutional case scenarios. In Lesson 3.2, students build on their understanding of constitutional amendments through an exploration of the amendments that expanded civil liberties in the U.S. They consider voting rights amendments and the protections found in the 14th Amendment. Then, they reflect on the effectiveness of our government system. Finally, in Lesson 3.3, students close out the unit by brainstorming how a constitutional amendment could help address societal issues we face in our world today.

Lesson 3.1: Defining My Rights (45 minutes)	
Key Standard for Success Criteria <u>SS.HS.4.2</u>	When the Constitution was ratified, one debate that was still unresolved were the rights of individuals within the system. While most states had something like that in place, it was not part of the original document and an effort to amend the Constitution began immediately. In this lesson, students will learn which of their rights are protected in the first ten amendments, commonly known as the Bill of Rights. Then, they'll test their knowledge by looking at some real cases to see if they can identify the amendment that would apply to that case and how the Justices should rule.
Learning Targets By the end of the lesson, students will be able to: <ul style="list-style-type: none">Identify the Bill of Rights and describe which rights are protected.Apply your understanding of the Bill of Rights to real-world situations.	

Module Overview

Module 3: Rights & Protections Foundations of U.S. Government



Lesson 3.2: Civil Rights Amendments (45 minutes)

Key Standard for Success Criteria
SS.HS.4.2

Learning Targets

By the end of the lesson, students will be able to:

- Explain the key provisions and historical significance of Amendments 14, 15, 19, and 26.
- Analyze how these amendments have expanded and protected people's rights.
- Describe how the courts can use the 14th Amendment to expand rights.

In the previous lesson, students learned about our first individual rights and how the Court has sometimes limited those rights over time. In this lesson, students are going to focus on how rights were expanded by learning about how new amendments were ratified to grant new rights and how the Court has expanded who those rights apply to. They will refresh their memory about the Bill of Rights. Then, they will research one amendment that expanded voting protections and explain how it came to exist. They will learn about the expansion of rights under the 14th Amendment. Finally, they will consider their views and beliefs about the effectiveness of our current system.

Lesson 3.3: A 28th Amendment (50 minutes)

Key Standard for Success Criteria
SS.HS.4.2

Learning Targets

By the end of the lesson, students will be able to:

- Identify a significant issue or problem in contemporary American society that could be addressed through a constitutional amendment.
- Craft a clear, well-reasoned, and persuasive proposal for a new 28th Amendment to the U.S. Constitution, using precise language and anticipating potential objections or challenges.
- Analyze the potential impact and implications of the proposed amendment, considering a wide range of perspectives and long-term consequences for American democracy and society.

In this lesson, students will review the process of amending the U.S. Constitution and brainstorm contemporary issues that could be addressed through a new amendment. Working in small groups, students will develop a proposal for a 28th Amendment and present their ideas to the class. The lesson concludes with a self-assessment of their learning throughout the foundational unit.

Module Assessments

- **Lesson 3.1:** Bill of Rights Shared Reference Slide Deck
- **Lesson 3.2:** Amendment Research
- **Lesson 3.3:** Proposal presentations

Vocabulary

- **Bill of Rights:** the first 10 amendments of the Constitution.

Unit 1

Lesson 3.1: Defining My Rights
 Foundations of U.S. Government

Lesson 3.1: Defining My Rights

Unit Compelling Question:

How can understanding the structure and function of U.S. government help us understand our evolving rights as members of U.S. society?

Module Supporting Question:

What are our constitutional rights and protections?

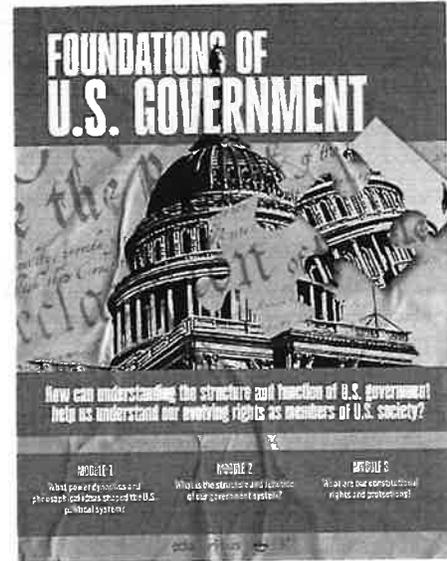
Learning Targets

I can:

- Identify the Bill of Rights and describe which rights are protected.
- Apply my understanding of the Bill of Rights to real-world situations.

Purpose

When the Constitution was ratified, one debate that was still unresolved were the rights of individuals within the system. While most states had something like that in place, it was not part of the original document and an effort to amend the Constitution began immediately. In this lesson, you will learn which of your rights are protected in the first ten amendments, commonly known as the Bill of Rights. Then, you'll test your knowledge by looking at some real cases to see if you can identify the amendment that would apply to that case and how the Justices should rule.



Lesson Steps

1. **What are my rights?:** As a class, brainstorm the rights you have as a person living in America.
2. **Learn about the Bill of Rights:** Work in a small team to create a slide for a shared slide deck that describes one of the first ten amendments.
3. **Explore real-world scenarios:** Using your notes, identify which amendment would apply to a specific legal case.
4. **Participate in a You Be the Judge activity:** Use the Bill of Rights to make decisions in real-life court cases.



Teacher Preparation Notes

Pacing

Lesson Timing: 45 minutes

Standards

CAS-SS **SS.HS.4.2.** Evaluate the purposes, roles, and limitations of the structures and functions of government.

Lesson Resources

For Students	For Teachers	Materials
<ul style="list-style-type: none"> • Bill of Rights Shared Reference Slide Deck 	<ul style="list-style-type: none"> • Lesson 3.1 Slide Deck 	<ul style="list-style-type: none"> • Red and green cards <i>or</i> red and green markers and group white boards • Index cards or large sticky notes

Lesson Overview

When the Constitution was ratified, one debate that was still unresolved were the rights of individuals within the system. While most states had something like that in place, it was not part of the original document and an effort to amend the Constitution began immediately. In this lesson, students learn which of their rights are protected in the first ten amendments, commonly known as the Bill of Rights. Then, they test their knowledge by looking at some real cases to see if they can identify the amendment that would apply to that case and how the Justices should rule.

Teacher Preparation

- Review and familiarize yourself with the Bill of Rights, particularly Amendments 1, 2, 4, 5, 6, 7, and 8.
- You will be dividing your class to complete 18 items on the shared reference they are building. The First, Fifth, and Sixth Amendments are all split up to reflect that each amendment guarantees more than one right and to make it easier to process. The goal is to have student complete the task in roughly the same amount of time because they are analyzing an equal amount of information.
- Prior to launching the activity, you may need to preview vocabulary or support students in accessing an online dictionary or simplified version of the Bill of Rights to support them as they access this task.
- Determine the best way to create the shared resource. A slide deck is included with the lesson, but you may want to explore Padlet or other digital collaboration tools if they would be a better fit for your class.
- As you prepare to engage students with the real-world cases, you may want to review the facts of each case and the decision so you can explain them more fully. Students are *required* to know the details, but this may help you feel prepared to answer questions as they arise. The four cases are *Miranda v. Arizona*, *Morse v. Frederick*, *New Jersey v. T.L.O.*, and *Vitale v. Engel*.
- If you want to provide your students with more of a background in the Bill of Rights as an extension or for homework, videos from the National Constitution Center might be a good option. You can find them linked [here](#).

Lesson Steps in Detail

Step 1: What are my rights?

(5 min)

Purpose: In this step, activate students' prior knowledge about individual rights in America.

You might say: *Before we dive into the specific rights protected by the Bill of Rights, let's take a moment to brainstorm what rights you believe you have as a person living in America. This will help us build on what we already know and set the stage for our exploration of the Bill of Rights."*

[Slide 2] Elicit student responses.

- **Ask:** *What rights do you have as a person in America?*
- Encourage students to share their ideas while creating a class list of the rights they mention on the board.

Step 2: Learn about the Bill of Rights

(20 min)

Purpose: In order to begin to build knowledge about the Bill of Rights, students will collaborate to design a slide deck that will be a digital reference for the rest of the course.

You might say: *These are all rights that we think are written into the Constitution, but how do we know? The first ten amendments to the Constitution were written in order to clearly define the rights of every citizen and how they would be individually protected from the government while living their lives. We know that "citizen" at that time had a very narrow definition, but it has expanded over time. Today, we are going to build a resource together that we'll use for the rest of this course (and maybe for the rest of your lives) so you know how you are protected from the government.*

[Slides 3–5] Explain the task to students and share a model.

- Highlight for students that they will need to refer to these amendments throughout the course and this is valuable information for their lives.
- Share the model for the Third Amendment. This amendment was selected for the model because it is commonly considered a forgotten amendment that is rarely used or cited. Note for students that:
 - When you put the amendment in your own words, you should try to be as clear as possible.
 - When you think of a scenario, think about what is happening when a right is being exercised. As you are circulating, pay attention to the scenarios that are being created to make sure they make sense and are accurate to the best of your knowledge.
 - When selecting an image, they can choose something symbolic or something more literal. Either works as long as they can explain it. This image is a riff on the anti-war protest of putting flowers in the muzzle of a gun, except this time the flower is in a lock on a door.
- Divide into 18 teams and share the editable slide deck. Give students 5–8 minutes to create their slide.

[Slides 6–7] Review the amendments and make a connection.

- Once all amendment slides have been created, have students review the work of their classmates.
 - If you have more time, project each slide and have the teams present their work.
 - If you less time, have students independently review all 14 slides (including the model).
- After students have reviewed the slide, take any questions that come up.



[Slide 8] Make a connection.

- Close this section by sharing with students that if they've ever seen an arrest on TV, they have heard the police officer give what is called a *Miranda* warning to the person they are arresting. This warning is designed to let suspects know their rights before they are under arrest and talking to the police in custody.
- Read the *Miranda* warning to students. Note with them the two highlighted sections:
 - You have the right to remain silent.
 - You have the right to an attorney.
- Have students go back to their reference and identify the two amendments this is referencing. Elicit student ideas and then confirm:
 - You have the right to remain silent: Fifth Amendment protection against self-incrimination.
 - You have the right to an attorney: Sixth Amendment right to counsel.

Step 3: Explore real-world scenarios

(15 min)

Purpose: In this step, students apply their understanding of the Bill of Rights to analyze fictional versions of real cases to consider the role of the courts in resolving challenges to the law.

You might say: *Have you ever wondered why we call that speech a police officer gives a Miranda warning? That comes from a Supreme Court case, *Miranda v. Arizona*. In that case, a man was arrested for rape and kidnapping. The police interrogated the suspect, Luis Miranda, for two hours and came out with a signed confession that was presented to the jury. Mr. Miranda was found guilty. However, the court held that the confession was not legally obtained because Mr. Miranda did not have a lawyer and did not know he could refuse to answer questions. To make sure that didn't happen again, this warning became standard practice for the police.*

This is an example of how the courts shape our rights as they try to work out what should happen in real world situations. We'll test how we'd do as Supreme Court Justices and look at three specific scenarios.

[Slide 8–9] Compelling government interest.

- Explain to students that while the Bill of Rights is pretty clear about what it means, there are times when an individual right meets the common good in ways that force the government to take action.
- Tell students that in order to take that action, the Supreme Court has said there needs to be a compelling government interest. That means that the government has to be able to show that the goal of any law that violates a person's rights serves a common good and that denying that right is the only way to accomplish that good.
- Elicit student thinking about compelling government interest that could override free speech.
 - For example, the government has an interest in keeping a society safe. If speech incites violence and threatens public safety, the only way to keep society safe is to restrict that speech. The compelling government interest beats the individual right.
 - Hate speech is more complex. Give students some space to talk about this while reminding them to be respectful towards each other and maintain their community values. Whether your students can agree on a compelling government interest to restrict hate speech or not, lift up the complexity of their discussion as an example of how challenging this work can be because the stakes are real and important.



[Slides 10–15] Practice scenarios.

- Share each scenario with students in turn. Once you've read the facts of the case, ask students to review their Bill of Rights reference to see if they can identify the amendment at play in the scenario.
- Advance the slide and ask students to think about the compelling government interest that would be more important than protecting the rights of the individual in this case.
- Then, ask students what the court should rule in answer to the question. Have them hold up a green card, or draw a green circle on their whiteboard, if they think the action of the school was constitutional or a red card/red circle if they think the action of the school was not constitutional.
- **[Slides 10–11] Scenario 1.**
 - A student carries a sign that says “Bong Hits 4 Voting” in a school-sponsored parade and is suspended. Should he have been suspended?
 - Note: the analysis slide should be animated such that there are three clicks on each slide.
 - Which amendment applies to this situation?
 - The First Amendment declares the right to free speech.
 - Did the principal have the right to suspend the student?
 - Green card—the school was right to suspend the student—or red card – the school should not have suspended the student.
 - Yes. The school has a compelling interest in keeping the school environment safe and part of that safety is keeping kids away from drugs. The student’s conduct clearly violated that interest, so the punishment passes the test.
 - This scenario is based on the case *Morse v. Frederick*.
- **[Slides 12–13] Scenario 2.**
 - A student brings vapes to school to distribute to her friends. Vaping is illegal in her state unless you are 21. When a friend of the student is caught with a vape, the principal demands to search the student’s backpack even though she was not caught with the vape. Did the student have the right to say no?
 - Which amendment applies to this situation?
 - The Fourth Amendment deals with illegal search and seizure. Of particular interest in this case is the probable cause part of that amendment.
 - Does Sandy have the right to keep her principal from searching her backpack?
 - Green card—the principal was right to search the backpack—or red card—the school was wrong to search the backpack.
 - No. School officials have a different standard for the search (not probable cause like the police, but reasonable suspicion), so if they suspected Sandy was involved because they knew she was friends with the kids who got caught, they could search her bag.
 - This scenario is based on the case of *New Jersey v. T.L.O.*



- [Slides 14–15] Scenario 3.
 - A state passes a law requiring students to say the Pledge of Allegiance and a nondenominational prayer every day that acknowledges their dependence on god. An atheistic family in the district believes this law, particularly the prayer, violates their rights. Does it?
 - Which amendment applies to this situation?
 - The First Amendment right protecting the free exercise of religion and prohibiting the establishment of a religion.
 - Can the state force students to pray?
 - Green card—the state is allowed to mandate prayer—or red card—the state is not allowed to mandate prayer.
 - No. The purpose of the amendment is to prevent governments from interfering in any religion, and so it is not appropriate to endorse any religions.
 - This scenario is based on the case of *Engel v. Vitale*.

Step 4: Participate in a You Be the Judge activity

(5 min)

Purpose: In this step, students continue to apply their understanding of the Bill of Rights by thinking of an amendment they think should be limited because of a compelling government interest and to define that interest and the limit.

You might say: *We've looked at four examples of how the Courts have shaped how the Bill of Rights functions in practice. I'm sure you probably know other cases where the Court has attempted to balance individual rights with the needs of society. But now, it's your turn to be the judge.*

[Slide 16] You Be the Judge.

- Invite students to reflect on a large sticky note or an index card which amendment they would limit, what the compelling government interest is that demands that limit, and then define the limit.
 - A model might be:
 - I would limit the First Amendment right to petition the government.
 - The compelling government interest is that there's a lot of folks who want to talk to the government about lots of stuff and it's important our lawmakers can quickly and safely understand what their constituents want.
 - I would set the limit that all communication has to happen online so that a record is created but we can use AI and other tools to quickly inform policymakers about what their constituents think is important.
- While students are writing their answers, create a space for each amendment in the room. If students are using Post-its, this could be on the board. If they are using index cards, this could be on a desk.
- Once students are done reflecting, have them turn in their card by placing it with the appropriate amendment.
- Save these cards to use again in Lesson 3.3.



Lesson 3.1: Defining My Rights

educuricous



What are my rights?

List as many rights as you have... how do you know those are rights?



Build a shared resource

We need to know our rights through this class and through our life. Let's build a resource we can refer to!

In teams you will create a slide that has:

- The text of the amendment
- What that text means
- An example of how you exercise that right
- An image to help us remember that right



Here's a model: Third Amendment

Text of the amendment:

No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

What it really means:

The government can't force you to let soldiers live in your house. They definitely can't during times of peace, and in times of war, they would have to pass a law first.

An example of the right being exercised:

If a member of the military knocks on your door and demands to stay with you, the Constitution protects you if you say no.

An image that helps us remember this amendment:



Your assignment

Amendment	Team	Amendment	Team
1.1		5.3	
1.2		5.4	
1.3		8.1	
1.4		8.2	
1.5		8.3	
2		7	
4		8	
5.1		9	
5.2		10	



Review!

Take a couple of minutes and look through all of the amendments.

What questions do you have about this resource?



You have the right...

If you've ever watched a show about police work, you know what a *Miranda* warning is. Which amendments does it reference?

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be given to you. Do you understand these rights as I have read them to you?

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Testing your rights

While the text of the Constitution might seem really clear, our courts really decide what they mean when they apply them to real situations.

When cases come to the Supreme Court, they are tasked with determining whether there is a **compelling government interest** that outweighs the individual rights.

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Individual rights vs. compelling interest

For example, the First Amendment says you have the right to free speech.

But, what about speech that causes violence?
Or hate speech?

Is there a **compelling government interest** in stopping that speech that would outweigh the importance of the individual freedom?

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Scenario 1

Skyline High School observes Constitution Day and Citizenship Day every year with a school assembly. This year, the principal and student body president agree to have a school-sponsored car parade instead of an assembly. The theme is lowering the voting age to 16—proposing a 28th Amendment to the Constitution. Students are allowed to decorate their vehicles and form a parade line at school that goes through the downtown area.

In a parking lot adjacent to school property where 40 vehicles are lining up for the parade, Principal Annette Clark approaches the side of Julian Sampson's van where he has strung up a banner reading "Bong Hits 4 Voting." She asks him about it and requests that he take it down. When Julian refuses, Ms. Clark pulls the banner off the van.

Julian tells her that he is exercising his right to free speech under the Constitution. He says that if 16-year-olds vote, they can legalize marijuana, which is on the ballot this year. He drives off using a bullhorn to chant: "Bong hits 4 Voting." A few blocks down the street, he gets out of the van and writes the slogan on his back windshield.

Julian is suspended for his actions—is that punishment constitutional?

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Scenario 1 analysis

Which amendment applies to this situation?

The First Amendment: freedom of speech.

Did the principal make the constitutionally correct decision?

Yes—the school district has a *compelling reason* to make sure that school districts are safe learning environments, including preventing students from using drugs. This concern outweighs the student's right to free speech.

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Scenario 2

Sandy Simmons is an 18-year-old senior at Sierra View High School in a state where the legal vaping age has been raised to 21. Sandy has a serious—but secret—vaping habit. To keep her vaping on the down-low, she starts an underground organization of underage vapers called The Salon. They decide to buy cartridges online and Sandy agrees to bring them to school.

The day Sandy brings the vapes to school, one of her friends gets caught vaping in a bathroom. The principal brings everyone who is a known friend of that person in the room and demands to search their bags.

Sandy wants to stop them from searching her bag, but can she?

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Scenario 2 analysis

Which amendment applies to this scenario?

The Fourth Amendment: searches must follow a legal framework, including having probable cause that a crime was committed.

Does Sandy have the right to keep her backpack from being searched?

No. The standard for a search in a school is different than a search out of a school. School officials have the power to conduct searches because they say they need to.

Case: *New Jersey v. T.L.O.*

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Scenario 3

A state passed a law that requires all students to recite the pledge of allegiance before school and participate in a nondenominational prayer where students recognize their dependence on God.

A family in the district feels that requirement violates their religious freedom because they are atheists. They file a lawsuit to change the law.

Does the state have the right to mandate prayer in schools?

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Scenario 3 analysis

Which amendment applies to this scenario:

The First Amendment: prohibiting the establishment of religion or preventing the free exercise of religion.

Does the state have the right to mandate prayer in schools?

No. Despite the prayer being labeled as nondenominational, it obviously was not universally acceptable. The Constitution is clear, and the state does not have a compelling interest to change that right.

Case: *Engel v. Vitale*

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Reflect and connect

Choose any part of an amendment from the Bill of Rights that you think should be limited.

What is the compelling government interest that you think requires that limit?

What should the limit be?

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Bill of Rights Shared Reference
 educurious

FOUN DATIONS **Build a shared resource**

We need to know our rights through this class and through our life. Let's build a resource we can refer to!

In teams, you will create a slide that has:

- The text of the amendment
- What that text means
- An example of how you exercise that right
- An image to help us remember that right

FOUN DATIONS **Your assignment**

Amendment	Team	Amendment	Team
1.1		5.3	
1.2		5.4	
1.3		6.1	
1.4		8.2	
1.5		8.3	
2		7	
4		8	
5.1		9	
5.2		10	

FOUN DATIONS **Here's a model: Third Amendment**

<p><i>Text of the amendment:</i></p> <p>No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.</p>	<p><i>What it really means:</i></p> <p>The government can't force you to let soldiers live in your house. They definitely can't during times of peace, and in times of war they would have to pass a law first.</p>
<p><i>An example of the right being exercised:</i></p> <p>If a member of the military knocks on your door and demands to stay with you, the Constitution protects you if you say no.</p>	<p><i>An image that helps us remember this amendment:</i></p> 

FOUN DATIONS **Amendment 1.1**

<p><i>Text of the amendment:</i></p> <p>Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.</p>	<p><i>What it really means:</i></p>
<p><i>An example of the right being exercised:</i></p>	<p><i>An image that helps us remember this amendment:</i></p>

FOUN DATIONS **Amendment 1.2**

<p><i>Text of the amendment:</i></p> <p>Congress shall make no law abridging the freedom of speech.</p>	<p><i>What it really means:</i></p>
<p><i>An example of the right being exercised:</i></p>	<p><i>An image that helps us remember this amendment:</i></p>



Amendment 1.3

Text of the amendment:

Congress shall make no law abridging the freedom of the press.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

Source: www.fofoundations.org, Department of Education, Public Schools of the District of Columbia, 2014



Amendment 1.4

Text of the amendment:

Congress shall make no law abridging the right of the people to peacefully assemble.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

Source: www.fofoundations.org, Department of Education, Public Schools of the District of Columbia, 2014



Amendment 1.5

Text of the amendment:

Congress shall make no law abridging the right of the people to petition the government for redress of grievances.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

Source: www.fofoundations.org, Department of Education, Public Schools of the District of Columbia, 2014



Amendment 2

Text of the amendment:

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

Source: www.fofoundations.org, Department of Education, Public Schools of the District of Columbia, 2014



Amendment 4

Text of the amendment:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

Source: www.fofoundations.org, Department of Education, Public Schools of the District of Columbia, 2014



Amendment 5.1

Text of the amendment:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

Source: www.fofoundations.org, Department of Education, Public Schools of the District of Columbia, 2014



Amendment 5.2

Text of the amendment:

... nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:



Amendment 5.3

Text of the amendment:

... nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:



Amendment 5.4

Text of the amendment:

... nor shall private property be taken for public use, without just compensation.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:



Amendment 6.1

Text of the amendment:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:



Amendment 6.2

Text of the amendment:

In all criminal prosecutions, the accused shall enjoy the right to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:



Amendment 6.3

Text of the amendment:

In all criminal prosecutions, the accused shall enjoy the right to have the Assistance of Counsel for his defense.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:



Amendment 7

Text of the amendment:

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

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Amendment 8

Text of the amendment:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

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Amendment 9

Text of the amendment:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

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Amendment 10

Text of the amendment:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

What it really means:

An example of the right being exercised:

An image that helps us remember this amendment:

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Unit 2

6 weeks (17 hours)

Unit at a Glance

Unit Compelling Question:

To what extent can collective action protect and expand the rights of individuals within the United States?

<p>[Engagement with an authentic, local problem provides a need to know.]</p> <p>Module 1: The First Amendment SQ: How can we, the people, check the power of the government?</p> <p>Lesson 1.1: Freedom of Speech (60 min)</p> <p>Lesson 1.2: Freedom of the Press (60 min)</p> <p>Lesson 1.3: Right to Assemble (90 min)</p> <p>Lesson 1.4: Right to Petition (60 min)</p>	<p>[Relevant knowledge is explored and applied to the problem.]</p> <p>Module 2: Collective Action Case Studies SQ: How have different groups of people used their First Amendment rights to influence government action?</p> <p>Lesson 2.1: Stonewall & Beyond (60 min)</p> <p>Lesson 2.2: Environmental Justice (60 min)</p> <p>Lesson 2.3: LandBack Movement (60 min)</p> <p>Lesson 2.4: Protest Socratic Seminar (120 min)</p>	<p>[Understanding deepens as students apply learning to new contexts.]</p> <p>Module 3: Civic Action Project SQ: How can we mobilize our community for civic action?</p> <p>Lesson 3.1: Root Cause Analysis (120 min)</p> <p>Lesson 3.2: Plan for Civic Action (90 min)</p> <p>Lesson 3.3: Peer Review & Revision (90 min)</p> <p>Lesson 3.4: Present Civic Action Plans (60 min)</p>
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[The PBL product is a complex performance task through which students illustrate their ability to apply the skills, concepts, and knowledge learned in the unit.]

Students choose a school or community issue to research and conduct a Root Cause Analysis. Then, they create a Civic Action Plan to mobilize their community around a local issue.

includes diverse perspectives

Module Overview

**Module 1: The First Amendment
Civil Liberties**

Unit Compelling Question

To what extent can collective action protect and expand the rights of individuals within the United States?

Module Supporting Question

How can we, the people, check the power of the government?



Module Overview

In this module, students unpack their First Amendment rights: the freedom of speech, press, assembly, and petition. These are the rights that make up our right to protest in the United States. Throughout the module, students analyze each right, learning about its specificities and limitations and the role of the government in maintaining and/or hindering the people’s ability to exercise these rights. They examine historical and modern examples of the exercise of these rights. Throughout the unit, they reference foundational civics knowledge, like checks and balances, the powers of each branch of government, and the lawmaking process.

In Lesson 1.1, students examine freedom of speech through a series of Supreme Court cases that have added to and limited this right. In Lesson 1.2, students study freedom of the press, viewing impactful protest images, learning about times when the press has exposed government corruption, and considering the role of the press in checking the power of the government. In Lesson 1.3, students focus on the right to assemble, examining the limits to this right established by the Supreme Court and considering the controversies surrounding the idea of “peaceful” assembly and demonstration. In Lesson 1.4, students define petition and explore how a petition can lead to legislative change. Then, they consider all four First Amendment rights they have studied and discuss the efficacy of exercising First Amendment rights to create change.

Lesson 1.1: Freedom of Speech (60 minutes)	
<p>Key Standard for Success Criteria D2.Civ.10.9-12 D2.Civ.12.9-12</p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none"> Describe the role and development of the First Amendment of the Bill of Rights. 	<p>In this lesson, students review the structure of the U.S. government, including the three branches, and how they check each other’s power. Then, students closely read the First Amendment to the U.S. Constitution and create a list of the rights that the amendment grants people who live in the United States. Next, students participate in a You Be the Judge activity, in which they use the Constitution to make decisions on real free-speech cases before discussing the decisions the Supreme Court made in real life. Finally, students preview the learning that they will do throughout this unit.</p>

Module Overview

Module 1: The First Amendment Civil Liberties



Lesson 1.2: Freedom of the Press (90 minutes)

Key Standards for Success Criteria**D2.Civ.7.9-12****D2.Civ.13.9-12****Success Criteria****By the end of the lesson, students will be able to:**

- Evaluate the role of the judicial system in protecting First Amendment rights for all persons in the United States.
- Explain the role and influence of the press and social media as checks on government practice.

In this lesson, students participate in a You Be the Judge activity analyzing the limitations or expansions of freedom of the press through the judicial branch. They participate in a Gallery Walk of famous photographs of protests and consider how these photographs might impact the social movement they depict. Finally, students participate in a spectrum discussion considering their views and beliefs about the role of media and social media in protecting and expanding the rights of all individuals.

Lesson 1.3: Right to Assemble (90 minutes)

Key Standards for Success Criteria**D2.Civ.1.9-12****D4.6.9-12****Success Criteria****By the end of the lesson, students will be able to:**

- Evaluate the role of the judicial system in protecting First Amendment rights for all persons in the United States.
- Describe and evaluate the effectiveness and acceptability of assemblies and protests that individuals and groups may use to shape policy at various levels of government.

In this lesson, students learn about the right to assemble found in the First Amendment of the U.S. Constitution. They will participate in a You Be the Judge activity analyzing the limitations and expansions of the right to assemble through the judicial branch. They learn about historical laws limiting this protection in U.S. society. Finally, they explore arguments about the effectiveness of different demonstrations, or protests, and consider what makes a demonstration effective.

Lesson 1.4: Right to Petition (60 minutes)

Key Standard for Success Criteria**D2.Civ.8.9-12****D4.8.9-12****Success Criteria****By the end of the lesson, students will be able to:**

- Describe how members of a civil society can impact public policy on local, state, national, or international issues by petitioning.

In this lesson, students define and discuss the right to petition. They participate in a review game to refresh their understanding of the lawmaking process. Then they define the right to petition and consider the many different types of petitions. They analyze data to understand the issues that people are petitioning to address in our current society. Finally, they summarize their learning so far in this unit in a Four Corners activity.

Module Assessments

- **Lesson 1.1:** First Amendment Close Reading
- **Lesson 1.2:** Press Photographs Gallery Walk CAPPS analysis
- **Lesson 1.3:** Effective Protest Argument Analysis
- **Lesson 1.4:** Petition to Law Exploration

Module Overview

Module 2: Collective Action Case Studies Civil Liberties



Unit Compelling Question

To what extent can collective action protect and expand the rights of all individuals within the United States?

Module Supporting Question

How have different groups of people used their First Amendment rights to influence government action?



Module Overview

In this module, students examine a series of case studies of social movements that demonstrate people exercising the First Amendment rights to demand change. Over the course of the module, students consider how different communities have taken collective action toward a common goal. This module prepares students to select a cause to focus on for their final products in Module 3.

In Lesson 2.1, students learn about the LGBTQIA+ rights movement over time through a poster activity and consider the extent to which the collective actions taken by activists in these communities were rooted in First Amendment protections. In Lesson 2.2, students study environmental justice movements and consider the impact of climate change on different global communities. They connect their learning about environmental justice collective action to their understanding of the First Amendment. In Lesson 2.3, students define tribal sovereignty and examine the LandBack movement, and consider the role of collective action in our society. Finally, in Lesson 2.4, students participate in a Socratic Seminar discussion considering the extent to which collective action, and protest in general, can help protect and expand the rights of all individuals living in the territory we now call the United States. They close out by completing their Unit 1 individual writing assessment.

Lesson 2.1: Stonewall & Beyond (60 minutes)	
Key Standard for Success Criteria D2.His.14.9-12 D4.Civ.5.9-12 Success Criteria By the end of the lesson, students will be able to: <ul style="list-style-type: none">Evaluate opportunities for people in the LGBTQIA+ movement to participate in and influence government.	Students deepen their understanding of collective action through a case study of LGBTQIA+ movements. They complete a <i>Know & Need to Know</i> chart based on what they have learned so far in the unit. Then, they review their understanding of collective action. Students explore collective action in various movements to expand the rights and protections of the LGBTQIA+ community. Then, they work with a small group to research one event or movement and create a poster to present what they learned to their classmates. Finally, students analyze the extent to which the collective actions they learned about were rooted in First Amendment protections.

Module Overview

Module 2: Collective Action Case Studies Civil Liberties



Lesson 2.2: Environmental Justice (60 minutes)	
<p>Key Standard for Success Criteria D2.Civ.13.9-12 D4.7.9-12</p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Evaluate opportunities for people in the environmental justice movement to participate in and influence government.	<p>Students learn about movements for environmental justice. They begin with a source exploration about the ways in which climate change is affecting different communities around the world. Then, they learn about the groups of people working to take action for environmental justice. They participate in a jigsaw activity examining one movement and learn about other environmental justice movements in a discussion with their peers. Finally, students analyze the extent to which the collective actions they learned about were rooted in First Amendment protections.</p>
Lesson 2.3: LandBack Movement (60 minutes)	
<p>Key Standards for Success Criteria D2.His.16.9-12 D2.Civ.6.9-12</p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Evaluate opportunities for people in the Indigenous land rights movement to participate in and influence government.Describe the relationship of tribal governments with state and federal governments in regard to First Amendment protections.	<p>Students learn about Indigenous LandBack movements. They watch the video “The Invasion of America” and consider what they already know about the colonization of the territory we now call the United States. They participate in a jigsaw activity exploring actions Indigenous people are taking to reclaim their native land. Then, they engage in a small-group discussion about the collective actions taken by the groups they learned about. Finally, students connect to the First Amendment and consider how this applies to a movement seeking sovereignty.</p>
Lesson 2.4: Protest Socratic Seminar (120 minutes)	
<p>Key Standard for Success Criteria D3.3.9-12 D4.1.9-12</p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Evaluate the role and limitations of governmental structures and functions in protecting individual rights.	<p>Students participate in a Socratic Seminar that integrates the texts, social movements, and First Amendment protections that they have been exploring throughout Modules 1 and 2. They dig back into the sources from throughout the unit to prepare for the seminar. Then they participate in the student-led seminar. Finally, students debrief their class Socratic Seminar and complete their Unit 1 individual writing assessment.</p>
Module Assessments	
<ul style="list-style-type: none">Lesson 2.1: LGBTQIA+ Collective Action AnalysisLesson 2.2: Environmental Justice Collective Action AnalysisLesson 2.3: Collective Action ReflectionLesson 2.4: Individual Writing Assessment	

Module Overview

Module 3: Taking Collective Action Civil Liberties



Unit Compelling Question

To what extent can collective action protect and expand the rights of all individuals within the United States?

Module Supporting Question

How can taking civic action to address wealth inequality positively impact my community?



Module Overview

Throughout this unit, students have been examining the First Amendment protections that make up their right to protest. They have considered the extent to which these protections can be used to influence government action and social change. They have explored a number of case studies highlighting collective action movements. They've considered the actions taken by these movements to expand or protect the rights of people in their communities. Now, students will apply this learning by selecting an issue they care about and making a plan for civic action rooted in their First Amendment protections.

In Lesson 3.1, students select an issue that they care about. They are free to select an issue based on the case studies they explored or to select another issue altogether. They conduct research to understand the issue better and then participate in a root cause analysis. In Lesson 3.2, students use a First Amendment choice board to decide on an avenue for civic action that helps address the root cause of the issue they selected. They explore examples of how activists have used different avenues, rooted in First Amendment protections, to create change. They finalize an outline for the Civic Action Plan. In Lesson 3.3, students workshop their Civic Action Plan and finalize their final presentations. Lastly, in Lesson 3.4, students pitch their Civic Action Plans and participate in a reflection about what they have learned about protest, collective action, and First Amendment protections throughout the unit.

Module Overview

Module 3: Taking Collective Action Civil Liberties



Lesson 3.1: Root Cause Analysis (120 minutes)	
<p>Key Standard for Success Criteria D4.6.9-12 D4.8.9-12</p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">• Research a social issue in order to participate in civil discourse by creating a Civic Action Plan.	<p>In this lesson, students are introduced to the Civic Action Plan they will design as a final product for this unit. Drawing on their knowledge of social issues from previous lessons, students select a social issue that would benefit from civic action. Next, they research their social issue to understand it well enough to conduct a Root Cause Analysis. This will prepare students to develop an effective plan to pitch to their peers.</p>
Lesson 3.2: Plan for Civic Action (60 minutes)	
<p>Key Standard for Success Criteria D4.6.9-12 D4.8.9-12</p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">• Describe how members of a civil society can impact social policy issues by exercising their First Amendment rights and responsibilities.	<p>In this lesson, students revisit the types of civic action that are protected by the First Amendment: speech, press, assembly, and petition. After exploring each action in more depth and seeing how it has been used by activists for civic engagement and to effect change, students determine which type of action would best address a root cause in the social issue they have selected. Finally, students draw on their research of the issue and specific type of action to develop the steps of an effective civic action plan.</p>
Lesson 3.3: Peer Review & Revision (90 minutes)	
<p>Key Standard for Success Criteria D4.6.9-12 D4.8.9-12</p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">• Revise a Civic Action Plan in order to describe how members of a civil society can impact social policy issues by exercising their First Amendment rights and responsibilities.	<p>In this lesson, students work with a peer to give and receive feedback on their draft Civic Action Plan. They use the Ladder of Feedback protocol to give specific, kind, and actionable feedback to help their fellow activists strengthen their positive impact. Finally, students use the feedback from their peer(s) to revise their Civic Action Plan before pitching it in the next lesson.</p>
Lesson 3.4: Present Civic Action Plan (60 minutes)	
<p>Key Standard for Success Criteria D4.6.9-12 D4.8.9-12</p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">• Present a Civic Action Plan in order to describe how members of a civil society can impact social policy issues by exercising their First Amendment rights and responsibilities.	<p>In this final lesson of the unit, students will pitch their Civic Action Plans, then vote on which three plans are the most compelling, actionable, and likely to lead to positive change. Next, students will conclude the unit by revisiting the <i>Know & Need to Know</i> chart and completing a personal reflection.</p>

Vintz



Lesson 1.1: Freedom of Speech

Unit Compelling Question:

To what extent can collective action protect and expand the rights of individuals within the United States?

Module Supporting Question:

How can we, the people, check the power of the government?

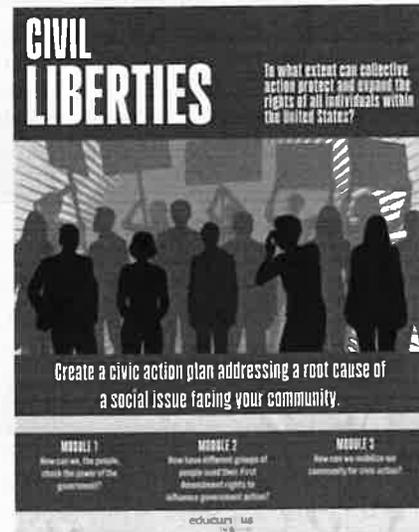
Learning Targets

I can:

- Describe internal and external checks on government power.
- List my First Amendment rights.
- Apply my knowledge of the Constitution to predict the rulings of the Supreme Court on free-speech cases.

Purpose

In this lesson, you will review the structure of the U.S. government, including the three branches, and how they check each other's power. Then, you will closely read the First Amendment to the U.S. Constitution and create a list of the rights that the amendment grants people who live in the United States. Next, you will participate in a You Be the Judge activity, in which you will use the Constitution to make decisions on real free-speech cases before discussing the decisions the Supreme Court made in real life. Finally, you will preview the learning that you will do throughout this unit.



Lesson Steps

1. **Review checks and balances on government power:** Participate in a game of "Fact or Fib," writing down two facts and one fib about the three branches of government and checks and balances and competing with another peer group to see who knows the most about the structure of government. Participate in a discussion about the most important information we need to remember about each of these concepts.
2. **Participate in a close-reading of the First Amendment:** First, read the First Amendment and identify vocabulary that you want to define further. Participate in a discussion defining key vocabulary. Then, read the amendment again and work with a partner to create a list of the protections from the government included in the amendment. Finally, use your text to discuss the freedom of speech.
3. **Participate in a You Be the Judge activity:** Drawing from the Constitution, decide what the outcomes should be in a pair of real Supreme Court cases that have shaped our freedom of speech using your [You Be the Judge, Freedom of Speech](#) handout.
4. **Preview your learning:** Preview the unit independent writing task and the final product. Discuss what you need to know to be successful at these tasks using your [Unit 2 Evidence Tracker](#).

Explore More

- Lumen article: ["Titles, Skimming, & Scanning"](#)
- United States Courts web page: ["What Does Free Speech Mean?"](#)



Teacher Preparation Notes

Pacing		
Lesson Timing:	60 minutes	
Standards		
✓ C3	D2.Civ.10.9-12: Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights. D2.Civ.12.9-12: Analyze how people use and challenge local, state, national, and international laws to address a variety of public issues.	
Lesson Resources		
For Students	For Teachers	Materials
<ul style="list-style-type: none"> • First Amendment Close Reading • You Be the Judge, Freedom of Speech • Unit 2 Evidence Tracker 	<ul style="list-style-type: none"> • Lesson 1.1 Slide Deck • Fact or Fib Flashcards • Fact or Fib Flashcards Teacher Key • First Amendment Close-Reading Teacher Key 	<ul style="list-style-type: none"> • n/a
Lesson Overview		
<p>In this lesson, students review the structure of the U.S. government, including the three branches, and how they check each other's power. Then, students closely read the First Amendment to the U.S. Constitution and create a list of the rights that the amendment grants people who live in the United States. Next, students participate in a You Be the Judge activity, in which they use the Constitution to make decisions on real Supreme Court cases before discussing the decisions the Court made in real life. Finally, students preview the learning that they will do throughout this unit.</p>		
Assessment		
<ul style="list-style-type: none"> • Step 2: Using the First Amendment Close Reading handout, students analyze a primary source in order to describe the role and development of the First Amendment of the Bill of Rights. • Standard: D2.Civ.10.9-12, D2.Civ.9-12 • Success Criteria: Describe the role and development of the First Amendment of the Bill of Rights. 		

**Teacher Preparation**

- **Decide on “Fact or Fib” expectations:** Prepare student groups. You should have the Checks & Balances poster from the Foundations unit displayed somewhere in your classroom. You can have students reference this as they work together. You have been provided with a pre-populated set of six flashcards. Print and cut a set for each group. You can use the same sets with multiple class periods. Please note that there are two versions of these flashcards, one being a teacher key.
- **Preview all materials:** Review the materials associated with the lesson and make any necessary adaptations. Familiarize yourself with the court cases and articles in Step 3 so that you are prepared to guide students’ understanding. See the slide deck and the teacher tip titled “You Be the Judge” in Step 3 for more details.
- **Prepare the You Be the Judge activity:** Choose student groups for the You Be the Judge activity.
- **Make decisions based on your class length:** See the teacher tip at the end of this lesson for suggestions about how you might split this lesson up if you have shorter class periods. This tip will be included in all lessons in this unit. Utilize this guidance to make decisions about lesson timing.



Lesson Steps in Detail

Step 1: Review checks and balances on government power

(15 min)

Purpose: In this step, students review the traditional checks and balances on government power within the structure of the three branches by playing a game of “Fact or Fib.” The purpose of this game is for students to reference their learning from the Foundations unit around the structure of checks and balances in an engaging way.

You might say: *Welcome to the first day of our new unit: Civil Liberties. In our Foundations unit, we spent some time thinking about the ways in which the U.S. government came to exist, along with the structures and functions of different parts of government. One of the main topics we discussed was the idea of checks and balances, of the importance of having structures to check the power of the government and make sure that they are acting according to the will of the people.*

But what happens when they are not? What happens when different groups of people feel like the government could be doing more to protect or advance their interests? Well, that’s when protest becomes an option. We might have a lot of different images that come to mind when we hear the word protest, but protest is much more than just marches. Protest is a verb under which many different actions live. It is a word for the many different types of ways that we can demand more from our government. We’ll learn more about this as we go. For now, let’s jump into a game to review our knowledge of checks and balances.

[Slide 2] Facilitate a quick whole-class discussion.

- Direct students to the Checks & Balances poster from the Foundations unit.
- **Ask:** *Why was the structure of checks and balances included in the U.S. Constitution?*
 - **Possible response:** to stop any particular branch or person from gaining too much power and acting like a tyrant

[Slide 3] Distribute Fact or Fib materials.

- Distribute the [Fact or Fib Flashcards](#) to each student group.
- Inform students that there are two fibs and four truths in the pack and they have to identify the two fibs.
- Invite students to discuss the reasons they have for each of the fibs they identified.
- Invite students to reference the Checks & Balances poster displayed in your classroom.

[Slide 4] Lead a whole-class share-out.

- When student groups are done with their small-group discussions, invite them to participate in a share-out.
- Invite students to identify the fibs and explain why they are fibs.
- Then, invite students to take turns reading the “facts” as an extra layer of review.



Step 2: Participate in a close-reading of the First Amendment

(20 min)

Purpose: In this step, students read and annotate the First Amendment to the Constitution in a close-reading activity, listing the rights it grants to people living in the United States and considering the ways this amendment has shown up in different parts of society around them.

You might say: *As we know, the Bill of Rights is the first ten amendments to the Constitution. These were rights the states said had to be added before they would be willing to sign the Constitution—they thought they were a critical protection for the people and state governments against the power of the national government. We are going to look at the First Amendment in detail during this module, as it contains the variety of rights that together make up our right to protest.*

[Slide 5] Facilitate a pre-reading discussion.

- **Ask:** *What rights do you think are in the First Amendment?*
 - **Possible responses:** Students may offer responses that are incorrect—either not present in the Constitution at all or present in a different amendment. This is part of the pre-reading process; when they do read the amendment, priming their prior understanding should help them correct it more effectively. Students might offer the rights in the amendment (speech, press, petition, assembly, religion), or things like privacy, the right to bear arms, or even the module focus—the right to protest.
- Create a list of student ideas on the board.

[Slide 6] Facilitate first reading of the First Amendment.

- **Objective:** Understand the literal meaning of the text.
- Distribute [First Amendment Close-Reading](#) handout and read the directions aloud.
- Let students know that you will be leading the first reading of the text.
- Invite students to underline key words or phrases that they do not understand as you read the text aloud.
- Then, help students define key words or phrases using your [First Amendment Close-Reading Teacher Key](#) before moving on to the second reading of the text.

[Slide 7] Facilitate second reading of the First Amendment.

- **Objective:** Analyze the text for deeper meaning and implications.
- Place students into partner groups.
- Read the directions for the second task of the first amendment text.
- Invite students to share the list of rights that they summarized in their own words.
- Create a class list on the board.

[Slide 8] Facilitate third reading of the First Amendment and discussion.

- **Objective:** Apply understanding and evaluate the significance of the rights in contemporary contexts.
- Read the directions for the third task aloud.
- Invite 2-3 students to share their answers to the discussion questions on the handout.
 - **Whom does the First Amendment protect?**
 - **What or who does it protect from?**
 - **Think about the world around you. How have you seen any of these rights in action in today's world?**



You might say: *We will focus on freedom of speech, freedom of the press, the right to assemble, and the right to petition during this module, because those are the rights that make up our right to protest. We will have the chance to study each of these four rights across the four lessons of Module 1, so don't worry if you still aren't sure about the meaning of all of them. Today, the focus is on freedom of speech.*

Step 3: Participate in a You Be the Judge activity**(20 min)**

Purpose: In this step, students use the First Amendment to the Constitution to decide what the outcome should be in a pair of real Supreme Court cases that have shaped our freedom of speech. They compile a list of free speech expansions and limitations.

You might say: *Now that you have an understanding of the First Amendment, we are going to look at two Supreme Court cases based on the right to free speech. You will act as Supreme Court justices, looking at the facts of the case and interpreting the Constitution to make a decision about whether the law being challenged is constitutional or not. Through this activity, we will build our understanding of what specifically counts as free speech and what does not.*

[Slide 9] Review the role of the judicial branch.

- Direct students to look at the Three Branches of Government poster from the Foundations unit.
- Invite them to participate in a quick discussion about the power of the judicial branch and its role in government.
- If time allows, connect to Step 1 in this lesson by asking students to explain how the judicial branch checks the power of the legislative branch.

[Slides 10–12] Facilitate the You Be the Judge activity, Case #1.

- **[Slide 10] Facilitate group work.**
 - Place students in small groups.
 - Distribute the You Be the Judge, Freedom of Speech handout. Direct students to Case 1 on their handout and read the directions aloud.
 - Read the first court case as a class, then invite students to make a decision as a team.
 - Invite all student groups to share their decision and reasoning.
 - Ask students if anyone in each group disagrees with the group decision (dissents) and why.
- **[Slide 11] Display the real-life decision.**
 - Display and read the real decision made by the Supreme Court.
 - Invite students to add their notes to the real-life decision section of their handout.
 - Ask students to share how this compares to the decision their team made.
- **[Slide 12] Facilitate discussion of expansion and limits on freedom of speech.**
 - Invite students to discuss if they believe this case expanded or limited people's right to freedom of speech.



[Slides 13–15] Facilitate the You Be the Judge activity, Case #2.

- **[Slide 13] Facilitate group work.**
 - Direct students to Case 2 on their handout.
 - Read the second court case as a class, then invite students to make a decision as a team.
 - Invite all student groups to share their decision and reasoning.
 - Ask students in each group if anyone disagrees with the group decision (dissents) and why.
- **[Slide 14] Display the real-life decision.**
 - Display and read the real decision made by the Supreme Court.
 - Invite students to add their notes to the real-life decision section of their handout.
 - Ask students to share how this compares to the decision their team made.
- **[Slide 15] Facilitate discussion of expansion and limits on freedom of speech.**
 - *Ask: Do you believe that this decision expanded people's right to freedom of speech or limited this right?*
 - Invite students to discuss their responses as a small group.
 - Then, invite student groups to share their responses as a class.
 - As a whole group, determine if the decision of this case expanded or limited the right to freedom of speech.

Teacher Tip: You Be the Judge

Based on how long students take to read and discuss each case in the You Be the Judge activity, you may complete fewer cases than are provided in the slides. Based on your knowledge of your students and how the first case goes, make adjustments as needed to which cases you focus on. If you wish to include additional cases or to replace any of the included cases, consider the following options:

- *Gitlow v. New York*
- *Terminiello v. Chicago*
- *United States v. O'Brien*
- *United States v. Alvarez*
- *Cohen v. California* (contains profanity)
- *Texas v. Johnson*
- *Mahanoy Area School District v. B.L.*
- *Citizens United v. FEC*

**Step 4: Preview your learning****(5 min)**

Purpose: In this step, students preview the unit poster and their individual writing task and consider what they will learn throughout the unit.

You might say: *Today we have started our work with understanding our right to protest, or the pathways that we have to hold government accountable. We are building our understanding of the First Amendment to better understand what protections we have when we are trying to demand change from our government. We are going to be learning a lot more about the First Amendment, protest, and many different groups of people who used their rights to create change for their community.*

Let's preview the learning that we will do together in this unit.

[Slide 16] Preview the unit.

- Display the poster on the slide.

[Slide 17] Preview the individual assessment task.

- Distribute Unit 2 Evidence Tracker.
- Read the directions aloud.
- Invite students to list what they need to know to be able to respond to the prompt.
- Inform students that they can use this tracker throughout the unit to capture evidence in preparation for their individual writing assessment.

Teacher Tip: Lesson Timing

After reading the lesson, consider how much time you will need on each step based on your classroom systems and routines. If you have shorter class periods, consider the following guidance for splitting this lesson up into two parts.

- **PART 1:**
 - Step 1
 - Step 2: close-reading tasks 1 and 2
- **PART 2:**
 - Begin lesson with task 3 of close-reading as a form of review for Part 1.
 - Complete Steps 3 and 4, consider cutting one of the court cases in Step 3.

**LIBER
TIES**

Lesson 1.1: Freedom of Speech

educuri:us
by NCTE

1

**LIBER
TIES** **The purpose of checks and balances**

Why was the structure of checks and balances included in the U.S. Constitution?

2

**LIBER
TIES** **Fact or Fib**

- You will receive six flashcards.
- There are two fibs (lies) and four truths in these flashcards.
- Identify the two fibs.
- Write an explanation for why you believe these are the two fibs.

3

**LIBER
TIES** **Share out group responses**

What are the two fibs you identified and what was your group's reasoning?

4

**LIBER
TIES** **What you know about the First Amendment**

What rights do you think are in the First Amendment?

5

**LIBER
TIES** **First Amendment, Read #1**



Identify unknown vocabulary. As your teacher reads the text, underline or circle vocabulary that you are unfamiliar with. Then, as your teacher defines these unknown words or phrases, write their definitions in the margins of the text above.

6



First Amendment, Read #2

Reread the text with your new vocabulary context. Then, list all of the rights outlined in the First Amendment.

Finally, define or describe the meaning of each of these rights in your own words.

7



First Amendment, Read #3 & discuss

Whom does the First Amendment protect?

What or who does it protect from?

Think about the world around you. How have you seen any of these rights in action in today's world?

8



Review the judicial branch

What is the purpose of the judicial branch?

What are the powers of the judicial branch?

9



You Be the Judge, Case #1

10



Hazelwood School District v. Kuhlmeier (1988), DECISION

No, the principal's deletion of the articles did not violate the students' rights under the First Amendment.

In a 5-3 decision, the Supreme Court ruled that the First Amendment did not require schools to affirmatively promote particular types of student speech. The Court held that school administrators could exercise editorial control over the content of student speech in school-sponsored activities, such as newspapers and plays, as long as their actions were reasonably related to legitimate pedagogical concerns. This decision established that schools have the authority to set high standards for student speech and to refuse to sponsor speech that is inconsistent with the educational mission of the institution.

11



Discuss Hazelwood School District v. Kuhlmeier (1988)

Do you believe that this decision expanded people's right to freedom of speech or limited this right?

12

PRO TEST You Be the Judge, Case #2

13

LIBERTIES *Tinker v. Des Moines Independent Community School District (1969), DECISION*

Yes, a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violates students' freedom of speech protections guaranteed by the First Amendment.

In a 7-2 decision, the Supreme Court held that the armbands represented pure speech that is entirely separate from the actions or conduct of those participating in it. The Court also held that the students did not lose their First Amendment rights to freedom of speech when they stepped onto school property. In order to justify the suppression of speech, the school officials must be able to prove that the conduct in question would "materially and substantially interfere" with the operation of the school. In this case, the school district's actions evidently stemmed from a fear of possible disruption rather than any actual interference.

14

LIBERTIES Discuss *Tinker v. Des Moines Independent Community School District (1969)*

Do you believe that this decision expanded people's right to freedom of speech or limited this right?

15

LIBERTIES Unit preview

16

LIBERTIES Preview individual writing assessment task

17



The system of checks and balances is designed to ensure that no single branch of government becomes too powerful.

The executive branch can dissolve the legislative branch if it disagrees with a law passed by Congress.

The legislative branch (Congress) can check the executive branch by overriding a presidential veto with a two-thirds majority vote.



The judicial branch can check the legislative branch by declaring laws unconstitutional through judicial review.

The judicial branch can create new laws if it believes the current laws are insufficient.

The executive branch can check the judicial branch by appointing federal judges, including Supreme Court justices, with the advice and consent of the Senate.



Lesson 1.1: First Amendment Close-Reading

Name: _____

Directions: You will read the following text several times to construct meaning from the different rights and protections found in the First Amendment of the U.S. Constitution. Follow teacher guidance to complete each of the reading tasks.

The First Amendment of the U.S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Task #1: Identify unknown vocabulary. As your teacher reads the text, underline or circle vocabulary that you are unfamiliar with. Then, as your teacher defines these unknown words or phrases, write their definitions in the margins of the text above.

Task #2: Reread the text with your new vocabulary context. Then, use the space below to list all of the rights outlined in the First Amendment. Finally, define or describe the meaning of each of these rights in your own words.



Lesson 1.1: First Amendment Close-Reading

Name: _____

Task #3: Prepare for a whole-group discussion. Read the text again, along with your notes about the rights listed in the amendment. Then, prepare notes for your whole-group discussion using the guiding questions below.

Whom does the First Amendment protect?

What or who does it protect **from**?

Think about the world around you. How have you seen any of these rights in action in today's world?



Lesson 1.1: You Be the Judge, Freedom of Speech

Name: _____

Directions: Use your First Amendment annotations and notes to make a decision about each of the court cases below. Then, take notes about the actual Supreme Court decision in each case.

Case 1: *Hazelwood School District v. Kuhlmeier* (1988)

Facts of the case:

The Spectrum, a student newspaper at Hazelwood East High School in Missouri, was written and edited by the journalism class. In May 1983, the school principal, Robert E. Reynolds, reviewed the page proofs of an upcoming issue and found two articles concerning sensitive topics—teen pregnancy and the impact of divorce on students. Believing these articles to be inappropriate and potentially disruptive, he ordered them to be removed from the publication. Cathy Kuhlmeier and two other student journalists sued the school district, arguing that their First Amendment rights were violated.

Constitutional question:

Does the decision by a public school principal to delete certain articles from the school newspaper, which is produced as part of the school's journalism curriculum, violate the students' First Amendment rights to freedom of speech and press?

My team's response to the question, along with our reasoning:

Notes about the real-life Supreme Court decision:



Lesson 1.1: You Be the Judge, Freedom of Speech

Name: _____

Case 2: *Tinker v. Des Moines Independent Community School District* (1969)

Facts of the case:

In December 1965, a group of high school students in Des Moines held a meeting to plan a public showing of their support for a truce in the Vietnam war. They decided to wear black armbands throughout the holiday season and to fast on December 16 and New Year's Eve. The principals of their school learned of the plan and met on December 14 to create a policy stating that any student wearing an armband would be asked to remove it, with refusal to do so resulting in suspension. On December 16, Mary Beth Tinker and Christopher Eckhardt wore their armbands to school and were sent home. The following day, John Tinker did the same with the same result. The students did not return to school until after New Year's Day, the planned end of the protest. Through their parents, the students sued the school district for violating the students' right of expression.

Constitutional question:

Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the students' freedom of speech protections guaranteed by the First Amendment?

My team's response to the question, along with our reasoning:

Notes about the real-life Supreme Court decision:



Lesson 1.1: Unit 2 Evidence Tracker

Name: _____

Directions: Based on the knowledge you gained in this unit, you will **craft an argument** that answers the following prompt: “Evaluate the extent to which collective action can protect and expand the rights of individuals within the United States.” Use the following evidence tracker to capture evidence for your writing prompt.

Evidence to support the claim that collective action can protect and expand the rights of individuals within the United States	Evidence to counter the claim that collective action can protect and expand the rights of individuals within the United States	Analysis of the evidence



Lesson 1.1: Unit 2 Evidence Tracker

Name: _____

Evidence to support the claim that collective action can protect and expand the rights of individuals within the United States	Evidence to counter the claim that collective action can protect and expand the rights of individuals within the United States	Analysis of the evidence



Lesson 1.1: Unit 2 Evidence Tracker

Name:

Evidence to support the claim that collective action can protect and expand the rights of individuals within the United States	Evidence to counter the claim that collective action can protect and expand the rights of individuals within the United States	Analysis of the evidence
Possible argument stem:		

Unit 2



Lesson 2.3: LandBack Movement

Unit Compelling Question:

To what extent can collective action protect and progress the rights of all individuals within the United States?

Module Supporting Question:

How have different groups of people used their First Amendment rights to influence government action?

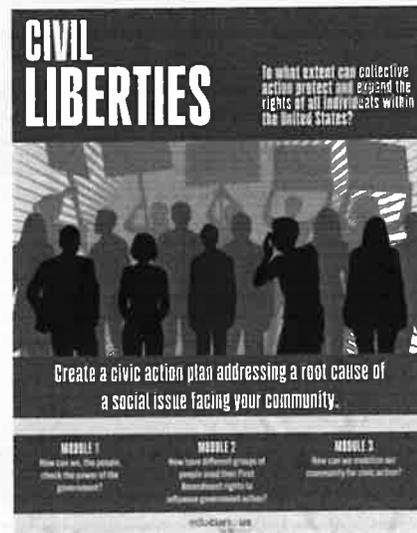
Learning Targets

I can:

- Explore movements for Indigenous sovereignty.
- Use evidence to explain the importance of collective action and protest.

Purpose

In this lesson, you will learn about Indigenous LandBack movements. You will watch the video "The Invasion of America" and consider what you already know about the colonization of the territory we now call the United States. You will participate in a jigsaw activity exploring actions Indigenous people are taking to reclaim their native land. Then, you will engage in a small-group discussion about the collective actions taken by the groups you learned about. Finally, you will connect to the First Amendment and consider how this applies to a movement seeking sovereignty.



Lesson Steps

1. **Learn about the Indigenous LandBack movement:** Watch the video "The Invasion of America." Then, participate in a jigsaw activity examining Indigenous reoccupation of land using the [LandBack Movement Jigsaw](#) handout.
2. **Discuss Indigenous collective action:** Complete an independent reflection on the [Indigenous Collective Action Reflection](#) handout and then participate in a small-group discussion about the examples of Indigenous protest you learned about in this lesson.
3. **Connect to the First Amendment:** Consider whether or not Indigenous movements need to be rooted in First Amendment protections if they seek sovereignty from the United States.

Explore More

- CBC Manitoba video: "[Fox Lake Cree Nation Waiting 75 Years for Canada to Hand Over Land It Owes the Community](#)"
- CBC News article: "[Fox Lake's Promised Land](#)"



Teacher Preparation Notes

Pacing		
Lesson Timing: 60 minutes		
Standards		
✓ C3 D2.His.16.9-12: Integrate evidence from multiple relevant historical sources and interpretations into a reasoned argument about the past. D2.Civ.6.9-12: Critique relationships among governments, civil societies, and economic markets.		
Lesson Resources		
For Students	For Teachers	Materials
<ul style="list-style-type: none"> Video: "The Invasion of America" LandBack Movement Jigsaw Indigenous Collective Action Reflection Video: "Indigenous Sovereignty: One Land Plot at a Time" 	<ul style="list-style-type: none"> Lesson 2.3 Slide Deck LandBack Movement Jigsaw Teacher Key 	<ul style="list-style-type: none"> Student devices Student headphones
Lesson Overview		
<p>In this lesson, students learn about Indigenous LandBack movements. They watch the video “The Invasion of America” and consider what they already know about the colonization of the territory we now call the United States. They participate in a jigsaw activity exploring actions Indigenous people are taking to reclaim their native land. Then, they engage in a small-group discussion about the collective actions taken by the groups they learned about. Finally, students connect to the First Amendment and consider how this applies to a movement seeking sovereignty.</p>		
Assessment		
<ul style="list-style-type: none"> Step 1: In the LandBack Movement Jigsaw handout, students investigate and evaluate the impact of collective actions taken by the LandBack movement. Standard: D2.His.16.9-12, D2.Civ.6.9-12 Success Criteria: Evaluate opportunities for people in the Indigenous land rights movement to participate in and influence government. Step 3: After watching the “Indigenous Sovereignty: One Land Plot at a Time” video, students identify areas in which Indigenous communities have First Amendment protection and sovereignty. Standard: D2.His.16.9-12, D2.Civ.6.9-12 Success Criteria: Describe the relationship of tribal governments with state and federal governments in regard to First Amendment protections. 		

Teacher Guide

Lesson 2.3: LandBack Movement Civil Liberties



Teacher Preparation

- **Preview all materials and sources:** Review all the materials and sources associated with this lesson. Make any adaptations or replacements you deem necessary for your students and be prepared to guide students as they explore the source materials.
- **Select student groups:** Students will be working in small groups throughout the entire lesson; decide how you want to group students ahead of time.



Lesson Steps in Detail

Step 1: Learn about the Indigenous LandBack movement

(30 min)

Purpose: In this step, students watch the video "The Invasion of America." They discuss what they already know about the treatment of indigenous people in the territory we now call the United States. They define *tribal sovereignty*. Then, they participate in a jigsaw activity examining Indigenous reoccupation of land.

You might say: *Today we are exploring our third case study to learn about collective action and protest. We are going to be exploring the LandBack movement, and more largely, the movement for Indigenous sovereignty. This movement is dedicated to regaining land stolen from Indigenous people, and will be our third case study of a grassroots movement taking collective action toward a common goal. As we work today, you will need to bear in mind not only our study of First Amendment rights, but also the concept of tribal sovereignty.*

[Slide 2] Play eHistory.org video "The Invasion of America" [1:27].

- **Ask:** *What are some key takeaways from this video?*
 - **Possible responses:** The United States took land from Indigenous people as it expanded toward the West Coast; the United States established reservations and Indigenous people were forced to move.

[Slide 3] Discuss your background knowledge.

- Invite students to work in small groups to discuss any of the following questions:
 - *What do you know about the treatment of Indigenous people in the territory that we now call the United States?*
 - *What do you know about Indigenous history in the territory we now call Colorado?*
 - *Based on what you know about Indigenous history, what are some issues that Indigenous people might be trying to address today?*
- Provide guidance on how much time students have to discuss.
- Then invite 2-3 students to share what they discussed in their groups.

[Slides 4–5] Define *tribal sovereignty*.

- **[Slide 4] tribal sovereignty:** the ability to govern and to protect and enhance the health, safety, and welfare of tribal citizens within tribal territory
 - Indigenous people on tribal land have the same Constitutional rights that everyone who lives in the United States has, but Indigenous nations also have sovereignty, and therefore operate outside of many federal systems and regulations.
- **[Slide 5] Tribal governments:**
 - determine their own governance structures
 - establish civil and criminal laws for their nations
 - enforce laws through police departments and tribal courts
 - determine citizenship of Indigenous nations
 - tax residents
 - have the power to exclude wrongdoers from tribal lands
 - run public schools
 - establish health care systems
 - create environmental protections and regulate use of natural resources
 - develop and maintain infrastructure (housing, roads, bridges, utilities like water and electricity, etc.)

Teacher Guide

Lesson 2.3: LandBack Movement Civil Liberties



[Slide 6] Facilitate Part 1 of the jigsaw activity.

- Distribute the [LandBack Movement Jigsaw](#) handout.
- Place students in small groups and assign each group a focus area.
- Read the instructions on the slide.
 - With your group:
 - examine sources for your assigned focus area.
 - discuss the jigsaw questions on your handout.
 - record your group's responses.
 - prepare to share your findings with members of other groups.
- Set a timer and release students into their groups.

[Slide 7] Facilitate Part 2 of the jigsaw activity.

- Place students in new groups with one representative from each focus area.
- Read the instructions on the slide.
 - Present your group's responses to the questions on your handout.
 - Listen to and record notes on your classmates' presentations on the other focus areas.
 - Once everyone has presented, discuss the post-jigsaw questions at the bottom of your handout and record your ideas.

Teacher Tip: Do No Harm

This lesson focuses on the Indigenous LandBack movement, which may be a sensitive topic for some students. Try to cue into and follow up with students' emotional responses to sources and listen well to the meaning-making of your students to address potentially harmful or triggering ideas.

As you probe with questions (e.g. "What feelings does this bring up for you?"), it is important to cue into the emotional reactions of your students. Pay attention to the impact of this work on all students, particularly those most marginalized in your class and society. You may wish to have a plan in place for students who may need to take a break during class.

This lesson may potentially challenge students who hold strong beliefs or come from households with strong beliefs. Consider having the class establish guidelines for safe and civil (but not necessarily comfortable) conversations before doing this activity, e.g., no attacking individuals for their identities or beliefs.

Step 2: Discuss Indigenous collective action

(15 min)

Purpose: Students complete an independent reflection and then participate in a small-group discussion about the examples of Indigenous protest they learned about in this lesson.

You might say: *Now that we have explored examples of collective action in Indigenous LandBack movements, let's participate in a reflection to list out all of the collective action examples and also consider the idea of tribal sovereignty.*

[Slide 8] Provide instructions for independent reflection.

- Distribute [Indigenous Collective Action Reflection](#) handout.
- Provide guidance on how long students have for their reflection.
- Then provide time for students to discuss their responses with their teams.



[Slide 9] Lead whole-class discussion.

- Invite students to share their collective action lists.
- Create a class list of collective action examples that students explored in this lesson.
- Then, invite students to share their responses to the tribal sovereignty question.
- Talking points:
 - We are thinking about this case study a little bit differently.
 - While we have a lot of examples of collective actions taken by Indigenous activists, it's more complicated to think about whether or not those are rooted in the First Amendment.
 - This is because many of these movements are working to have sovereignty or separation from the U.S government.
 - So, instead of what we have done for the other case studies, we'll dig more into the nuances of the relationship between Indigenous movements and the federal government.

Step 3: Connect to the First Amendment

(15 min)

Purpose: Consider whether or not Indigenous movements need to be rooted in First Amendment protections if they seek sovereignty from the United States.

You might say: *Finally, we are going to consider the First Amendment, as we have at the end of each case study. Given the idea of tribal sovereignty, we are going to be looking at this from a bit of a different angle. First, let's watch a video to jumpstart our discussion.*

[Slide 10] Play KQED video "Indigenous Sovereignty: One Land Plot at a Time" [4:23].

- Invite students to discuss the following questions in small groups. then invite 2-3 groups to share what they discussed.
- Ask: *What is one example of actions Indigenous groups took in the video we watched that do fall under First Amendment protections?*
 - Possible response: going to city council (petition)
- Ask: *What is one example of Indigenous tribes working to operate outside of the U.S. Constitution?*
 - Possible response: The speaker in the video mentions tribal agreements, which mean that her community does not need to be recognized by the federal government; they are legally sovereign.
- Ask: *Why is it important to consider tribal sovereignty when talking about Indigenous protest?*
 - Possible responses: Responses will vary, but students might say that while Indigenous communities that have sovereignty have the same protections as other citizens and can utilize First Amendment protections, it is important to recognize that many of these movements are working to separate themselves from the U.S government and thus their actions sometimes live outside of constitutional protections and federal government limits on these protections.

**Teacher Tip: Lesson Timing**

After reading the lesson, consider how much time you will need on each step based on your classroom systems and routines. If you have shorter class periods, consider the following guidance for splitting this lesson up into two parts.

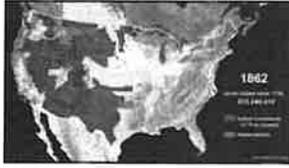
- **PART 1:**
 - Step 1

- **PART 2:**
 - Steps 2 and 3. Begin Day 2 with a quick review about the different sources students explored in their Step 1 jigsaw. Then, jump into the collective action analysis.


 Lesson 2.3: LandBack Movement
 educuri:us
 by NCC

1


Video: "The Invasion of America"



1842

What are some key takeaways from this video?

2


Discuss your background knowledge

- What do you know about the treatment of Indigenous people in the territory that we now call the United States?
- What do you know about Indigenous history in the territory we now call Colorado?
- Based on what you know about Indigenous history, what are some issues that Indigenous people might be trying to address today?

3


Define *tribal sovereignty*

- **tribal sovereignty:** the ability to govern and to protect and enhance the health, safety, and welfare of tribal citizens within tribal territory
- Indigenous people on tribal land have the same Constitutional rights that everyone who lives in the United States has, but Indigenous nations also have sovereignty, and therefore operate outside of many federal systems and regulations.

4


Tribal sovereignty

- Tribal governments:
 - determine their own governance structures
 - establish civil and criminal laws for their nations
 - enforce laws through police departments and tribal courts
 - determine citizenship of indigenous nations
 - tax residents
 - have the power to exclude wrongdoers from tribal lands
 - run public schools
 - establish health care systems
 - create environmental protections and regulate use of natural resources
 - develop and maintain infrastructure (housing, roads, bridges, utilities like water and electricity, etc.)

5


Jigsaw activity, Part 1



1. With your group:
 - a. examine sources for your assigned focus area.
 - b. discuss the jigsaw questions on your handout.
2. Record your group's responses.
3. Prepare to share your findings with members of other groups.

6

LIBERTIES **Jigsaw activity, Part 2**



1. Present your group's responses to the questions on your handout.
2. Listen to and record notes on your classmates' presentations on the other focus areas.
3. Once everyone has presented, discuss the post-jigsaw questions at the bottom of your handout and record your ideas.

7

LIBERTIES **Independent reflection**



8

LIBERTIES **Examples of collective action**

What examples of collective action did you explore today?

9

LIBERTIES **Video: "Indigenous Sovereignty, One Land Plot at a Time"**



What is one example of actions Indigenous groups took in the video we watched that do fall under First Amendment protections?

What is one example of Indigenous tribes working to operate outside of the U.S. Constitution?

Why is it important to consider tribal sovereignty when talking about Indigenous protest?

10



Lesson 2.3: LandBack Movement Jigsaw

Name:

Directions: Reflect on the First Amendment rights you learned about in Module 1 and the concept of tribal sovereignty as you explore the sources for your assigned focus area.

Focus area and sources	Summary of focus area	What collective actions are Indigenous people taking?	How has the government responded to these actions?
Alcatraz <ul style="list-style-type: none">• PBS video: "<u>Occupation of Alcatraz, 1969</u>"• National Park Service article: "<u>We Hold the Rock</u>"			
Mount Rushmore <ul style="list-style-type: none">• <i>The Guardian</i> article: "<u>The Battle for Mount Rushmore</u>"• Brent Rose video: "<u>Inside the Mount Rushmore Protest</u>"			



Lesson 2.3: LandBack Movement Jigsaw

Name: _____

Focus area and sources	Summary of focus area	What collective actions are Indigenous people taking?	How has the government responded to these actions?
<p>Cop City</p> <ul style="list-style-type: none"> • NPR audio: "RICO Case Against Cop City Protesters Stir Concerns About Free Speech" • YES! Media interview: "Resistance to Atlanta's Cop City Ramps Up" 			
<p>Dakota Access Pipeline</p> <ul style="list-style-type: none"> • Indigenous Foundation article: "The Dakota Access Pipeline" • NPR timeline: "Key Moments in the Dakota Access Pipeline Fight" 			
<p>Maunakea</p> <ul style="list-style-type: none"> • Puuhonua Puuhuluhulu video: "Like a Mighty Wave: A Maunakea Film" • Vox article: "The Pandemic Hasn't Stopped Native Hawaiians' Fight to Protect Maunakea" 			



Lesson 2.3: LandBack Movement Jigsaw

Name:

Post-jigsaw questions:

How and why does the government respond to different social movements differently? Consider all of our case studies.

What effects do government obstructions of collective action have on the efficacy of social movements?

What lessons about collective action can we learn from the LandBack movement?



Lesson 2.3: Indigenous Collective Action Reflection

Name: _____

Part 1: Collective action in Indigenous LandBack movements

Directions: Use the following space to capture notes from your class discussion about the different examples of collective action that you learned about while exploring Indigenous LandBack movements. Then, complete the tribal sovereignty reflection that follows.



Lesson 2.3: Indigenous Collective Action Reflection

Name: _____

Part 2: Reflection on tribal sovereignty

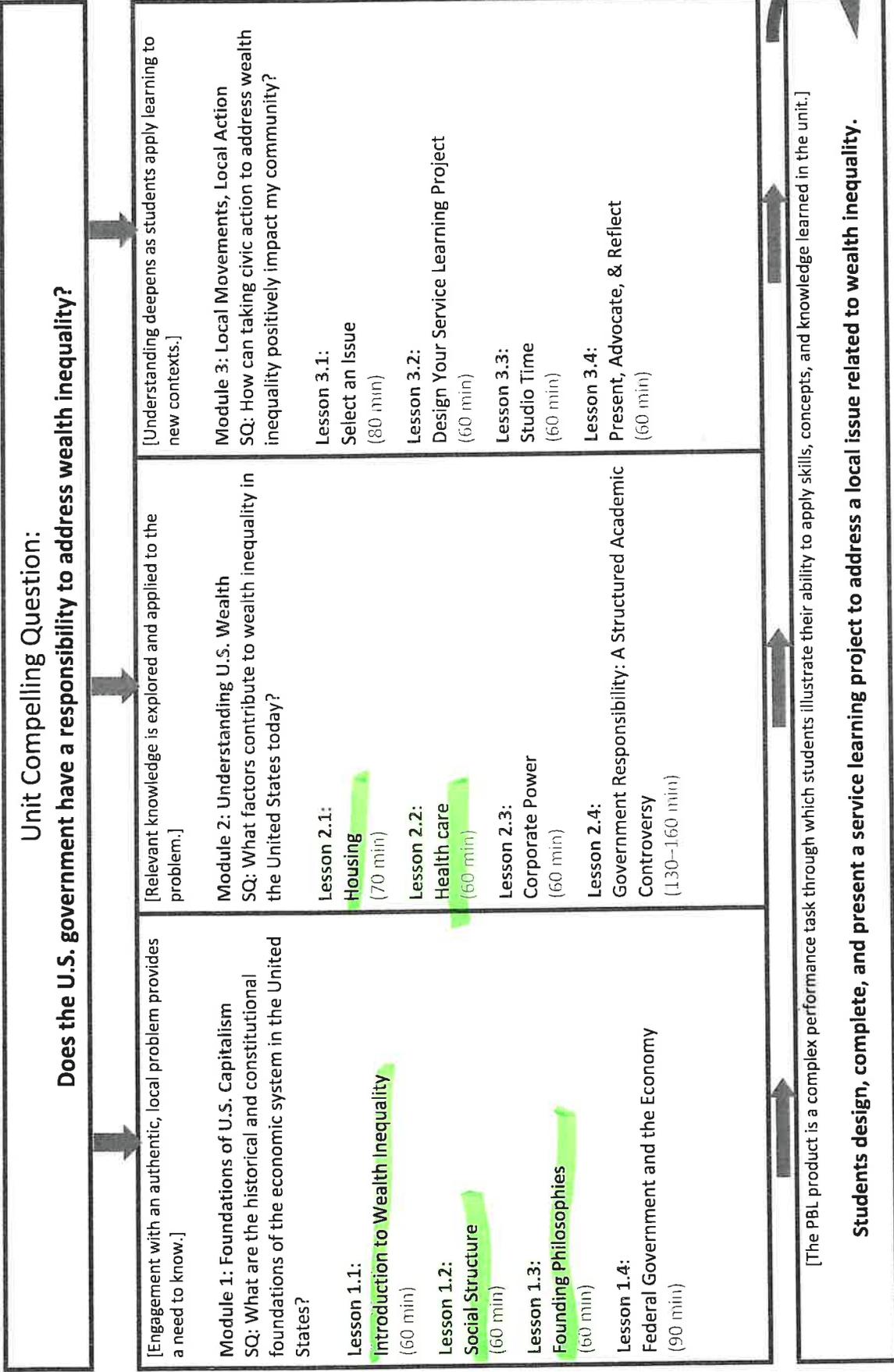
tribal sovereignty: the ability to govern and to protect and enhance the health, safety, and welfare of tribal citizens within tribal territory. Indigenous people on tribal land have the same Constitutional rights that everyone who lives in the United States has, but Indigenous nations also have sovereignty, and therefore operate outside of many federal systems and regulations.

Think back to your learning about the limits and expansion of First Amendment protections and the case studies we have explored so far. What are some of the ways in which the federal government places limits on the ability to take collective action or to protest?

Given the desire of many Indigenous communities to have sovereignty, to what extent should they have to abide by the limits to collective action set by the federal government?



Unit at a Glance 4 weeks (14 hours) Unit 3



includes diverse perspectives

2011.11.11

Module Overview

Module 1: Foundations of U.S. Capitalism The Price of Democracy

Unit 3

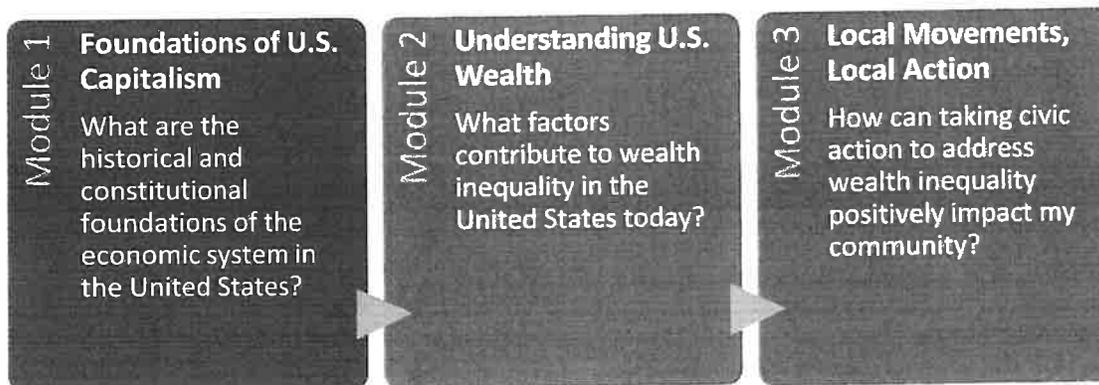


Unit Compelling Question

Does the U.S. government have a responsibility to address wealth inequality?

Module Supporting Question

What are the historical and constitutional foundations of the economic system in the United States?



Module Overview

In this module, students are introduced to the concept of wealth inequality and to the foundations of the U.S. government. Wealth inequality is introduced as the social issue through which they explore civic skills and knowledge. This module provides students with the knowledge and vocabulary they will need for the case studies they will explore in Module 2. They walk away from this module understanding not only the different philosophical ideals that have shaped the U.S. government as it exists today, but also whom the government was designed for historically. They also have an initial understanding of their own philosophies about wealth, the government's roles and responsibilities, and society around them.

In Lesson 1.1, students learn about wealth inequality and are introduced to the idea of philosophy. In Lesson 1.2, students explore their own political philosophy and the political philosophical ideals that shaped the U.S. government. In Lesson 1.3, students learn the history of the creation of the United States and consider the groups of people for whom the U.S. government was created. In Lesson 1.4, students tie together all of this thinking through an exploration of capitalism, constitutional economic powers, and government economic action throughout time.

Lesson 1.1: Introduction to Wealth Inequality (60 minutes)	
Key Standard for Success Criteria <u>SS.HS.4.1.C</u>	In this lesson, students define <i>wealth inequality</i> . They consider their views about wealth inequality as it exists in the United States, and they reflect on their own personal philosophy when it comes to wealth and government policy. Finally, they consider the relationship between personal philosophy and how they view the role and responsibility of our government.
Success Criteria By the end of the lesson, students will be able to: <ul style="list-style-type: none">Explain how wealth inequality impacts the influence of individuals on government policies and practices.	

Module Overview

Module 1: Foundations of U.S. Capitalism The Price of Democracy



Lesson 1.2: Social Structure (60 minutes)	
<p>Key Standard for Success Criteria <u>SS.HS.4.2.A</u></p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Describe the origins and purposes of feudal and American government.	<p>In this lesson, students review their knowledge of the original 13 colonies. Then, they learn about feudalism, the social structure in England prior to the establishment of the colonies. They consider how this social structure affected England's governance of the colonies. Finally, they reflect on the social structure established in the United States after the War of Independence and explain how it connects to feudalism and our society today.</p>
Lesson 1.3: Founding Philosophies (60 minutes)	
<p>Key Standard for Success Criteria <u>SS.HS.4.2.E</u></p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Describe the development of the Declaration of Independence.	<p>In this lesson, students review the reasons for the U.S. War of Independence. Then, they discuss how personal philosophy informs political philosophy. Finally, they review the Declaration of Independence and consider how the personal characteristics of the Founders influenced the government they created.</p>
Lesson 1.4: Federal Government and the Economy (90 minutes)	
<p>Key Standard for Success Criteria <u>SS.HS.4.2.B</u></p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Identify the structure, function, and role of federal fiscal policies.	<p>In this lesson, students review their learning from the unit so far and connect it to their understanding of U.S. democracy based on their learning throughout the year. Then, they define <i>capitalism</i> and understand its role in U.S. society. Students participate in an activity to identify powers to regulate the economy as defined by the U.S. Constitution. Finally, they read about a milestone in U.S. history where the federal government intervened in the U.S. economy and create an informational poster to share their learning with their peers.</p>
Module Assessments	
<ul style="list-style-type: none">Lesson 1.1: Wealth Inequality DefinedLesson 1.2: Social StructureLesson 1.3: Founding PhilosophiesLesson 1.4: U.S. Economy	

Module Overview

Module 2: Understanding U.S. Wealth The Price of Democracy

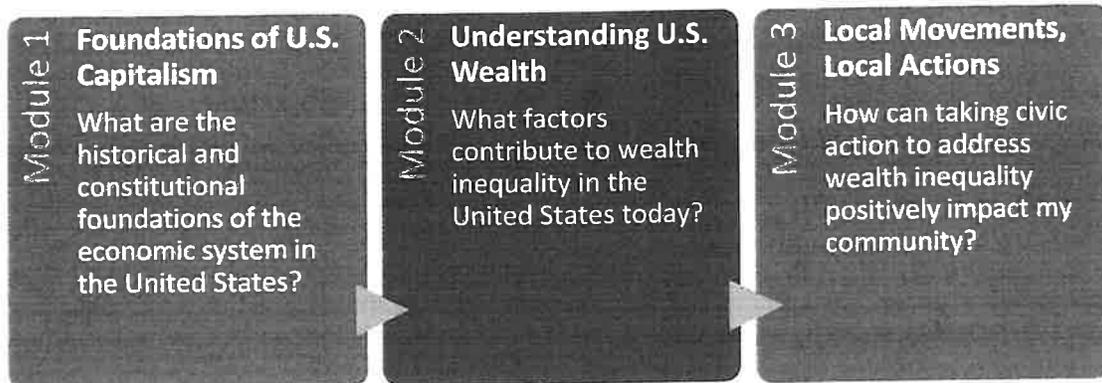


Unit Compelling Question

Does the U.S. government have a responsibility to address wealth inequality?

Module Supporting Question

What factors contribute to wealth inequality in the United States today?



Module Overview

In this module, students build on their understanding of wealth inequality and government responsibility through an exploration of three issues and one structured discussion. In each of the first three lessons, students evaluate the many different policies that have created and perpetuated wealth inequality in the United States, along with the many effects of these policies on our society. Students look closely at how money influences government policy and action and begin to consider their political philosophy on what we should demand from our government moving forward.

In Lesson 2.1, students learn about redlining and race-based wealth inequality. They consider who has benefited from government housing policies and how the government might act to close the race-based wealth gap that exists in the United States. In Lesson 2.2, students learn about our health care system and consider whom the government serves as it continues to block legislation to create a universal health care system. They discuss how health care can serve as a jumping-off point in their determination of whether the government truly represents the people of the United States. In Lesson 2.3, students learn about corporate power through a discussion on government spending and lobbying. They learn about recent Supreme Court cases that have contributed to corporate power, and discuss the impact of those decisions on wealth inequality. Finally, in Lesson 2.4, students consider the unit question on the government's responsibility to address wealth inequality, arguing both sides of the issue before coming to a consensus with their classmates.

Lesson 2.1: Housing (70 minutes)	
Key Standards for Success Criteria <u>SS.HS.4.3.D</u>	In this lesson, students explore the impact of redlining on a city over time through a map-drawing activity. Then they learn about the history of redlining in the United States and in Denver by examining sources, using what they learn to participate in a whole-class discussion about redlining and wealth inequality. Finally, students work in groups to discuss the responsibility of the government to address a local housing issue.
Success Criteria By the end of the lesson, students will be able to: <ul style="list-style-type: none">Analyze how the Wagner-Steagall Housing Act affected individual rights.	

Module Overview

Module 2: Understanding U.S. Wealth The Price of Democracy



Lesson 2.2: Health Care (60 minutes)	
<p>Key Standards for Success Criteria <u>SS.HS.4.3.A</u></p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Describe how Denver voters can impact local health care policy through ballot initiatives and referenda.	<p>In this lesson, students explore via a simulation activity how the U.S. system of privatized health care works. They brainstorm a list of connections between privatized health care and wealth inequality as a whole class. Then they participate in a jigsaw activity to explore the impact of COVID-19 on different groups of people. Finally, students learn about socialized health care and a local health care issue.</p>
Lesson 2.3: Corporate Power (60 minutes)	
<p>Key Standards for Success Criteria <u>SS.HS.4.3.F</u></p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Analyze Supreme Court decisions in <i>Citizens United v. FEC</i>, <i>Burwell v. Hobby Lobby</i>, and <i>Snyder v. United States</i> to evaluate the role of the judicial system in protecting the liberty of persons in the United States.	<p>In this lesson, students create a pie chart based on how they would allocate federal funding, then compare that pie chart to real government spending. Next, they define <i>lobbying</i> and participate in a simulation activity in which they apply their political philosophies to real-life cases about corporate power. Finally, students investigate a local corporate power issue and make connections between corporate power and wealth inequality.</p>
Lesson 2.4: Government Responsibility: A Structured Academic Controversy (130–160 minutes)	
<p>Key Standards for Success Criteria <u>SS.HS.4.2.A</u></p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none">Describe the purposes and limitations of government in addressing wealth inequality.	<p>In this lesson, students participate in a Structured Academic Controversy exploring the unit question about government responsibility to address wealth inequality. They annotate and analyze primary sources that support both sides of the argument. Then, students argue both sides of the argument in small groups and work to come to a consensus. At the end of this lesson, they revisit the spectrum activity from Lesson 1.1 and consider what has changed in their views on capitalism, wealth inequality, and government responsibility.</p>
Module Assessments	
<ul style="list-style-type: none">Lesson 2.1: Local Housing IssuesLesson 2.2: Local Health Care IssuesLesson 2.3: Local Corporate Power IssuesLesson 2.4: SAC Final Reflection & Position	

Module Overview

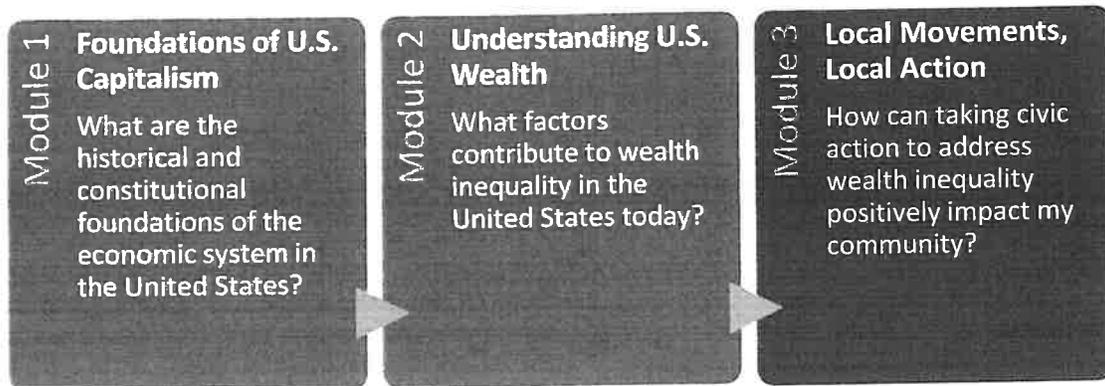
Module 3: Local Movements, Local Action The Price of Democracy

Unit Compelling Question

Does the U.S. government have a responsibility to address wealth inequality?

Module Supporting Question

How can taking civic action to address wealth inequality positively impact my community?



Module Overview

In this module, students create and present their unit service learning projects. Throughout the unit, students have explored what wealth inequality means. They have learned about foundational decisions of government at local and national levels that have led to greater wealth inequality in the United States. They have extensively discussed the factors that contribute to continued wealth inequality in society. In this module, students put all of this thinking together and complete a service learning project to address wealth inequality in Denver.

In Lesson 3.1, students collaboratively generate a list of issues related to wealth inequality they have learned about in this unit. They select an issue to focus on for their project and research local groups and individuals working to address it. In Lesson 3.2, students craft a plan for their projects, including selecting a service learning action and a format for their presentation. Then, they contact the groups/individuals they identified in Lesson 3.1. In Lesson 3.3, students work on their projects and conference with their teacher. They write project statements explaining their work. Finally, in Lesson 3.4, students present their findings to their classroom community or to an outside audience. They identify ways they can support the work of their peers, and then reflect on what they learned during the project, unit, and course as a whole.

Lesson 3.1: Select an Issue (80 minutes)	
<p>Key Standard for Success Criteria <u>SS.HS.4.1.C</u></p> <p>Success Criteria By the end of the lesson, students will be able to:</p> <ul style="list-style-type: none"> Describe the role and influence of groups as checks on governmental policies regarding wealth inequality. 	<p>In this lesson, students learn about the unit project. Then, they work in small groups to brainstorm issues related to wealth inequality to focus on for their projects. Finally, they research local organizations and individuals working to address the issues they identified, and select final issues for their projects.</p>

Module Overview

Module 3: Local Movements, Local Action The Price of Democracy



Lesson 3.2: Design Your Service Learning Project (60 minutes)

Key Standard for Success Criteria
SS.HS.4.1.E

Success Criteria

By the end of the lesson, students will be able to:

- Engage as active community members to support wealth equality or with local levels of government on policies contributing to wealth inequality.

In this lesson, students select a service learning action for their projects. Then, they choose a presentation format and create a checklist to guide their work on their projects. Finally, they contact the groups and individuals they identified to begin their service learning actions.

Lesson 3.3: Studio Time (60 minutes)

Key Standards for Success Criteria
SS.HS.4.1.E

Success Criteria

By the end of the lesson, students will be able to:

- Engage as active community members to support wealth equality or with local levels of government on policies contributing to wealth inequality.

In this lesson, students use their checklists to work on their projects. They conference with you and apply any feedback they receive. Finally, they write a project statement explaining why they chose their issue, action, and format and what they learned.

Lesson 3.4: Present, Advocate, & Reflect (60 minutes)

Key Standards for Success Criteria
SS.HS.4.1.E

Success Criteria

By the end of the lesson, students will be able to:

- Engage as active community members to support wealth equality or with local levels of government on policies contributing to wealth inequality.

In this lesson, students present their work to an audience. Then, they choose one of their classmates' projects and consider what steps they could take to support their classmate's work. Finally, students reflect on their learning throughout the unit.

Module Assessments

- **Lesson 3.1:** Project Focus
- **Lesson 3.2:** Project Plan
- **Lesson 3.3:** Project Statement
- **Lesson 3.4:** Final presentation

Vocabulary

- **advocacy:** speaking up for or against an issue or solution
- **direct service:** an action that happens in the presence of the people or in the place we want to impact
- **indirect service:** an action that happens away from the people or place we want to impact
- **research:** finding out new information that informs or demands action
- **service learning:** a combination of education and community service, providing a real-world learning experience while positively impacting society