Unit 3 Constitutional Protections

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Department of Curriculum and Instruction

Belleville Public Schools

Curriculum Guide

Criminal Justice Seminar

Grades 10-12

Constitutional Protections

Belleville Board of Education

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Unit Overview

In this Unit students will discover the applicability of the U.S. Constitution in all matters involving the Criminal Justice System. Students will distinguish between the two types of constitutional protections afforded criminal defendants. Students will compare law which are unconstitutional on its face with law that are unconstitutional as applied. Students will examine the basic human rights protections of the Bill of Rights and will study the Due Process and Equal Protection Clauses. Students will then further explore the legal principles of freedom of speech, right to privacy, right to bear arms, and right to be free from cruel and unusual punishment.

Enduring Understanding

The U.S. Constitution protects criminal defendants from certain statutes and procedures. State constitutions usually mirror the federal and occasionally provide more protection to criminal defendants than the federal Constitution, as long as the state constitutions do not violate federal supremacy. Statutes can be unconstitutional as written or as enforced and must be supported by a sufficient government interest. Statutes that punish without a trial or criminal statutes that are applied retroactively are unconstitutional. Other constitutional protections are in the Bill of Rights, which is the first ten amendments, and the Fourteenth Amendment, which contains the due process clause and the equal protection clause.

The due process clause prohibits the government from taking an individual's life, liberty, or property

arbitrarily, without notice and an opportunity to be heard. Statutes that are vague or criminalize constitutionally protected conduct (overbroad) violate due process. The Fifth Amendment due process clause applies to the federal government, and the Fourteenth Amendment due process clause applies to the states. The Fourteenth Amendment due process clause also selectively incorporates fundamental rights from the Bill of Rights and applies them to the states. Rights incorporated and applied to the states are the right to free speech, the right to privacy, the right to bear arms, the right to be free from cruel and unusual punishment, and the right to a jury trial. The Fourteenth Amendment also contains the equal protection clause, which prevents the government from enacting statutes that discriminate without a sufficient government interest.

The First Amendment protects speech, expression, and expressive conduct from being criminalized without a compelling government interest and a statute that uses the least restrictive means possible. The Second Amendment protects an individual's right to possess a usable handgun in the home for self-defense. This right is not extended to convicted felons, the mentally ill, commercial sale of firearms, and firearm possession near schools and government buildings. The Eighth Amendment protects criminal defendants from inhumane and excessive punishments. The Sixth Amendment ensures that all facts used to extend a criminal defendant's sentencing beyond the statutory maximum must be determined by a jury beyond a reasonable doubt.

Essential Questions

What are the basic human rights protections contained in the U.S. Constitution?
How can laws or actions by the government be declared unconstitutional?
What is the Bill of Rights?
What is the difference between substantive and procedural due process?
What is the purpose of the equal protection clause as it applies to criminal laws?
What type of speech is protected under the First Amendment?
Which constitutional amendments support the right to privacy?

Exit Skills

By the end of this Unit students will demonstrate the ability to;

Distinguish between different types of constitutional protections.
Compare and contrast a law which is unconstitutional on its face with unconstitutional as applied.
Distinguish among different standards of judicial review.
Define the Bill of Rights.
Distinguish between substantive and procedural due process.
Ascertain the purpose of the equal protection clause as it applies to criminal laws.
Define speech under the First Amendment.
Identify five types of speech that can be governmentally regulated in spite of the First Amendment.
Ascertain the constitutional parameters for statutes that criminalize speech.
Identify and explain the constitutional amendments that support a right to privacy.
Define the constitutional parameters of an individual's right to possess a firearm under the Second Amendment.

Compare and contrast inhumane procedure with disproportionate punishment under the Eighth Amendment.
Identify crime(s) that merit capital punishment.
Identify three classifications of criminal defendants who cannot be constitutionally punished by execution.
Define three-strikes laws, and ascertain if they constitute cruel and unusual punishment pursuant to the Eighth Amendment.

New Jersey Student Learning Standards (NJSLS-S)

9.3.LW.1	Analyze the nature and scope of the Law, Public Safety, Corrections & Security Career Cluster and the role law, public safety, corrections and security play in society and the economy.
9.3.LW-COR.3	Analyze the impact of federal, state and local laws on correctional facilities.
9.3.LW-ENF.5	Analyze the impact of federal, state and local laws on law enforcement procedures.
9.3.LW-LEG.6	Use legal terminology to communicate within the legal services community.
9.3.LW-LEG.8	Analyze the influence of the three branches of the U.S. Government (judicial, legislative and executive) on the legal services.
9.3.LW-LEG.9	Analyze the impact of the Fourth, Fifth, Sixth and Fourteenth Amendments on the provision of legal services.
SOC.6.1.12.A.14	Civics, Government, and Human Rights
SOC.6.1.12.A.14.b	Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual, and evaluate the impact on public policies.

Interdisciplinary Connections

LA.WHST.11-12.4	Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.
LA.WHST.11-12.5	Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.
LA.WHST.11-12.7	Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.
LA.WHST.11-12.9	Draw evidence from informational texts to support analysis, reflection, and research.

Learning Objectives

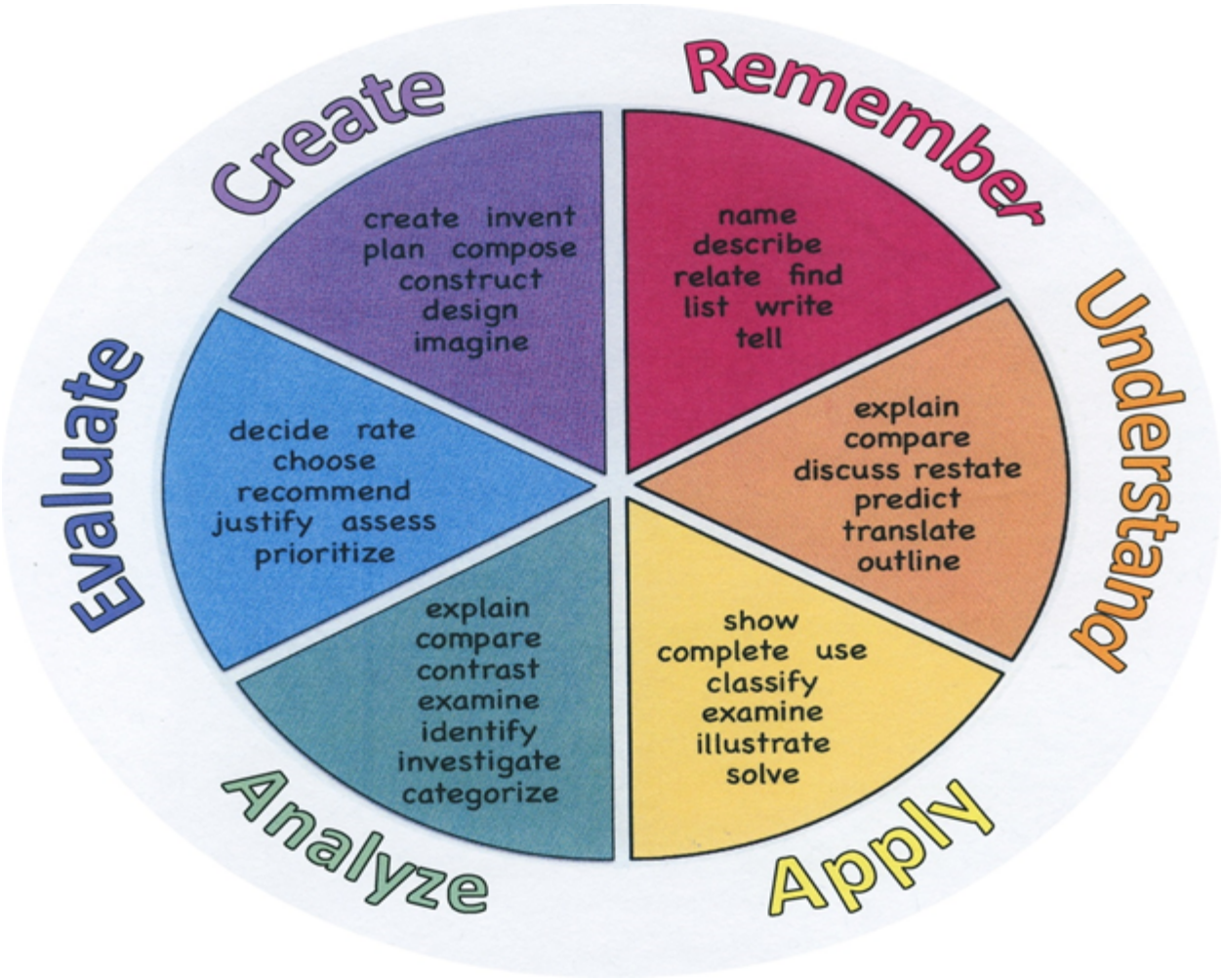
Identify and describe different types of constitutional protections.
Distinguish between the terms "unconstitutional on its face" with "unconstitutional as applied."
Define the courrts power of judicial review.

Identify and explain the human rights protections provided by the Bill of Rights.
Distinguish between substantive and procedural due process.
Define protected speech under the First Amendment.
Identify and explain the constitutional amendments that support;

- The right to privacy.
- The right to legally possess a firearm.
- The right to be free from cruel and unusual punishment.

Action Verbs: Below are examples of action verbs associated with each level of the Revised Bloom's Taxonomy.

Remember	Understand	Apply	Analyze	Evaluate	Create
Choose	Classify	Choose	Categorize	Appraise	Combine
Describe	Defend	Dramatize	Classify	Judge	Compose
Define	Demonstrate	Explain	Compare	Criticize	Construct
Label	Distinguish	Generalize	Differentiate	Defend	Design
List	Explain	Judge	Distinguish	Compare	Develop
Locate	Express	Organize	Identify	Assess	Formulate
Match	Extend	Paint	Infer	Conclude	Hypothesize
Memorize	Give Examples	Prepare	Point out	Contrast	Invent
Name	Illustrate	Produce	Select	Critique	Make
Omit	Indicate	Select	Subdivide	Determine	Originate
Recite	Interrelate	Show	Survey	Grade	Organize
Select	Interpret	Sketch	Arrange	Justify	Plan
State	Infer	Solve	Breakdown	Measure	Produce
Count	Match	Use	Combine	Rank	Role Play
Draw	Paraphrase	Add	Detect	Rate	Drive
Outline	Represent	Calculate	Diagram	Support	Devise
Point	Restate	Change	Discriminate	Test	Generate
Quote	Rewrite	Classify	Illustrate		Integrate
Recall	Select	Complete	Outline		Prescribe
Recognize	Show	Compute	Point out		Propose
Repeat	Summarize	Discover	Separate		Reconstruct
Reproduce	Tell	Divide			Revise
	Translate	Examine			Rewrite
	Associate	Graph			Transform
	Compute	Interpolate			
	Convert	Manipulate			
	Discuss	Modify			
	Estimate	Operate			
	Extrapolate	Subtract			
	Generalize				
	Predict				



Suggested Activities & Best Practices

- Use of e-learning platform using Google Classroom, Oncourse and other web based services
- Reading and outlining text and other e-material
- Using outline templates and PowerPoint presentations to reinforce student outlines
- Teacher oriented class discussion
- Reaction Papers addressing legal topics and current event issues
- Discussion Questions and Unit/Lesson assessment questions
- Legal Vocabulary Review
- Unit specific Case Study exercises such as;

-*Brown v. Board of Education* (School Segregation, Equal Protection)

-*Dred Scott v. Sandford* (Slavery, Due Process, the Missouri Compromise)

-*Gideon v. Wainwright* (Right to Counsel, Due Process)

-*Hazelwood v. Kuhlmeier* (Censorship, Student Press Rights)

-*Korematsu v. United States* (Japanese Internment, Equal Protection)

-*Miranda v. Arizona* (Self-Incrimination, Due Process)

-*New Jersey v. T.L.O.*(Student Search & Seizure)

-*Plessy v. Ferguson* ("Separate but Equal," Equal Protection)

-*Roe v. Wade* (Abortion, Right to Privacy)

-*Texas v. Johnson* (Flag Burning, Freedom of Speech)

-*Tinker v. Des Moines* (Student Speech, Symbolic Speech)

Assessment Evidence - Checking for Understanding (CFU)

- KWL Exercise-formative
- Mock Trial Project
- Cumulative outline of all lessons in Unit 3
- Reaction Papers on current event legal issues-alternate
- Legal Reasoning exercises applying the law
- Case Studies (i.e. *Miranda v. Arizona)*
- End-of-Unit exam-summative

- Common Benchmarks
- Compare & Contrast
- Define
- Describe
- Evaluate
- Evaluation rubrics
- Exit Tickets
- Explaining
- Illustration
- Multimedia Reports
- Newspaper Headline
- Outline
- Quickwrite
- Quizzes

- Self- assessments
- Socratic Seminar
- Study Guide
- Surveys
- Teacher Observation Checklist
- Unit review/Test prep
- Unit tests
- Web-Based Assessments
- Written Reports

Primary Resources & Materials

Please list all district-provided Primary Resources & Materials and/or those outside that are accessed with district resources.

- E-Text
- Legal research and internet articles
- PowerPoint software
- Smart T.V./District provided laptop
- E-Learning Platform;

-Google Classroom
-Oncourse
-Quia Web-based testing
-ClassLink
-Edmentum

Ancillary Resources

- BHS Courtroom and video system (Room 240)
- BHS Law Library (Room 240)

Technology Infusion

- E-Text
- PowerPoint software
- Smart T.V./District provided laptop

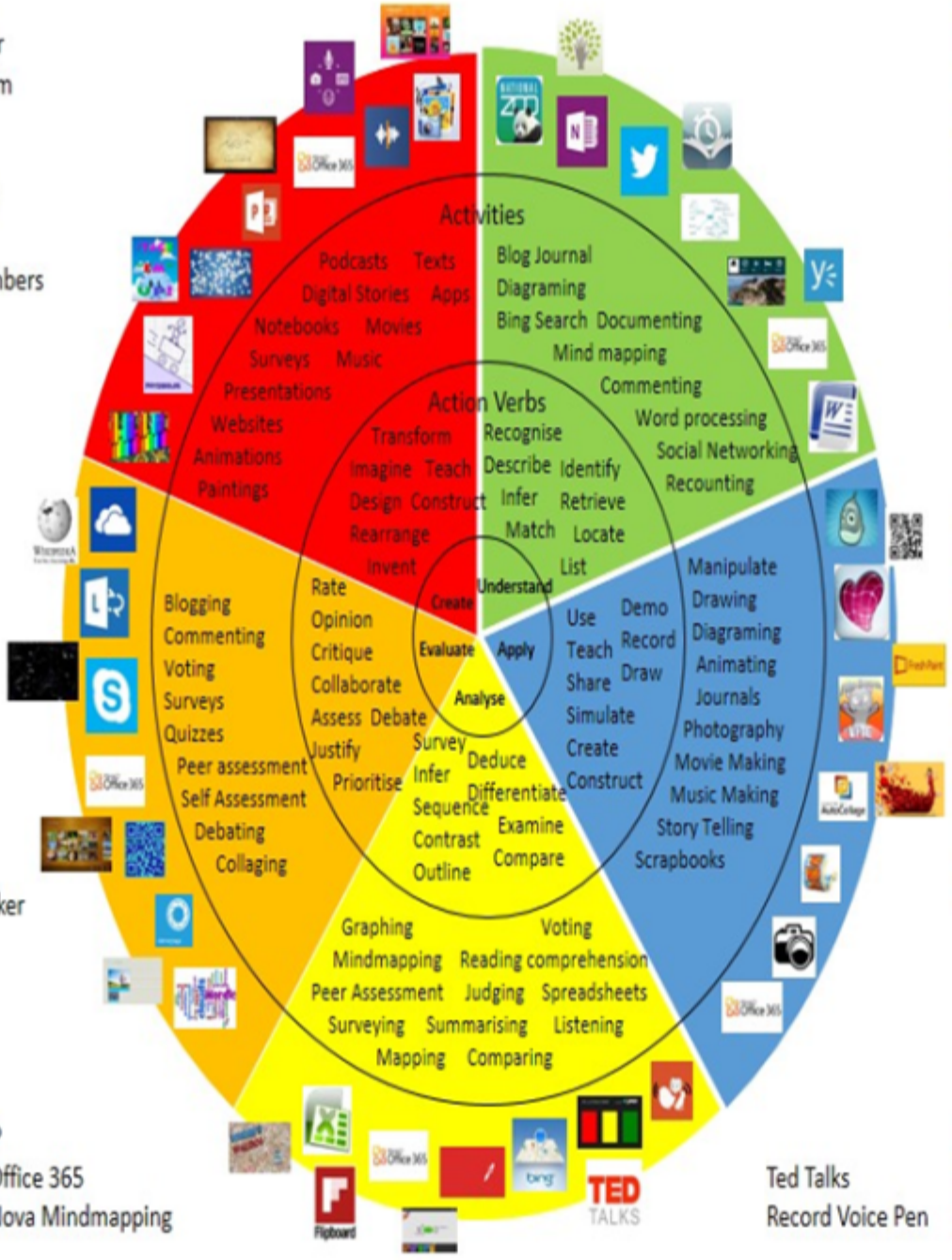
- Video/Audio equipment for recording and reviewing courtroom presentations
- E-Learning Platform;

-Google Classroom
-Oncourse
-Quia Web-based testing
-ClassLink
-Edmentum

Win 8.1 Apps/Tools Pedagogy Wheel

Podcasts
Photostory 3
Kid Story Builder
Music Maker Jam
Paint A Story
Office 365
MS PowerPoint
Stack 'Em Up
NqSquared Numbers
Physamajig
Xylophone 8

Wikipedia
Skydrive
Lync
SkyMap
Skype
Office 365
Puzzle Touch
Easy QR
Memorylage
Life Moments
Word Cloud Maker



Where's Waldo?
MS Excel Office 365
Flipboard Nova Mindmapping

Ted Talks
Record Voice Pen

Originally taken from http://www.coetail.com/vzimmer/files/2013/02/iPadagogy-Wheel.001.jpg
And adapted for Windows 8.1 devices by Charlotte Beckhurst @CharBeckhurst

Alignment to 21st Century Skills & Technology

Mastery and infusion of **21st Century Skills & Technology** and their Alignment to the core content areas is essential to student learning. The core content areas include:

- English Language Arts;
- Mathematics;
- Science and Scientific Inquiry (Next Generation);
- Social Studies, including American History, World History, Geography, Government and Civics, and Economics;
- World languages;
- Technology;
- Visual and Performing Arts.

CRP.K-12.CRP1.1	Career-ready individuals understand the obligations and responsibilities of being a member of a community, and they demonstrate this understanding every day through their interactions with others. They are conscientious of the impacts of their decisions on others and the environment around them. They think about the near-term and long-term consequences of their actions and seek to act in ways that contribute to the betterment of their teams, families, community and workplace. They are reliable and consistent in going beyond the minimum expectation and in participating in activities that serve the greater good.
CAEP.9.2.12.C.2	Modify Personalized Student Learning Plans to support declared career goals.
CAEP.9.2.12.C.4	Analyze how economic conditions and societal changes influence employment trends and future education.
TECH.8.1.12.C.1	Develop an innovative solution to a real world problem or issue in collaboration with peers and experts, and present ideas for feedback through social media or in an online community.
TECH.8.1.12.D	Digital Citizenship: Students understand human, cultural, and societal issues related to technology and practice legal and ethical behavior.
TECH.8.1.12.D.CS1	Advocate and practice safe, legal, and responsible use of information and technology.

21st Century Skills/Interdisciplinary Themes

- Communication and Collaboration
- Creativity and Innovation
- Critical thinking and Problem Solving
- ICT (Information, Communications and Technology) Literacy
- Information Literacy
- Life and Career Skills
- Media Literacy

21st Century Skills

- Civic Literacy
- Financial, Economic, Business and Entrepreneurial Literacy
- Global Awareness

Differentiation

- Guided outlining and open outline assessments
- Project-based learning
- Problem-based learning

Differentiations:

- Small group instruction
- Small group assignments
- Extra time to complete assignments
- Pairing oral instruction with visuals
- Repeat directions
- Use manipulatives
- Center-based instruction
- Token economy
- Study guides
- Teacher reads assessments allowed
- Scheduled breaks
- Rephrase written directions
- Multisensory approaches
- Additional time
- Preview vocabulary
- Preview content & concepts
- Story guides
- Behavior management plan
- Highlight text
- Student(s) work with assigned partner
- Visual presentation
- Assistive technology
- Auditory presentations
- Large print edition
- Dictation to scribe

- Small group setting

Hi-Prep Differentiations:

- Alternative formative and summative assessments
- Choice boards
- Games and tournaments
- Group investigations
- Guided Reading
- Independent research and projects
- Interest groups
- Learning contracts
- Leveled rubrics
- Literature circles
- Multiple intelligence options
- Multiple texts
- Personal agendas
- Project-based learning
- Problem-based learning
- Stations/centers
- Think-Tac-Toes
- Tiered activities/assignments
- Tiered products
- Varying organizers for instructions

Lo-Prep Differentiations

- Choice of books or activities
- Cubing activities
- Exploration by interest
- Flexible grouping
- Goal setting with students
- Jigsaw
- Mini workshops to re-teach or extend skills
- Open-ended activities
- Think-Pair-Share
- Reading buddies
- Varied journal prompts
- Varied supplemental materials

Special Education Learning (IEP's & 504's)

- Modified assignments

- Additional time for assignments and assessments

- printed copy of board work/notes provided
- additional time for skill mastery
- assistive technology
- behavior management plan
- Center-Based Instruction
- check work frequently for understanding
- computer or electronic device utilizes
- extended time on tests/ quizzes
- have student repeat directions to check for understanding
- highlighted text visual presentation
- modified assignment format
- modified test content
- modified test format
- modified test length
- multi-sensory presentation
- multiple test sessions
- preferential seating
- preview of content, concepts, and vocabulary
- Provide modifications as dictated in the student's IEP/504 plan
- reduced/shortened reading assignments
- Reduced/shortened written assignments
- secure attention before giving instruction/directions
- shortened assignments
- student working with an assigned partner
- teacher initiated weekly assignment sheet
- Use open book, study guides, test prototypes

English Language Learning (ELL)

- Providing assignments/assessments in native language

- teaching key aspects of a topic. Eliminate nonessential information

- using videos, illustrations, pictures, and drawings to explain or clarif
- allowing products (projects, timelines, demonstrations, models, drawings, dioramas, poster boards, charts, graphs, slide shows, videos, etc.) to demonstrate student's learning;
- allowing students to correct errors (looking for understanding)
- allowing the use of note cards or open-book during testing
- decreasing the amount of workpresented or required
- having peers take notes or providing a copy of the teacher's notes
- modifying tests to reflect selected objectives
- providing study guides
- reducing or omitting lengthy outside reading assignments
- reducing the number of answer choices on a multiple choice test
- tutoring by peers
- using computer word processing spell check and grammar check features
- using true/false, matching, or fill in the blank tests in lieu of essay tests

At Risk

- Modified assignments and projects

- allowing students to correct errors (looking for understanding)
- teaching key aspects of a topic. Eliminate nonessential information
- allowing products (projects, timelines, demonstrations, models, drawings, dioramas, poster boards, charts, graphs, slide shows, videos, etc.) to demonstrate student's learning
- allowing students to select from given choices
- allowing the use of note cards or open-book during testing
- collaborating (general education teacher and specialist) to modify vocabulary, omit or modify items to reflect objectives for the student, eliminate sections of the test, and determine how the grade will be determined prior to giving the test.
- decreasing the amount of workpresented or required
- having peers take notes or providing a copy of the teacher's notes
- marking students' correct and acceptable work, not the mistakes
- modifying tests to reflect selected objectives
- providing study guides
- reducing or omitting lengthy outside reading assignments
- reducing the number of answer choices on a multiple choice test
- tutoring by peers
- using authentic assessments with real-life problem-solving
- using true/false, matching, or fill in the blank tests in lieu of essay tests
- using videos, illustrations, pictures, and drawings to explain or clarify

Talented and Gifted Learning (T&G)

- Providing additional Case Studies for in-depth analysis

- Above grade level placement option for qualified students
- Advanced problem-solving
- Allow students to work at a faster pace
- Cluster grouping
- Complete activities aligned with above grade level text using Benchmark results
- Create a blog or social media page about their unit
- Create a plan to solve an issue presented in the class or in a text
- Debate issues with research to support arguments
- Flexible skill grouping within a class or across grade level for rigor
- Higher order, critical & creative thinking skills, and discovery
- Multi-disciplinary unit and/or project
- Teacher-selected instructional strategies that are focused to provide challenge, engagement, and growth opportunities
- Utilize exploratory connections to higher-grade concepts
- Utilize project-based learning for greater depth of knowledge

Sample Lesson

Unit Name:
Constitutional Protections

NJSLS:
See Link Below

Interdisciplinary Connection:
Critical Thinking

Problem Solving

Reading- Informative text/vocabulary

Writing-analysis/evaluation

Statement of Objective:
SWDAT identify the documents written in the course of our nation's founding and explain how they are related to one another **by** reading and outlining Unit 3-1 Students will complete the Unit 3 outline with 90% accuracy.

Anticipatory Set/Do Now:
Read Unit. 3 Hot Debate

Learning Activity:
T/O class discussion/PPT; Complete Unit 3-1 outline.

Student Assessment/CFU's:
See Link Below

Materials:
Textbook
Internet
PowerPoint

21st Century Themes and Skills:
See Link Below

Differentiation:
See Link Below

Integration of Technology:
PowerPoint
Internet
Google Classroom Webpage