

# Unit 3 Constitutional Protections

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## **Title Section**

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## **Department of Curriculum and Instruction**



**Belleville Public Schools**

**Curriculum Guide**

**Criminal Justice Seminar (BHS Law Academy)**

**Unit 3-Constitutional Protections**

**Grade 10**

## **Belleville Board of Education**

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Board Approved:

### **Unit Overview**

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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. Students will analyze legislation and case law on women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities and how these groups have contributed to the American economy, politics and society. Students will assess the responses of the United States and other nations to the violations of human rights throughout history and comprehend the personal and legal responsibility that each citizen bears to fight racism and hatred whenever and wherever it happens. Students will evaluate the government response to climate change and the effects of global warming on environment.

### **Enduring Understanding**

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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. All people have the personal and legal responsibility that each citizen bears to fight racism and hatred whenever and wherever it happens. Appreciation for the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have contributed to the American economy, politics and society. Recognize the responsibilities of the United States and other nations to respond to the violation of human rights that occurred during the Holocaust and other genocides. Recognize the origins of the antislavery movement and the impact of particular events, such as the Amistad decision, on the movement. Evaluate the government response to climate change and the effects of global warming on environment.

## Essential Questions

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- 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?
- What is the personal and legal responsibility that each citizen bears to fight racism?
- How have women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities contributed to the American economy, politics and society?
- How have the United States and other nations responded to the violation of human rights that occurred during the Holocaust and other genocides?
- What are the origins of the antislavery movement and what has been the impact of particular events, such as the Amistad decision, on the movement?
- What is and has been the government's response to climate change and the effects of global warming on environment?

## Exit Skills

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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 (NJSL-S)**

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Economic globalization affects economic growth, labor markets, human rights guarantees, the environment, resource allocation, income distribution, and culture.

Human rights serve as a foundation for democratic beliefs and practices.

SOC.6.1.12.CivicsPR.10.a	Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.
SOC.6.1.12.CivicsDP.13.a	Analyze the effectiveness of national legislation, policies, and Supreme Court decisions in promoting civil liberties and equal opportunities (i.e., the Civil Rights Act, the Voting Rights Act, the Equal Rights Amendment, Title VII, Title IX, Affirmative Action, Brown v. Board of Education, and Roe v. Wade).
SOC.6.1.12.EconEM.13.a	Explain how individuals and organizations used economic measures as weapons in the struggle for civil and human rights (e.g., the Montgomery Bus Boycott, sit downs).
SOC.6.1.12.CivicsPI.14.c	Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.
SOC.6.1.12.CivicsPR.16.a	Analyze government efforts to address intellectual property rights, personal privacy, and other ethical issues in science, medicine, and business that arise from the global use of new technologies.

## **Interdisciplinary Connections**

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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.
WRK.9.2.12.CAP.2	Develop college and career readiness skills by participating in opportunities such as structured learning experiences, apprenticeships, and dual enrollment programs.
WRK.9.2.12.CAP.6	Identify transferable skills in career choices and design alternative career plans based on those skills.
TECH.9.4.12.CT.1	Identify problem-solving strategies used in the development of an innovative product or practice (e.g., 1.1.12acc.C1b, 2.2.12.PF.3).
TECH.9.4.12.CT.2	Explain the potential benefits of collaborating to enhance critical thinking and problem solving (e.g., 1.3E.12profCR3.a).
TECH.9.4.12.CT.4	Participate in online strategy and planning sessions for course-based, school-based, or other project and determine the strategies that contribute to effective outcomes.

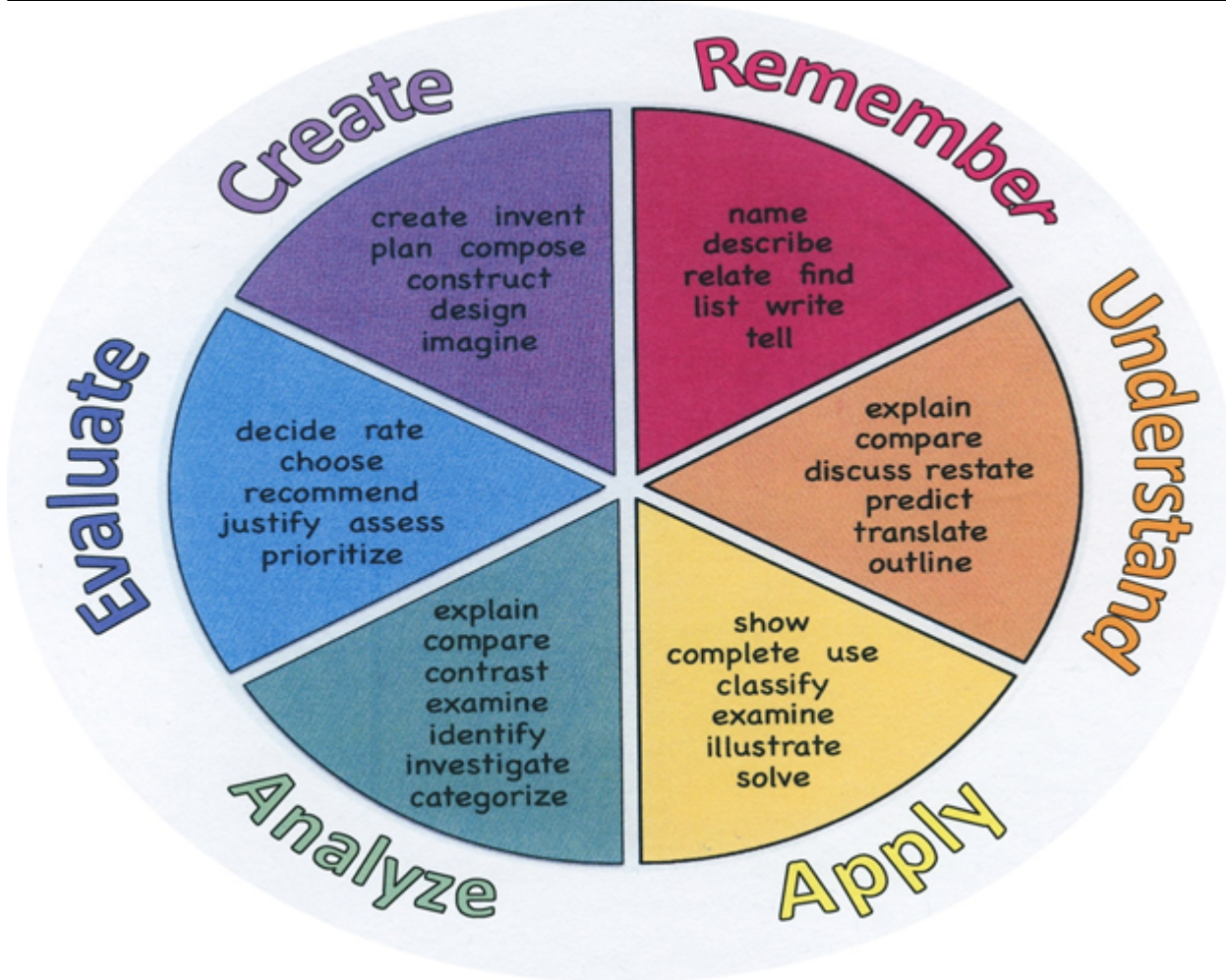
## Learning Objectives

- Identify and describe different types of constitutional protections.
- Distinguish between the terms "unconstitutional on its face" with "unconstitutional as applied."
- Define the courts 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 Translate Associate Compute Convert Discuss Estimate Extrapolate Generalize Predict	Divide Examine Graph Interpolate Manipulate Modify Operate Subtract			Revise Rewrite Transform
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### **Suggested Activities & Best Practices**

- Use of the e-learning platform using web based services for classroom management and lesson delivery
- 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

- Answering Discussion Questions and Unit/Lesson assessment questions
- Legal Vocabulary Review
- Create graphic organizer depicting structure of Federal Court system and the Court System of the State of New Jersey
- Create graphic organizer depicting the four levels of government in New Jersey
- Unit specific Case Study exercises such as;
  - *Brown v. Board of Education* (School Segregation, Equal Protection)
- Analyze and discuss legislation, policy making, case law, and current event issues addressing;
  - The effects of global warming on the environment
  - The political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people
  - The Holocaust and genocides and the personal responsibility that each citizen bears to fight racism and hatred whenever and wherever it happens
  - The contributions of African-Americans to our country

## **Assessment Evidence - Checking for Understanding (CFU)**

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- 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. Roe v. Wade (Abortion, Right to Privacy))
  - End-of-Unit exam-Summative
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- 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**

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- Textbook: Criminal Justice and the Constitution
- Access to Legal periodicals such as NJSBF Legal Eagle and database resources such as Newsela, Mackin Educational Resources
- Internet access for legal research on current event issues
- Presentation tools such as a Smart T.V.
- E-Learning Platform (Student Information Systems i.e. Power School/Schoology, Edmentum)

## **Ancillary Resources**

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- BHS Courtroom
- BHS Law Library
- Video equipment for recording courtroom trials and activities

## **Technology Infusion**

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- Access to a cloud-based Student Information System (i.e. PowerSchool) and learning management system (i.e. Schoology)
- Presentation tools to aid in lesson delivery (i.e. Smart T.V.)
- Chromebooks for student use
- Video/Audio equipment for recording and reviewing courtroom presentations
- Quia Web-based testing
- ClassLink
- Edmentum



## **Alignment to 21st Century Skills & Technology**

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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.

LA.RH.11-12.5	Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.
WRK.9.2.12.CAP.5	Assess and modify a personal plan to support current interests and post-secondary plans.
TECH.9.4.12.CT.1	Identify problem-solving strategies used in the development of an innovative product or practice (e.g., 1.1.12acc.C1b, 2.2.12.PF.3).
TECH.9.4.12.CT.2	Explain the potential benefits of collaborating to enhance critical thinking and problem solving (e.g., 1.3E.12profCR3.a).  Collaboration with individuals with diverse experiences can aid in the problem-solving process, particularly for global issues where diverse solutions are needed.

## **21st Century Skills/Interdisciplinary Themes**

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- Critical Thinking and Problem Solving
- Communication and Collaboration
- Creativity and Innovation
  
- 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**

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- Global Awareness

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

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

## Differentiation

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- Guided outlining and open outline assessments
- Project-based learning
- Problem-based learning
- Cooperative grouping to enhance and elevate student productivity during legal research projects such as mock trial hearings
- Use of visual and auditory presentations to introduce and support lesson delivery

### 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)**

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- Modified assignments
  - Additional time for assignments and assessments
  - Students will work in cooperative groups to prepare Unit outline
  - Students will use Unit outline to complete Unit assignments and assessments
  - Students will work cooperatively to resolve legal disputes using Legal Reasoning problem solving skills
  - Provide modifications as dictated in the student's IEP/504 plan
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- 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)**

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- Students will work with a peer tutor on Unit assignments and assessments
  - Assignments will be modified to enable students to focus on selected objectives such as legal vocabulary by providing a glossary
  - Providing study guides
  - Using word processing, spell check and grammar check features
  - Modifying tests and assignments
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- teaching key aspects of a topic. Eliminate nonessential information
  - using videos, illustrations, pictures, and drawings to explain or clarify
  - 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 work presented 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**

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- Students will be provided with Unit PowerPoint study guide
  - Students will be allowed to use study guide/outline on Unit assessments
  - Modifying tests and assignments
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- 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 work presented 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)**

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- Students will use Legal Reasoning problem solving skills to resolve legal disputes
- Demonstrate self-directed learning, thinking, research, and communication skills
- Look for extension ideas that challenge the student to delve deeper into the subject
- Students will identify current legal issues and debate both in favor of and opposed to the issue.

- Students will lead threaded discussions on various legal topics
  - Students will work in groups to represent each side of legal dispute and present arguments to student jurors
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- 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

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### Unit Name:

Constitutional Protections

### NJSLS:

See Standards Listed 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:**

Student questions and answers during mock trial

Students will create **Opening Statements** that will be reviewed and revised based on Mock Trial Presentation and class discussions-Alternate assessment

Checklists and the E-learning platform will be used to review student work for comprehension and understanding

Mock Trial Test-Summative Assessment

Evaluation rubrics for writing, oral presentations-Formative Assessment

Engage in Mock Trial debate of current event legal issues-Benchmark Assessment

**Materials:**

E-Textbook

E-Learning Platform (Student Information System, i.e. Power School/Schoology)

Presentation tools to aid lesson delivery (i.e. Smart TV, PowerPoint)

Lap-Tops for students

**21st Century Themes and Skills:**

Civic Literacy

Financial, Economic, Business and Entrepreneurial Literacy

**Differentiation:**

Students will be given additional time for completion of assignments or assessments

Cooperative grouping to enhance and elevate student productivity during legal research projects such as mock trial hearings

Use of visual and auditory presentations to introduce and support lesson delivery

Use of web based resources and databases that provide structured reading levels and read aloud options

**Integration of Technology:**

Presentation tools to aid lesson delivery (i.e. Smart TV, PowerPoint)

E-learning platform

LA.RH.11-12.1

Accurately cite strong and thorough textual evidence, (e.g., via discussion, written response, etc.), to support analysis of primary and secondary sources, connecting insights gained from specific details to develop an understanding of the text as a whole.

LA.RH.11-12.3	Evaluate various perspectives for actions or events; determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.
SOC.6.1.12.HistoryCC.2.b	Assess the importance of the intellectual origins of the Foundational Documents and assess their importance on the spread of democracy around the world (i.e., Declaration of Independence, the Constitution, and Bill of Rights).
SOC.6.1.12.CivicsPR.10.a	Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.
TECH.9.4.12.CT.1	Identify problem-solving strategies used in the development of an innovative product or practice (e.g., 1.1.12acc.C1b, 2.2.12.PF.3).
TECH.9.4.12.CT.2	Explain the potential benefits of collaborating to enhance critical thinking and problem solving (e.g., 1.3E.12profCR3.a).