

Unit 4 The Elements of a Crime

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Belleville Public Schools

Curriculum Guide

Criminal Justice Seminar (BHS Law Academy)

Unit 4-The Elements of a Crime

Grade 10

Belleville Board of Education

56 Ralph Street

Belleville, NJ 07109

Prepared by: Gerard V. Ross

Dr. Richard Tomko, Ph.D., M.J., Superintendent of Schools

Ms. LucyAnn Demikoff, Director of Curriculum and Instruction K-12

Ms. Nicole Shanklin, Director of Elementary Education K-8, ESL Coordinator K-12

Mr. Joseph Lepo, Director of Secondary Education

Board Approved:

Unit Overview

In this Unit students will examine the elements of a crime. Students will define the function of intent in criminal acts and comprehend how failure to act could constitute a criminal offense. Students will discover how the prosecutor can use an inference to prove a general intent crime. Students will also learn that there is an exception to the requirement that every crime contain a criminal intent element. Students will also learn how to identify and distinguish the elements of harm and causation and how a intervening superseding cause, could effect a defendant's criminal liability. 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

The elements of a crime are criminal act, criminal intent, concurrence, causation, harm, and attendant circumstances. Only crimes that specify a bad result have the elements of causation and harm. Criminal act is usually an unlawful bodily movement that is defined in a statute, or a case in jurisdictions that allow common-law crimes. The criminal act must be voluntary and cannot be based solely on the status of the defendant or the defendant's thoughts. An exception to the criminal act element is omission to act. Omission to act could be criminal if there is a statute, contract, or special relationship that creates a legal duty to act in the defendant's situation. Actual possession means that the item is on or very near the defendant's person. Constructive possession means that the item is within the defendant's control, such as inside a house or vehicle with the defendant. One important function of

intent is the determination of punishment. In general, the more evil the intent, the more severe the punishment. Motive is the reason the defendant commits the criminal act. Motive standing alone is not enough to prove criminal intent. The Model Penal Code's criminal states of mind ranked in order of culpability are purposely, knowingly, recklessly, and negligently. Purposely is similar to specific intent to cause a particular result. Knowingly is awareness that results are practically certain to occur. Recklessly is a subjective awareness of a risk of harm, and an objective and unjustified disregard of that risk. Negligently is not being aware of a substantial risk of harm when a reasonable person would be. Vicarious liability is the transfer of criminal liability from one criminal defendant to another based on a special relationship. Concurrence requires that act and intent exist at the same moment. Factual cause means that the defendant starts the chain of events leading to the harm. Legal cause means that the defendant is held criminally responsible for the harm because the harm is a foreseeable result of the defendant's criminal act. An intervening superseding cause breaks the chain of events started by the defendant's act and cuts the defendant off from criminal responsibility. 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

- What are the elements of a crime?
- What are the requirements of a criminal act.
- What is an exception to the criminal act element?
- How can an omission to act could be criminal?
- What is the difference between actual and constructive possession?
- What is the difference between specific and general intent?
- How does the law differentiate between motive and criminal intent?
- How does the the Model Penal Code rank a defendant's mental state in order of culpability?
- Identify an exception to the requirement that every crime contain a criminal intent element.
- What circumstances give rise to vicarious criminal liability?
- How does the law distinguish between factual and legal cause?
- What is an intervening superseding cause and what role does it play in a defendant's criminal liability?
- 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

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

- List the elements of a crime.
- Define the criminal act element.
- Identify three requirements of criminal act.
- Describe an exception to the criminal act element.

- Ascertain three situations where an omission to act could be criminal.
- Distinguish between actual and constructive possession.
- Identify the criminal intent element required when possession is the criminal act.
- Describe one important function of criminal intent.
- List the three common-law criminal intents, ranking them in order of culpability.
- Compare specific and general intent.
- Describe an inference that makes it easier for the prosecution to prove a general intent crime.
- Differentiate between motive and criminal intent.
- List and define the Model Penal Code mental states, ranking them in order of culpability.
- Identify an exception to the requirement that every crime contain a criminal intent element.
- Explain how transferred intent promotes justice.
- Describe the circumstances that give rise to vicarious criminal liability.
- Define concurrence of criminal act and intent.
- Distinguish between factual and legal cause.
- Define intervening superseding cause, and explain the role it plays in the defendant's criminal liability.
- Comprehend the personal and legal responsibility that each citizen bears to fight racism and hatred whenever and wherever it happens.
- Identify the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have contributed to the American economy, politics and society.
- Discuss the responses of the United States and other nations to the violation of human rights that occurred during the Holocaust and other genocides.
- Comprehend 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.

New Jersey Student Learning Standards (NJSL-S)

Please list only the content-level and cross-curricular **New Jersey Student Learning Standards** applicable to the unit. **Do not list standards that are not used in the unit.**

SOC.6.1.12.HistoryCC.2.b	<p>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).</p> <p>Democratic principles concerning universal human rights, concepts of equality, and the commitment to human freedom are commonly expressed in fundamental documents, values, laws, and practices.</p>
SOC.6.1.12.GeoHE.13.a	<p>Construct an argument on the effectiveness of environmental movements, their influence on public attitudes, and the efficacy of the government's environmental protection agencies and laws.</p> <p>Constitutions, laws, treaties, and international agreements seek to maintain order at the national, regional, and international levels of governance.</p>
SOC.6.3.12.HistorySE.1	<p>Analyze the impact of current governmental practices and laws affecting national security and/or First Amendment rights and privacy (e.g., immigration, refugees, seizure of personal property, juvenile detention, listening devices, deportation, religion in schools).</p>

Interdisciplinary Connections

Please list all and any additional **Interdisciplinary Connections/Cross-Curricular** New Jersey Student Learning Standards that link to this unit, and which are not included in the NJSLS section above.

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.11-12.7	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.3	Investigate how continuing education contributes to one's career and personal growth.
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.DC.3	Evaluate the social and economic implications of privacy in the context of safety, law, or ethics (e.g., 6.3.12.HistoryCA.1). Collaboration with individuals with diverse experiences can aid in the problem-solving process, particularly for global issues where diverse solutions are needed.

Learning Objectives

- List the elements of a crime.
- Define the criminal act element.
- Identify three requirements of criminal act.
- Describe an exception to the criminal act element.
- Ascertain three situations where an omission to act could be criminal.
- Distinguish between actual and constructive possession.
- Identify the criminal intent element required when possession is the criminal act.
- Describe one important function of criminal intent.
- List the three common-law criminal intents, ranking them in order of culpability.
- Compare specific and general intent.
- Describe an inference that makes it easier for the prosecution to prove a general intent crime.
- Differentiate between motive and criminal intent.
- List and define the Model Penal Code mental states, ranking them in order of culpability.
- Identify an exception to the requirement that every crime contain a criminal intent element.
- Explain how transferred intent promotes justice.
- Describe the circumstances that give rise to vicarious criminal liability.
- Define concurrence of criminal act and intent.
- Distinguish between factual and legal cause.
- Define intervening superseding cause, and explain the role it plays in the defendant's criminal liability.

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 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;
 - Gideon v. Wainwright (Right to Counsel, Due Process)
 - Miranda v. Arizona (Self-Incrimination, Due Process)

- 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)

- 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. Dred Scott v. Sandford (Slavery, Due Process, the Missouri Compromise)
 - End-of-Unit exam-Summative
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- Common Benchmarks
 - Compare & Contrast
 - Create a Multimedia Poster
 - Define
 - Describe
 - Evaluate
 - Exit Tickets
 - Explaining
 - Illustration
 - Journals
 - Multimedia Reports
 - Newspaper Headline
 - Outline
 - Quickwrite
 - Quizzes
 - Self- assessments
 - Socratic Seminar
 - Study Guide
 - Surveys
 - Teacher Observation Checklist

- Think, Write, Pair, Share
- Unit review/Test prep
- Unit tests
- Web-Based Assessments
- Written Reports

Primary Resources & Materials

- 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

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

Technology Infusion

- 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

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.11-12.1	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.11-12.4	Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).
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.3	Investigate how continuing education contributes to one's career and personal growth.
TECH.9.4.12.CI.1	Demonstrate the ability to reflect, analyze, and use creative skills and ideas (e.g., 1.1.12prof.CR3a).
TECH.9.4.12.CI.2	Identify career pathways that highlight personal talents, skills, and abilities (e.g., 1.4.12prof.CR2b, 2.2.12.LF.8).
TECH.9.4.12.CI.3	Investigate new challenges and opportunities for personal growth, advancement, and transition (e.g., 2.1.12.PGD.1).
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).

21st Century Skills/Interdisciplinary Themes

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

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

Differentiation

- 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

- 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)

- 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

- 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

- 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)

- 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

Unit Name:

Unit 4 The Elements of a Crime

NJSLS:

See Standards Listed Below

Interdisciplinary Connection:

Critical Thinking

Problem Solving

Reading- Informative text/vocabulary

Writing-analysis/evaluation

Statement of Objective:

SWDAT define the elements present in all crimes by reading and outlining Unit 4-1. Students will complete the outline with 100% accuracy.

Anticipatory Set/Do Now:

Read Unit 4 Hot Debate

Learning Activity:

T/O class discussion/PPT; Read and outline for Unit 4-1.

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.WHST.11-12.9	Draw evidence from informational texts to support analysis, reflection, and research.
LA.WHST.11-12.10	Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.
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.
TECH.9.4.12.CI.2	Identify career pathways that highlight personal talents, skills, and abilities (e.g., 1.4.12prof.CR2b, 2.2.12.LF.8).
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).