

**Winslow Township School District**  
**Criminal Law**  
**Unit 5: Constitutional Law**

**Unit 5: Constitutional Law**

**Overview:** This unit will introduce students to the major tenets of constitutional law. The purpose of constitutional law and different theories of interpretation will be explored. We will specifically focus on the individual liberties protected in the U.S. Constitution which includes freedom of speech, freedom of religion, right to due process, the right to bear arms, the right to privacy, and the right to equal protection of the laws. The law on these issues will be studied and students will be asked to apply these precedents to current constitutional issues. The constitutional rights of students in a school setting will also be discussed.

Overview	Performance Expectations	Unit Focus	Essential Questions
<p><a href="#">Unit 5</a></p> <p><b>Constitutional Law</b></p>	<ul style="list-style-type: none"> <li>• 6.1.12.CivicsPI.14.a</li> <li>• 6.1.12.CivicsPI.14.b</li> <li>• 6.1.12.CivicsPI.14.c</li> <li>• 6.1.12.CivicsPI.14.d</li> <li>• 6.1.12.CivicsCM.14.a</li> <li>• 6.1.12.CivicsCM.14.b</li> <li>• 6.1.12.CivicsPD.14.a</li> <li>• 6.1.12.CivicsDP.14.a</li> <li>• 6.1.12.HistoryCA.14.b</li> <li>• 6.1.12.HistorySE.14.a</li> <li>• 6.1.12.CivicsPD.16.a</li> <li>• 6.1.12.CivicsPR.16.a</li> </ul>	<p>Students will be able to:</p> <ul style="list-style-type: none"> <li>• Explain why individual rights guaranteed by the Constitution are not, and cannot be absolute.</li> <li>• List the forms of communication protected by the free speech clause of the first amendment</li> <li>• Explain the concepts: vagueness, symbolic speech, obscenity, defamation, commercial speech, clear and present danger</li> <li>• Analyze free speech cases in order to identify the area of conflict and determine a resolution</li> <li>• Define hate speech as it relates to New Jersey's laws regulating speech that is biased in nature.</li> <li>• Explain the importance of Miller v. California as it relates to obscenity</li> <li>• Explain the terms freedom of the press and censorship</li> </ul>	<ul style="list-style-type: none"> <li>• What is the purpose of Constitutional law and how does it protect individual rights?</li> <li>• How do we interpret and apply the Constitution?</li> <li>• What is “Due Process” and how does the court determine what process rights a person is entitled to?</li> <li>• What limits should there be on freedom of speech?</li> <li>• How does the First Amendment protect the freedom of religion?</li> <li>• Should students have the same rights in school as they do outside of school?</li> <li>• Does the constitution contain a right to privacy?</li> <li>• What are the origins of the equal protection clause of the 14th Amendment and How does the court determine if government</li> </ul>

**Winslow Township School District**

**Criminal Law**

**Unit 5: Constitutional Law**

		<ul style="list-style-type: none"><li>• Identify and explain the two clauses in the first amendment that protect religious freedom</li><li>• Explain why religious freedom is important</li><li>• Compare court cases that relate to the establishment clause and the free exercise clause of the First Amendment</li><li>• Interpret Supreme Court Cases on freedom of religion</li><li>• List the Amendments that protect "privacy"</li><li>• Discuss the importance of the Roe v. Wade and Webster V. Reproduction System Cases as they relate to abortion</li><li>• Debate the abortion issue</li><li>• Explain the meaning and importance of due process</li><li>• Identify and describe the basic elements of due process</li><li>• Analyze cases to determine if due process applies</li><li>• Explain the equal protection clause of the 14th Amendment</li><li>• Define affirmative action;</li><li>• Identify major federal civil rights laws</li></ul>	<p>discrimination violates that clause?</p> <ul style="list-style-type: none"><li>• Does the 2nd Amendment protect an individual's right to own a gun or the right to own a gun only as part of a militia?</li></ul>
--	--	---	--

## Winslow Township School District

### Criminal Law

#### Unit 5: Constitutional Law

*Unit 4:  
Enduring  
Understandings*

- The U.S. Constitution lays out the structure, powers, and limits of the government. The rights listed in the constitution protect individuals from action by the government not other individuals. They are not absolute and courts balance the interests behind government action and individual liberty. Enforcement of these rights are time consuming and expensive, often requiring an attorney and filing a lawsuit.
- Originalism, textualism, and the belief in a living constitution are three major theories of interpreting Constitutional law. Originalists believe in interpreting the words of the Constitution in the same way that the framers understood it to mean at the time it was written. Textualists believe in strictly adhering to the words of the statute or constitutional clause and not taking into account the intent of the legislators or 7 framers. Those who believe in a living “breathing” constitution believe that principles instilled in the Constitution should be applied according to society’s present understanding of them.
- Due process requires that the government follow fair procedures when taking away a legitimate entitlement such as property or one’s liberty. The courts weigh what is at stake for the individual against the burden of granting greater process rights and the degree to which added protections would lead to a more just and accurate outcome. The due process clause has also been interpreted to grant individuals other substantive rights not explicitly listed in the Constitution.
- The First Amendment protects the freedom of speech however this right is not absolute. The courts have stated that there are circumstances when the government can restrict speech such as speech that is obscene, defamation, and speech that incites illegal action.
- The First Amendment prohibits the government from infringing on the right to exercise religion as well as prevents the establishment of an official state religion. When evaluating a potential violation of

## Winslow Township School District

### Criminal Law

#### Unit 5: Constitutional Law

these clauses the courts determine if the government had a secular purpose in their actions, was neutral towards all religions, and did not infringe on the individual right to practice or not practice a religion.

- The court has ruled that although students do not shed their constitutional rights at the door, the students rights may be limited if it is within the best interest of the school's mission.
- Although the constitution does not explicitly say that there is a right to privacy the court has held that there is based on provisions in the 1st, 3rd, 4th, 5th, and 9th Amendments
- The 14th amendment was created in order to protect the rights of former slaves after the civil war, however it was not enforced until the civil rights movement of the 1960s. The court has held that if the government wants to treat groups of people differently they must meet a rational basis test. However if the law involves a fundamental right or a suspect class, such as race, the government must meet the higher standard of having a compelling interest.
- The Supreme Court has been hesitant to strike down gun control legislation. In two major cases, *DC v. Heller* and *McDonald v. Chicago*, the court ruled that individuals have a right to own a gun, however they did not establish a clear test for determining the constitutionality of gun control measures, such as background checks, assault weapon bans, and waiting periods.

**Winslow Township School District**  
**Criminal Law**  
**Unit 5: Constitutional Law**

Curriculum Unit 5	Performance Expectations		Pacing	
			Days	Unit Days
<b>Constitutional Law</b>	6.1.12.CivicsPI.14.a	Draw from multiple perspectives to evaluate the effectiveness and fairness of the processes by which local, state, and national officials are elected.	3	30
	6.1.12.CivicsPI.14.b	Use case studies and evidence to evaluate the effectiveness of the checks and balances system in preventing one branch of national government from usurping too much power during contemporary times.	5	
	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.	5	
	6.1.12.CivicsPI.14.d	Use primary sources representing multiple perspectives and data to determine the effectiveness of the federal government in addressing health care, income equality, and immigration.	1	
	6.1.12.CivicsCM.14.a	Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual and evaluate the impact on public policies.	6	
	6.1.12.CivicsCM.14.b	Use a variety of evidence, including quantitative data, to evaluate the impact community groups and state policies have had on increasing the youth vote.	1	
	6.1.12.CivicsDP.14.a	Draw from multiple perspectives and cite evidence to determine the extent to which nongovernmental organizations, special interest groups, third party political groups, and the media affect public policy.	3	
	6.1.12.CivicsPD.14.a	Draw from multiple perspectives and cite evidence to explain the conflicting ideologies and actions of political parties regarding spending priorities, the role of government in the		

**Winslow Township School District**

**Criminal Law**

**Unit 5: Constitutional Law**

		economy, and social reforms.		
	6.1.12.HistoryCA.14.b	Create an evidence-based argument that assesses the effectiveness of actions taken to address the causes of continuing racial tensions and violence.	<b>1</b>	
	6.1.12.HistorySE.14.a	Explore the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have met contributed to the American economy, politics and society.	<b>1</b>	
	6.1.12.CivicsPD.16.a	Construct a claim to describe how media and technology has impacted civic participation and deliberation.	<b>1</b>	
	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.	<b>3</b>	
		<b>Assessment, Re-teach and Extension</b>		

**Winslow Township School District**  
**Criminal Law**  
**Unit 5: Constitutional Law**

Unit 2	
Core Ideas	Performance Expectations
Civic and political institutions address social and political problems at the local, state, tribal, national, and/or international level.	6.1.12. CivicsPI.14.a Draw from multiple perspectives to evaluate the effectiveness and fairness of the processes by which local, state, and national officials are elected.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	6.1.12.CivicsPI.14.b Use case studies and evidence to evaluate the effectiveness of the checks and balances system in preventing one branch of national government from usurping too much power during contemporary times.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	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.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	6.1.12.CivicsPI.14.d Use primary sources representing multiple perspectives and data to determine the effectiveness of the federal government in addressing health care, income equality, and immigration.
An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic identity and values in one place are different in other places, is essential.	6.1.12.CivicsCM.14.a Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual and evaluate the impact on public policies.
An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic	6.1.12.CivicsCM.14.b Use a variety of evidence, including quantitative data, to evaluate the impact community groups and state policies have had on increasing the youth vote.

**Winslow Township School District**  
**Criminal Law**  
**Unit 5: Constitutional Law**

identity and values in one place are different in other places, is essential.	
Personal interests and perspectives impact the application of civic virtues, democratic	6.1.12.CivicsDP.14.a Draw from multiple perspectives and cite evidence to determine the extent to which nongovernmental organizations, special interest groups, third party political groups, and the media affect public policy.
Civic deliberation requires civic dispositions, attentiveness to multiple perspectives, and understanding diverse perspectives.	6.1.12.CivicsPD.14.a Draw from multiple perspectives and cite evidence to explain the conflicting ideologies and actions of political parties regarding spending priorities, the role of government in the economy, and social reforms.
Evidence from multiple relevant historical sources and interpretations can be used to develop a reasoned argument about the past.	6.1.12.HistoryCA.14.b Create an evidence-based argument that assesses the effectiveness of actions taken to address the causes of continuing racial tensions and violence
Historical sources and evidence provide an understanding of different points of view about historical events.	6.1.12.HistorySE.14.a Explore the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have met contributed to the American economy, politics and society.
Civic participation and deliberation are essential characteristics of productive citizenship.	6.1.12.CivicsPD.16.a Construct a claim to describe how media and technology has impacted civic participation and deliberation.
Historical, contemporary, and emerging processes, rules, and laws/policies address a variety of civic issues requiring interpretations as societies change in an effort to promote the common good and protecting citizens' rights.	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.



**Winslow Township School District**

**Criminal Law**

**Unit 5: Constitutional Law**

**Unit 4**

**Assessment Plan**

<ol style="list-style-type: none"> <li>1. Tests and Quizzes</li> <li>2. Moot Court activities.</li> <li>3. Teacher led question and response</li> <li>4. Research current supreme court cases involving the First Amendment or the 14th Amendments. Prepare an Amicus Brief making the case for one side. Include references to previous Supreme Court decisions on the issue in the case</li> </ol>	<p>Alternative Assessments:</p> <ol style="list-style-type: none"> <li>1. Read the decisions in the cases <i>Griswold v. Connecticut</i> and <i>Roe v. Wade</i>. Discuss what arguments are made and whether or not the Constitution protects a right to privacy.</li> <li>2. Research gun control laws around the country. Compare them across states and determine whether or not they are constitutional.</li> </ol>
<p><b>Resources</b></p>	<p><b>Activities</b></p>
<ul style="list-style-type: none"> <li>• Textbook, “Street Law” <a href="https://store.streetlaw.org/content/StreetLawSampler.pdf">https://store.streetlaw.org/content/StreetLawSampler.pdf</a></li> <li>• Roe vs. Wade Resources/ Research</li> <li>• Supreme Court rulings <a href="https://www.scotusblog.com/">https://www.scotusblog.com/</a></li> <li>• Current News on constitutional law</li> <li>• <i>Griswold v. Connecticut</i> <a href="https://supreme.justia.com/cases/federal/us/381/479/">https://supreme.justia.com/cases/federal/us/381/479/</a></li> </ul>	<ul style="list-style-type: none"> <li>• Examine the majority and minority opinions in <i>Obergefell v. Hodges</i> and discuss how they represent originalism and living Constitutionalism.</li> <li>• Read the decisions regarding speech in schools in <i>Tinker V. Des Moines</i>, <i>Bethel v. Fraser</i>, and <i>Hazelwood v. Kuhlmeier</i>. Then hold a moot court hearing arguing the case of <i>Morse v. Frederick</i></li> <li>• Debate the issue of Affirmative Action. Discuss the merits of the policy as well as whether or not it violates the 14th Amendment. Have students read the decisions in the major supreme court cases dealing with Affirmative Action including <i>University of California v. Bakke</i>, <i>Fisher v. Texas</i>, and <i>Gratz v. Bollinger</i>.</li> <li>• Create a timeline of how the courts interpretation of the 1st Amendment has changed over time.</li> <li>• Discuss “The St. Patrick’s Day Parade” case on page 448 of the Street Law textbook which describes the Supreme Court’s ruling allowing the organizers of the Boston St. Patrick’s Day Parade to refuse to let gay and lesbian groups march in the parade. Compare this case to current cases regarding religious liberty and gay marriage.</li> </ul>

## Winslow Township School District

### Criminal Law

#### Unit 5: Constitutional Law

##### Instructional Best Practices and Exemplars

1. Identifying similarities and differences
2. Summarizing and note taking
3. Reinforcing effort and providing recognition
4. Homework and practice
5. Nonlinguistic representations

6. Cooperative learning
7. Setting objectives and providing feedback
8. Generating and testing hypotheses
9. Cues, questions, and advance organizers
10. Manage response rates

##### 9.1 Personal Financial Literacy - Income And Careers & 9.2 Career Awareness, Exploration, And Preparation - Career Awareness & 9.4 Life Literacies and Key Skills

9.2.12.CAP.5: Assess and modify a personal plan to support current interests and postsecondary plans.

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).

9.4.12.CT.2: Explain the potential benefits of collaborating to enhance critical thinking and problem solving (e.g., 1.3E.12profCR3.a).

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).

9.4.12.TL.4: Collaborate in online learning communities or social networks or virtual worlds to analyze and propose a resolution to a real-world problem (e.g., 7.1.AL.IPERS.6).

The implementation of the 21st Century skills and standards for students of the Winslow Township District is infused in an interdisciplinary format in a variety of curriculum areas that include, English language Arts, Mathematics, School Guidance, Social Studies, Technology, Visual and Performing Arts, Science, Physical Education and Health, and World Language.

Additional opportunities to address 9.1, 9.2 & 9.4:

##### **Philadelphia Mint**

<https://www.usmint.gov/learn/kids/resources/educational-standards>

##### **Different ways to teach Financial Literacy.**

<https://www.makeuseof.com/tag/10-interactive-financial-websites-teach-kids-money-management-skills/>

##### **How to Become a Lawyer**

<https://njsbf.org/wp-content/uploads/2017/03/How-to-Become-a-Lawyer.pdf>

##### **Legal Occupations**

<https://www.bls.gov/ooh/legal/home.htm>

##### **Law Today**

<https://www.law.com/njlawjournal/?slreturn=20220615105106>

## Winslow Township School District

### Criminal Law

#### Unit 5: Constitutional Law

##### Modifications for Special Education/504

*Students with special needs:* The students' needs will be addressed on an individual and grade level using a variety of modalities.

Accommodations will be made for those students who need extra time to complete assignment. Supports, Accommodations, and Modifications must be provided as stated in IEP, 504 Plan, or CST Intervention Plan, and may include (but are not limited to) the following:

**Presentation accommodations:**  Listen to audio recordings instead of reading text  Learn content from audiobooks, movies, videos and digital media instead of reading print versions  Use alternate texts at lower readability level  Work with fewer items per page or line and/or materials in a larger print size  Use magnification device, screen reader, or Braille / Nemeth Code  Use audio amplification device (e.g., hearing aid(s), auditory trainer, sound-field system (which may require teacher use of microphone)  Be given a written list of instructions  Record a lesson, instead of taking notes  Have another student share class notes with him  Be given an outline of a lesson  Be given a copy of teacher's lecture notes  Be given a study guide to assist in preparing for assessments  Use visual presentations of verbal material, such as word webs and visual organizers  Use manipulatives to teach or demonstrate concepts  Have curriculum materials translated into native language

**Response accommodations:**  Use sign language, a communication device, Braille, other technology, or native language other than English  Dictate answers to a scribe  Capture responses on an audio recorder  Use a spelling dictionary or electronic spell-checker  Use a word processor to type notes or give responses in class  Respond directly in the test booklet rather than on an answer sheet.

**Setting accommodations:**  Work or take a test in a different setting, such as a quiet room with few distractions  Sit where he learns best (for example, near the teacher, away from distractions)  Use special lighting or acoustics  Take a test in small group setting  Use sensory tools such as an exercise band that can be looped around a chair's legs (so fidgety kids can kick it and quietly get their energy out)  Use noise buffers such as headphones, earphones, or earplugs

**Timing accommodations:**  Take more time to complete a task or a test  Have extra time to process oral information and directions  Take frequent breaks, such as after completing a task

**Scheduling accommodations:**  Take more time to complete a project  Take a test in several timed sessions or over several days  Take sections of a test in a different order  Take a test at a specific time of day

**Organization skills accommodations:**  Use an alarm to help with time management  Mark texts with a highlighter  Have help coordinating assignments in a book or planner

**Winslow Township School District**

**Criminal Law**

**Unit 5: Constitutional Law**

**Modifications for At-Risk Students**

Formative and summative data will be used to monitor student success. At first signs of failure, student work will be reviewed to determine support. This may include parent consultation, basic skills review and differentiation strategies. With considerations to UDL, time may be a factor in overcoming developmental considerations

- Increase one on one time
- Teachers may modify instructions by modeling what the student is expected to do
- Oral prompts can be given.
- Using visual demonstrations, illustrations, and models
- Give directions/instructions verbally and in simple written format.

**English Language Learners**

All WIDA Can Do Descriptors can be found at this link:  
<https://wida.wisc.edu/teach/can-do/descriptors>

- Grades 9-12 WIDA Can Do Descriptors:
  - Listening  Speaking
  - Reading  Writing
  - Oral Language

Students will be provided with accommodations and modifications that may include:

- Assist with organization
- Use of computer
- Emphasize/highlight key concepts
- Teacher Modeling
- Peer Modeling
- Label Classroom Materials - Word Walls

**Modifications for Gifted Students**

Students excelling in mastery of standards will be challenged with complex, high level challenges related to the topic.

- Students can complete extended research outside of the classroom
- Inquiry-based instruction
- Independent study
- Higher order thinking skills
- Adjusting the pace of lessons
- Interest based content
- Project Based Learning
- Real world scenarios
- Student Driven Instruction
- [Gifted Programming Standards](#)
- [Webb's Depth of Knowledge Levels and/or Revised Bloom's Taxonomy](#)
- [REVISED Bloom's Taxonomy Action Verbs](#)

**Winslow Township School District**

**Criminal Law**

**Unit 5: Constitutional Law**

**Interdisciplinary Connections**

CCSS.ELA Standards

CCSS.ELA-LITERACY.RH.9-10.1- Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

CCSS.ELA-LITERACY.RH.9-10.2-Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

CCSS.ELA-LITERACY.RH.9-10.3-Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.

CCSS.ELA-LITERACY.RH.9-10.4-Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.

CCSS.ELA-LITERACY.RH.9-10.5-Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

CCSS.ELA-LITERACY.RH.9-10.7-Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.

CCSS.ELA-LITERACY.RH.9-10.8-Assess the extent to which the reasoning and evidence in a text support the author's claims.

CCSS.ELA-LITERACY.RH.9-10.9-Compare and contrast treatments of the same topic in several primary and secondary sources.

CCSS.ELA-LITERACY.RH.9-10.10-By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.

**Integration of Computer Science and Design Thinking NJSL 8**

8.1.12.DA.5: Create data visualizations from large data sets to summarize, communicate, and support different interpretations of real-world phenomena.