

Fighting Chance

Analyzing the Principles of Equal Protection and
Due Process in a Mock Supreme Court Case



About the Buck Institute for Education

Founded in 1987, the Buck Institute for Education works to expand the effective use of Project Based Learning throughout the world. BIE is a not-for-profit 501(c)3 organization based in Novato, California and is a beneficiary of the Leonard and Beryl Buck Trust. In addition, BIE has received grant support from the Fund for the Improvement of Post Secondary Education (FIPSE), the US Congress Office of Technology Assessment (OTA) and the US Department of Education Dwight D. Eisenhower Professional Development State Grant Program. BIE provides PBL professional development services and curriculum materials to school districts, state departments of education, foundations, and other clients in the United States and abroad.

Project Based Government Primary Author: John Larmer

Project Based Government Series Editor: Greg Timmons

©2012 Interact
10200 Jefferson Blvd • P.O. Box 802 Culver City, CA 90232
Phone: (800) 359-0961 • www.teachinteract.com
ISBN# 978-1-56004-754-4

All rights reserved. Interaction Publishers Inc. grants permission to reproduce activity sheets and student handouts for classroom use. No other part of this publication may be reproduced in whole or in part, stored in a retrieval system or transmitted in any form or by any means—electronic, mechanical, photocopying, recording or otherwise—without prior written permission from the publisher.

● Table of Contents ●

Foreword	1
Introduction	3
Chapter One	3
Teaching Government With <i>Project Based Learning</i>	8
Chapter Two	8
Teaching Strategies for <i>Project Based Government</i>	12
Chapter Three:	
Sample Lesson—Can We Believe This?	18
Guidelines for Conducting the “Live” Phone Interview and Playing Chris Blair.....	23
Memo From Representative Gina Amadeo	25
What Makes a Poll Believable?	26
Chapter Four:	
<i>Fighting Chance</i>	27
Purpose and Overview	27
Step-by-Step Teaching Guide	36
Teacher Materials	58
Structure and Power of the Federal Courts	58
The Chain of Appeals	61
Equal Protection Under the Law	62
Procedures of the Supreme Court and the Limits on Its Power	68

Table of Contents

Judicial Philosophy and the Current Supreme Court	73
Internet Resources	76
Potential Questions for “Senior Partner” Panel Members	77
Glossary	81
Assessment Tools	84
<i>Amicus Curiae</i> Compare and Contrast Chart	84
Rubric for Oral and/or Written Presentation to Senior Partners.....	86
Test for <i>Fighting Chance</i> Answer Key	88
Student Materials	92
Memo from the Senior Partner.....	92
Case Profile.....	93
Second Memo.....	94
Summary of Army Regulations.....	95
<i>Amicus Curiae</i> Briefs	96
U.S. Veterans Association	96
Today's Hope for an Equal Nation	98
Chart Comparing <i>Amicus Curiae</i> Briefs.....	100
Third Memo	102

● Table of Contents ●

Precedent Summaries.....	103
Short Summary of the <i>VMI</i> Case	103
Extended Summary of the <i>VMI</i> Case	106
Short Summary of the <i>Goldberg</i> Case	112
Extended Summary of the <i>Goldberg</i> Case	114
Fourth Memo	119
Final Memo	121
Test for <i>Fighting Chance</i>	123
Teacher Feedback Form.....	127
Release Form for Photographic Images	128

Foreword

Students learn more when they care about what they are learning. Students understand concepts better if they see how these concepts apply to the world outside of school. Students retain information longer if they are actively engaged in the discussion and demonstration of what they are learning.

Too many American classrooms never utilize these principles. But *Project Based Government (PBG)* is built upon them. It addresses the concepts and content defined by the *National Standards for Civics and Government* from the Center for Civic Education, grades 9–12, and the *Curriculum Standards for Social Studies*, developed by the National Council for the Social Studies for high school, in such a way that the material becomes meaningful and engaging to students. *PBG* reverses the traditional method of “teach the concepts first, then give students the opportunity to apply them.” Instead, *PBG* places students in an interesting scenario with an open-ended problem and asks them to arrive at a justifiable solution using civics concepts. The project thus “pulls” students through the content. The teacher’s role is to clarify, facilitate, and guide rather than “push” unmotivated students toward the learning objectives.

Research has shown project-based curricula to have positive effects on student learning. *PBL* methodology helps teachers build valuable interdisciplinary “21st-century skills” in students, including collaboration, critical thinking/problem-solving, and presentation making. Studies have shown that there are important cognitive benefits with the *PBL* methodology. We have found that *PBG* works well for diverse students in a variety of school settings. Skilled teachers in alternative education programs, continuation high schools, and other settings have reported success with these materials.

These units were developed by the Buck Institute for Education and pilot-tested and critiqued by a group of energetic, insightful teachers throughout California. Although too many teachers have been involved to thank each one by name, we are extremely grateful for their time, insight, and contributions to making these units successful. In addition, there have been a number of university professors, nonprofit organization staff, and school district leaders who have contributed to unit development. We have benefited from their observations and suggestions, and we offer a collective “Thank you!”

Please visit the Interact website (www.teachinteract.com) to find out about professional development offerings and conference presentations.

John Mergendoller, Ph.D. *Executive Director, Buck Institute for Education*

John Larmer, M.A. *Director of Product Development, Buck Institute for Education*

Introduction

Chapter One

What is Project Based Learning?

Project Based Learning (PBL) is an instructional method in which students:

- Engage in a rigorous, extended process of inquiry focused on complex, authentic questions and problems
- Work as independently from the teacher as possible and have some degree of “voice and choice”
- Demonstrate in-depth understanding of academic knowledge and skills
- Build 21st-century skills such as collaboration, presentation, and critical thinking/problem-solving
- Create high-quality products and performances which are presented to a public audience

PBL is often cited as a valuable method by educators promoting differentiated instruction, multiple intelligences theory, learning-styles theory, 21st-century skills, and the “new 3 Rs” of rigor, relevance, and relationships.

In PBL, the project *drives* the curriculum—it provides the structure for teaching and learning. A project is not just an “applied learning activity” that follows a traditionally taught unit of instruction. Nor is it discovery learning in its most basic form, in which students are provided with tools and activities that allow them to “discover” knowledge and skills with minimal guidance from a teacher. Instead, PBL challenges students to solve a problem through the application of content knowledge and collaborative resource-gathering, investigation, discussion, and decision-making.

Each project in *Project Based Government (PBG)* is a complete unit of instruction centered on a scenario that presents students with an engaging, realistic problem with more than one possible reasonable solution. To resolve the problem successfully, students realize they need to understand civics concepts and how government operates. This increases their motivation to learn the curriculum. Coaching students to resolve the problem posed in each unit requires a teacher to weave together a number of instructional components while remaining focused on the civics concepts around which the project is organized.

Phases of a Project Based Government unit: how learning unfolds

Although structured flexibly enough to allow for student discovery and independent learning, all *PBG* projects follow a series of steps or phases. These phases may sometimes overlap, but can generally be defined as follows:

Project launch—the Entry Event

At the start of each *PBG* project, students either receive some type of authentic correspondence or have an authentic experience intended to engage them in the project scenario. The “Entry Event” provokes interest and generates curiosity, leading naturally to the next phase.

Framing the inquiry—Driving Question and Knowledge Inventory

To begin the inquiry and problem-solving process, students as a class analyze their task and write a “Driving Question” that guides the project. The teacher coaches students in the construction of a Driving Question that summarizes the problem to be resolved, which in *PBG* is written according to the model:

How can we, as _____, do _____ so that _____?

The teacher also leads the class through a discussion and recording of knowledge that the students already have (know) and information that they still require (need to know) in order to arrive at an answer to the Driving Question. This process is repeated periodically throughout the lesson.

Problem-solving and learning activities

The project scenario unfolds as students receive additional information about the problem to be solved. Students work in teams to conduct independent investigation and complete project tasks while the teacher provides resources and lessons guided by the students’ “Need-to-Know List.” A Project Log is used to check for student understanding of key civics terms and concepts. The class revises the knowledge inventory periodically and revisits the Driving Question to help stay on track toward a reasonable resolution to the scenario. The teacher monitors students’ progress and watches for “teachable moments” when students recognize their need to know more about civics.

Presentation, assessment, and debrief

The project culminates as students finalize their solution to the problem posed in the scenario. Students prepare authentic products and present them to an audience and/or publicly discuss each group’s work. The

teacher uses a rubric to evaluate the students' work and may also choose to administer a test to assess learning. The last step is to debrief the project with students, discussing both civics content and the process by which it was learned.

Teaching in the PBL environment

Although Project Based Learning is designed to foster active, engaged learning, students do not work completely on their own or exclusively with their peers when addressing the problem presented in a scenario. PBL is most effective when accompanied by *project-based teaching*.

In PBL, the teacher guides students through the process of collaborative problem-solving and the creation of high-quality products and performances. Teachers are an important provider of subject-area knowledge and remain responsible for monitoring and assessing student learning, clarifying content-related concepts and misconceptions, assigning students to work groups, and managing what goes on in the classroom. Although traditional tools such as lectures, homework, and quizzes still have a place in this setting, they are used in the meaningful context of solving a problem. The role of the teacher using PBL is to make learning "inevitable" by carefully managing the learning process and promoting a spirit of inquiry.

Make it a collaborative effort

The timing and extent of a teacher's instructional interventions differ from those used in traditional approaches. Effective teachers in PBL wait for teachable moments, when students are interested and ready to learn, before intervening or providing the necessary content explanations; they present or clarify concepts once students realize they need to understand subject-area content in order to solve the problem. Project Based Learning is most effective when it is a collaborative effort between the teacher and students, with the teacher as the senior partner.

This collaboration begins by engaging students in the problem to be solved. As you launch the unit, it is important not to reveal too much about the problem that students are about to encounter and not to pre-teach the content and take away the motivation to learn that comes after students are "hooked" by the Entry Event. Take the problem seriously. While acknowledging that it is a scenario, point out that the problem is closely modeled on what happens in the real world. Heighten student interest and motivation by emphasizing the important effects their decisions will have (summarized in the "so that" part of the Driving Question written by the class). Model genuine interest and enthusiasm for students to take on the challenge of exploring several possible solutions.

The “teacher-as-coach” metaphor applies as students go about the tasks of conducting research, understanding the problem’s complexities, and preparing to present their solutions. Like a good coach watching athletes practice, the teacher needs to observe, diagnose, and guide without doing students’ work for them. Anticipate some needs before they arise, be prepared to meet them, and watch for new needs as they emerge—but wait until they emerge.

One of the biggest challenges for many teachers is to step back and wait for the “need to know” to arise in students. Instead of answering all questions right away, ask, “How could you find that out?” and offer suggestions and resources for further inquiry. If students get stuck at a certain point, act as a “cognitive coach” by modeling thinking strategies. Offer process-oriented comments such as, “How would I approach that issue/task? Well, I might break it down into steps, or I might want to talk with my group about ____ or make sure I understood _____. Or maybe I’d go back to my Need-to-Know List...”

Build classroom culture

Establishing the classroom culture is also important for successful PBL. Students must know that it is all right to take intellectual risks and offer creative solutions for critiques by their classmates and teacher without fear of ridicule. A healthy spirit of give-and-take needs to be fostered in a PBL classroom, as does the habit of reflection. Both students and teacher need to constantly ask: “What are we learning? How are we learning? And what does it mean?”

Another vital part of classroom culture is collaboration. In PBL students work in small groups, and the key to their success is the ability to work together comfortably and productively. If students are not used to group work, these skills must be taught. If students are not working well together, the teacher needs to know how to intervene and smooth things out. And when students share ideas, ask questions, and present their work, whether it is to their own classmates or a public audience, a serious and respectful tone should be the norm.

Invest in planning

A teacher using PBL should be skilled in planning and organization. Before beginning a unit, make sure to read all instructions and prepare materials carefully, but do not over-plan and feel bound by a predetermined timetable. It is hard to predict exactly how each class will approach a project and what needs will arise. A certain amount of flexibility is required, as is the willingness to let go of some expectations and control. Students may propose solutions that you had not considered, or they may want to explore issues in greater depth and breadth.

A teacher also needs skill in the use of performance-based assessment. This means knowing how to assess skills such as collaboration, communication, and time and task management. You can enhance student development of these skills by providing exemplars, well-written rubrics, and chances to practice with helpful feedback.

Teaching in a PBL environment differs from many traditional classrooms in two other ways. First, it can be noisy. That means a teacher (and his or her school neighbors and administrators) must be willing to accept occasional apparent disorder as the inquiry process at work. Second, a teacher must be willing to personally engage with students in ways other than standing in front of the room, delivering content knowledge as the “sage on the stage.” A degree of intellectual and sometimes emotional connection with individual students is often needed to meet the challenges of PBL.