

Teaching American History – Summer 2010

Paper Number Three (3)

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Bellow please find Lesson Plan that I will be using in my “Street Law” class this Fall.

LESSON PAN

A. IN-DEPTH LESSON (One 45 – minute class)

PROCEDURE:

Distribute Handout 1 and have students decides which position they choose (that is, do they believe that the standard of reasonableness should be lowered in the school setting, or that it should remain the same.) Next, divide students into groups and have them discuss their choices. Give time for students to ask questions. Bring the class back together. Allow a “scribe”, or group representative time to present the group’s reasoning as to why their position should prevail.

After both sides present, have students re-read the Fourth Amendment. What does the Fourth Amendment actually say about “unreasonable searches and seizures” ? How far does this right go ? Who determines what is “reasonable” ? How does one define “reasonable” ?

REFLECTING ON DECISION MAKING:

Ask students what they learned from these outcomes. What would they have done differently, if anything, now that they know the outcome ? Which letters of P-A-G-E applied especially to this problem ?

CONNECTING TO TODAY:

Have the students write an Opinion about an issue important to them (i.e. a matter receiving national attention, if they can't come up with one on their own; possible topics might include – gay marriage, “don't ask- don't tell” policy for the military; laws relative to immigration, etc.).

B. QUICK MOTIVATOR (10 MINUTES).

Begin with “Setting the Stage: Teacher/Student Simulating”. This will be two students (one playing the part of the Administrator and the other playing the part of the student) doing a mini role-playing/recreation of the facts that occurred in the N.J. V. T.L.O. case. (copy attached).

Next, ask students as a group “Questions to Consider” before dividing them into groups. These questions (attached) will help to stimulate and define the debate.

LESSON 1: SEARCH & SEIZURE, NEW JERSEY V. T.L.O. (1985)

OVERVIEW

The Case/matter of N.J. V. T.L.O. (1985) involves a search that took place at a high school in New Jersey, where a high school administrator searched a high school student's bag and seized an illegal substance (marijuana) found in the student's bag. The Court addressed the Issue of whether this search violated the Constitution (specifically the Fourth Amendment, located in the Bill of Rights). Specifically the Court asked, should the standard of "reasonableness" be more lenient when the search takes place in the school setting. This lesson focuses on how broad is the Fourth Amendments protection against unreasonable searches and seizures ? Does it extend to students and their possessions when in a school, or should the expectation of privacy be lowered when in this setting ? That is, should the burden/standard that school administrators must meet to conduct a search be lowered; be made more lenient ?

VOCABULARY

Bill of Rights: First Ten Amendments to the United States Constitution, ratified in 1797. It sets forth and guarantees certain fundamental rights; among them: freedom of religion, speech, press, petition assembly; rights to a speedy and fair trial, rights to be free from unreasonable searches and seizures, in addition to many others.

Fourth Amendment: States I part; "The right of people to be secure in their persons, papers, homes and effects, against unreasonable searches and seizures, shall not be violated , and no warrants shall issue, but upon probable cause ... ". The Fourth Amendment was created to make a Constitutional buffer between U.S. citizens and the intimidating power of the government (and law enforcement).

Exclusionary Rule: The principle based on the Constitution's Fourth Amendment right that evidence illegally seized by law enforcement in violation of a suspect's right to be free from unreasonable searches and seizures can not be used against a suspect in a criminal prosecution.

Majority Opinion: The Opinion joined by a majority of the Court's members – generally called "The Opinion". The Opinion indicates how the Court decided the issue that was before it and

gives its reasons for making this Decision. The United States Supreme Court has nine members; one Chief Justice and eight Associate Justices.

Dissenting Opinion: An Opinion that disagrees with the Opinion (the majority opinion) of the Court. Here too, the Justice writing the Dissenting Opinion will give their reasons (reasoning) as to why they do not agree with the Opinion of the Court.

DECISION-MAKING SKILLS EMPHASIZED

Identify underlying problems

Consider other points of view

Ask about context

Generate options – are they “Constitutional ?

Predict unintended consequences