

Activity 1A: What Leads to a Law or Policy?



Students read and discuss several federal and state school-related laws and policies, and discuss the context for the creation of these laws. Students identify the different interests represented in the school safety laws and policies, and discuss the unit overview.

Sequence

1A.1	Students read and respond to a series of school-related laws and policies.
1A.2	Students discuss each law or policy and identify whose interests are represented, what values each law reflects, whose rights are being protected, and the possible context for the law or policy's creation.
1A.3	Students discuss the unit overview and the unit focus on legal efforts to address school safety.

Materials Needed

- Handout 1: Analyzing Laws and Policies
- Handout 2: Unit 2 Overview
- Optional: Did You Know? 1 (see Media Resources)

Activity 1A: What Leads to a Law or Policy?

1. Introduce school-related laws and policies.

Ask students to think about what they learned in *Unit 1: Human Nature, Rules, and Power*.

- Why do we have laws? What are some of the different purposes that laws can serve?

Possible answers:

- *Identify and punish behavior forbidden by the group (for example, laws prohibiting murder, rape, and theft).*
- *Protect individuals and groups from harm (e.g., laws requiring safe conditions in the workplace, laws requiring equal access for the disabled).*
- *Create agreed-upon rules, such as traffic laws, to help people work and live together.*

Ask students to think about the rule they wrote about in the last unit:

- Why was the rule you researched in Unit 1 created in the first place?

Explain that in this unit, they will build on the knowledge they gained from Unit 1 to explore how and why new laws emerge in our society. They will look more closely at school-related laws, how they may stem from the interests or needs of different people, and what types of consequences laws have.

Divide the class into groups of two or three and give each student **Handout 1: Analyzing Laws and Policies**. Assign each group one law or policy. Ask students to individually read their assigned law. Have each group respond to the questions in Part 2 of the handout, and assign a recorder to write the group's responses.

Note: Links to more detailed descriptions of these laws and policies are in *Media Resources*.

2. Have students discuss laws and policies.

Ask each group to describe its assigned law or policy to the class.

Use the following questions to guide discussion:

- What are the similarities and differences among these laws and policies?

Possible answers:

Similarities: *All are related to schools; some provide rights to certain groups; a few are related to school safety.*

Differences: *They focus on different aspects of school—safety, academics, equity; they were created at different times.*

Elicit definitions of *law* and *policy* and the differences between them.

Possible answers: Laws are written by legislators; they prohibit or require specific actions. Policies are not created by the legislative branch. A policy is an action or approach taken by the executive branch of government or by other organizations. Policies are often written in response to, and as a result of, laws.

- What are some of the purposes of these laws and policies?
- What values or norms do you think are represented in these laws or policies? Explain.
- In what ways, if any, does this law affect your daily life in schools?
- What social problems or issues do these laws or policies address?

Point out that creating a law is just one way to address an issue. Encourage students to consider other solutions. Ask the following:

- Do you think that creating new laws is the best way to solve problems or issues, such as unhealthy school food or school violence?

Ideas for Involvement with Professionals

Invite a local or state legislator or other elected official to discuss the factors in a community that led to a bill's introduction in the state legislature or city council, using specific cases from your local area.

3. Present an overview of the unit.

Ask students to identify which of the laws or policies they explored were related to school safety. Ask the group who was assigned to the Gun-Free Schools Act to read aloud the description of this law.

Tell students that during this unit they will focus on a specific law promoting school safety—the federal Gun-Free Schools Act of 1994. Students will explore the reasons it was written and the wide variety of viewpoints on how the law has affected youth and communities. They will learn how *advocacy* (acting on behalf of a cause to achieve a specific goal) can shape laws and policies to make them more just.

Distribute **Handout 2: Unit 2 Overview**. Respond to any questions students have about the unit.

Teacher's Note: Introducing the Unit

Spend ample time reviewing the unit overview. This will help you set clear expectations and establish a common understanding of the goals and purpose of the unit. Make it clear to students how their work will be assessed in this unit.



Handout 1: Analyzing Laws and Policies

Part 1

Laws and policies are created in response to community needs and concerns. With your group, read and discuss your assigned law or policy and answer the questions in Part 2.

1. The Safe and Drug-Free Schools and Communities Act

The Safe and Drug-Free Schools and Communities Act State and Local Grants Program, authorized by the 1994 Elementary and Secondary Education Act, provides funding for developing and implementing programs that help prevent youth from participating in drug use and violence. It also helps fund programs that train teachers to prevent these activities at the classroom level both during and after school. This is a federal law that allows states to apply for money to fund these programs.

2. Gun-Free Schools Act (GFSA)

In 1994, Congress passed this law designed to decrease school violence. The law mandates that any state receiving federal funds must pass a state law to expel for a minimum of one year any student who brings to school or is found in possession of a firearm or other weapon. The school must also refer such a student to the criminal justice or juvenile delinquency system. The chief administering officer of the local school may modify the one-year expulsion on a case-by-case basis.

3. School Bullying Prevention Act

The governor of the state of Oklahoma signed the School Bullying Prevention Act in 2002. This act requires each school district to create policies that prevent bullying, intimidation, and harassment by students. Policies need to include methods for addressing bullying that occurs as well as programs to educate students, parents, and teachers and to prevent bullying. This is a state law that imposes requirements on local school districts.

4. Cyberbullying Policy

Most states require school districts to create policies that prevent bullying. *Cyberbullying* is a type of bullying that involves information and communication technologies, such as computers and cell phones with Internet access. In 2009, Lake County School District in Florida revised its regular anti-bullying policy to specifically prohibit cyberbullying, which includes posting slurs, rumors, or disparaging remarks about other students in a chat room or through instant messaging, and using camera phones to take or send embarrassing photographs of other students. The policy also states that the district can and will investigate and take action no matter what time or place the cyberbullying occurs.

5. Children's Internet Protection Act

The Children's Internet Protection Act (CIPA) was signed into law in 2000. It blocks schools from allowing student access to harmful material found on the Internet. CIPA requires schools that get funding for the E-rate program (a lower-cost communications program for schools and libraries) to block student access to sites that are considered obscene, pornographic, or unsafe for minors; to develop a plan to monitor the online activities of minors; and to create a safety policy for Internet use by minors. This is a federal law that may inform local policies.

6. Gang Prosecution Act

This law, enacted by the Maryland legislature in 2007, allows school administrators and police to share more information with each other about students. The law is intended to help prevent gang activity and to allow schools and police to be more effective in combating gang activities both in and outside of school. The law requires courts to share information about delinquent activities by juveniles, and requires teachers to report any "suspected gang or gang-like activity" to school administrators and school resource officers, who then meet with prosecutors and police to share information. This state law imposes requirements on local police and school department policies.

7. Title IX of the Education Amendments of 1972

This federal law, enacted in 1972, requires gender equity for boys and girls in educational programs. The law is often used in reference to sports activities in schools, but it also applies to many other areas, including college, students who become parents, learning environment, and testing. There have been many lawsuits to fight for Title IX and gender equity in a variety of programs, and some of them have been controversial, including the application of Title IX to single-sex teams and organizations. This law applies to all public and private education programs that receive money from the federal government.

8. Public Schools Cell Phone Policy

Since 2006, cell phones have been officially banned from New York City's public schools. Many parents have responded negatively to this policy, insisting that they need a way to get in touch with their children in the event of an emergency. Students have found ways to sneak cell phones into school, and many have had them confiscated by school personnel. The mayor and the Schools Chancellor have described cell phones as being distracting and disruptive. They point out that cell phones are often used for cheating and other disruptive activities, such as taking inappropriate pictures. They also point out that cell phones are one of the most frequently stolen items in schools. This is a local policy.

9. Public Schools Search and Seizure Policy

Since this policy was adopted in 1980 (updated in 2008), school administrators in Cincinnati, Ohio, may do random, unannounced searches of any areas that are the property of the Cincinnati Public School District, including lockers and desks. The School Board has authorized the use of metal detectors to search for forbidden items. Students may also be searched if the administrator has reasonable suspicion that they are in possession of a forbidden item. The School Board has supported this policy as being protective of the health and safety of the school community. This is a local policy.

10. Equal Access Act

The Equal Access Act of 1984 is a U.S. federal law that requires all secondary schools receiving federal funds to provide equal access to extracurricular clubs. Religious groups lobbied for the act to allow students the right to conduct Bible study classes on school grounds during lunch and before and after school. The act is also important in giving gay students the right to form groups. According to the act, schools that receive federal funds and have at least one non-curriculum club that meets before or after school must allow students to organize other clubs and give them equal access to meeting space, bulletin boards, and school newspapers. Clubs must not be disruptive, and they can be monitored by school personnel. A school can opt out of this act by prohibiting all non-curriculum clubs.

11. The Individuals with Disabilities Education Act

The Education for All Handicapped Children Act, a federal law, was enacted in 1975. In 1990, this law was renamed the Individuals with Disabilities Education Act. The law, which resulted from lawsuits by parents of disabled children, requires states and public agencies to provide free education and all special education services to disabled children and youth from birth to age 21. The law applies to children with serious emotional disturbance, learning disabilities, mental retardation, traumatic brain injury, autism, vision and hearing impairments, physical disabilities, and other health impairments.

Handout 1: Analyzing Laws and Policies

Part 2

Discuss your assigned law or policy, and answer the following questions.

Name of law or policy:

1. What is this law or policy about? Who is affected by it?
2. When was the law or policy passed? Why do you think it was enacted at that time?
3. What does the law or policy require or prohibit?
4. What social problems or issues do you think led to the creation of this law or policy?
5. What values or norms do you think are represented in this law or policy?



Handout 2: Unit 2 Overview

Historically, many laws have been created in response to the pressing social issues of particular time periods. For example, a number of school-related laws and policies were created in response to concerns about school safety and widely publicized incidents of school violence that occurred in the late 20th century. How do law and law enforcement professionals, public advocacy groups, and community stakeholders contribute to shaping and enacting such laws and policies? How can young people educate themselves and others about—and advocate for changes in—laws that affect their daily lives?

In this unit, you will track one federal law, the Gun-Free Schools Act of 1994 (GFSA), and its impact on youth. You will strengthen your knowledge of the U.S. legal system by exploring how and why this particular law related to school safety was passed, how state and local governments interpret and enforce a federal law, and what effects a law may have on individuals in a community. You will consider how laws are responses to social issues, as well as how advocacy organizations respond to or influence laws and policies.

Your work in this unit will be to explore the following framing questions:

- What factors shape the development of laws and public policies?
- What factors may affect the real-world consequences of a law?
- What is the impact of public policy decisions made at different branches and levels of government?
- What role do advocacy organizations play in responding to and influencing the legal system?
- What are the roles of professionals and youth in improving the U.S. legal system?

Understandings

- Laws and public policies are shaped by events, public perceptions, and changing needs of society.
- The way in which a law is written, enforced, and interpreted can have intended and unintended consequences and affect how justice is served.
- Laws and public policy decisions can expand or limit the powers of different branches and levels of government and affect individuals and communities.
- Public advocacy organizations act as a fourth branch of government by interacting with other sectors of the legal system and by influencing laws and policies.
- Professionals and youth play a vital role in improving the U.S. legal system through advocacy, legislation, and litigation.

Vocabulary Used in This Unit

Advocacy: Acting on behalf of a cause to achieve a specific goal.

Bias: The presentation or interpretation of an event, fact, or argument from a particular perspective; lack of objectivity.

Credibility: Believability and trustworthiness.

Discretion: The freedom or power to make decisions or act using one's own judgment.

Due process: A constitutional right that is protected in two ways: *procedural due process*, which requires that a specific set of steps be followed to ensure laws are enforced consistently, and *substantive due process*, which ensures that punishment is fair and appropriate for the level of wrongdoing.

Federalism: The division of power between a national government and regional governments, such as states or provinces.

Judicial review: The power of higher courts to review the decisions and legal findings of lower courts and to decide whether laws and other government actions are constitutional.

Legal system: The interaction of the different branches and levels of government in the creation, enforcement, and interpretation of laws and public policies.

Public advocacy organization: Group devoted to a special interest or cause to influence policy decisions and public perceptions. These groups are usually private nonprofit organizations who use various strategies to influence laws and policies, including educating the public or conducting research.

Stakeholder: An interested party; a person or group who is affected by a decision or action.

Talking points: Phrases or statements that help to support your argument or sum up what you want your audience to remember.

Zero tolerance: A law or policy for which automatic penalties apply without regard to circumstances.

Unit Project

Drawing on your understanding of school safety issues, the GFSA, the legal system, and the effects of laws and policies on youth, you will work as a member of a project team to prepare a multimedia presentation for a community forum on school safety and the law. You will look at advocacy organizations that have responded to school safety laws, and choose one whose strategies and mission you support. You and your teammates will conduct research on that organization, which you will use to create a multimedia presentation designed to educate the public about how your chosen organization works as part of the legal landscape and how it uses data to support its campaigns.

In This Unit You Will . . .

Explore school safety issues. Define a problem related to school safety and identify its causes and effects. Learn about school-related laws and policies. Analyze one law, the GFSA, which was created in response to school safety issues and events.

Understand how the U.S. legal system has responded to school safety issues. Consider the origins of the GFSA. Learn about the U.S. legal system and how the branches and levels of government interpreted and enacted the GFSA in complex ways.

Learn how laws and policies are enforced. Compare different law enforcement approaches to school safety and different stakeholders' perspectives on having a police presence in schools. Analyze data showing how enforcement of school safety policies affects youth.

Understand the importance of educating and advocating. Learn how advocacy organizations interact within the legal system and how they use data to support their work. Consider the importance of educating the public and advocating for policies that affect the daily lives of youth in school.

Identify how individuals in various careers write and enforce laws and engage in public advocacy. Learn about the ways in which law, law enforcement, and advocacy professionals have responded to social issues both within and outside the legal system. Explore the different paths they have taken to prepare for their careers.

Career Portfolio

You will create or complete the following items to keep in your Career Portfolio:

- Multimedia presentation
- People and Careers Profiles
- Unit exam
- Journals (5)

Unit 2 Journal Assignments

Respond to the journal questions as assigned.

Journal 1

What events and experiences have shaped your views about school safety? How have school safety laws and policies affected your daily life at school?

Journal 2

How does the issue of school safety require a balance between the rights of the individual and the rights of the community? Do you think the balance is just and fair right now? Why or why not? Give specific examples.

Journal 3

Do you feel empowered to act to influence laws and policies in your school or community? Why or why not?

Journal 4

In what ways are community forums effective in educating the public, promoting change, or engaging in dialogue about key issues? How might you use the Internet to achieve similar goals?

Journal 5

Think about the different careers that you learned about in this unit. Which career interests you most, and why?