
Challenging Constitutional Rights

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We present an instructional strategy called Challenging Constitutional Rights, in which high school civics students critically interacted with, and interpreted, constitutional rights. As an alternative assessment project, students used technologies to make visual and oral presentations on the relationship between a current event and a right detailed in an amendment to the U.S. constitution. In this article, we describe the process of the project, detail the strengths of the project organized around the National Council for the Social Studies (NCSS) Vision of powerful teaching and learning, and conclude with reflections from the teacher who designed and implemented this project. Exemplars of student work are included.

Key words: civic education, constitutional amendments, digital resources, alternate assessment, current events, social studies pedagogy

Introduction

Interpreting the rights detailed in the Bill of Rights and the amendments to the Constitution of the United States of America has a long and controversial history in the Supreme Court and the court of public opinion. A few recent examples include the Supreme Court's interpretations of publicly controversial laws such as President Obama's health care law (Patient Protection and Affordable Care Act) and Arizona's immigration law (SB 1070). As the 5-4 ruling in *Citizens United v. Federal Election Committee* demonstrates, even after over two hundred years of legal precedence, the highest court in the land still struggles with interpretations of citizens' rights; how they are applied in different circumstances; or even if corporations have the same rights as individual citizens. This split decision suggests that rights constantly are under revision and reinterpretation, and these revisions and interpretations often are prompted by current events. While the Supreme Court grapples with rights issues, however, evidence suggests that students in social studies classes are poorly informed about rights and less likely to participate in instructional activities that actively engage rights issues than scholars have proposed (Gould, Jamieson, Levine, McConnell & Smith, 2011). For three decades, researchers have bemoaned findings indicating that after completing 13 years of K-12 social studies instruction, students persistently are unfamiliar with the rights detailed in the Constitution (Barr, Barth, & Shermis, 1977; National Center for Education Statistics, 2010).

Teaching strategies used to teach rights, furthermore, often are less dynamic than civic education proponents would prefer. Although scholars (Hess, 2009) and civic education organizations (CIRCLE, 2003) have argued for innovative practices in which students grapple with rights issues, evidence suggests that typical lessons regarding rights are more likely to include a focus on facts divorced from skills, values, civic participation, and students' lives

(Gould, et al., 2011). Given that students persistently lack understanding of rights and traditional teaching practices neglect to bring rights issues alive, it is clear these strategies leave much to be desired (CIRCLE; Gould, et al.). This article details how one high school civics teacher, with helpful suggestions from her students, developed an innovative approach to teaching and assessing the rights identified in the Bill of Rights and other selected amendments.

This assignment, called *Challenging Constitutional Rights*, offered high school students the chance to critically interact with and interpret constitutional rights. As an alternative assessment project, students used technologies to make visual and oral presentations on the relationship between a current event and a right detailed in a constitutional amendment. In this space, we will describe the process of the project, detail the strengths of the project organized around the National Council for the Social Studies (NCSS) *Vision of powerful teaching and learning* (NCSS, 2008), and conclude with reflections from Katie Miller, who designed and implemented this project. The handout and rubric given to students (see Appendices A and B) and exemplars of student work (see Figures 1, 2, and 3) are included at the end of the article.

Process

The basic idea of this alternative assessment project is that students make a visual and oral presentation to illustrate the ways in which a current event challenges a constitutional right. This project assesses the following objectives, stating students will

- describe their assigned right.
- visually and orally present the relationship between a current event and the assigned right.
- articulate the nuances and complexities of the assigned right by presenting how the right is challenged by a current event.

The *Challenging Constitutional Rights* project has three steps: research, design, and presentation. First, students learn about the rights detailed in the Bill of Rights and subsequent amendments. Students then are grouped together and assigned one of the rights in the Bill of Rights or another particularly significant amendment (e.g., citizenship rights in the 14th amendment). Though multiple students are assigned the same right and work together to develop a deeper understanding of the rights detailed in the amendment, students individually find a current event article of interest that has been written in the last month. There are several digital sources that help students begin this assignment: CNN, NY Times online, local newspapers, Today's Front Pages, and the Bill of Rights Institute (see Web-based References section for links to these sources). Students determine how the article is relevant to their amendment and, more importantly, determine the ways in which the article challenges the assigned right (e.g., Is it a freedom of speech violation if a school principal suspends a student by using information posted on Facebook?). For this step in the process, each student focuses exclusively on the relationship between the current event and the assigned right.

The next step is to individually design a poster, presenting a visualization of the relationship between the current event and the right. First, students use Wordle™ to create a visual “word cloud” of the article. Students then customize the Wordle™ to convey meaning and set the tone for their presentations. Although students cannot manipulate the size of words in the cloud, other customizations, such as changing the font, color, and arrangement of text can convey meaning. For example, a Wordle™ about the death penalty in the context of “cruel and

unusual punishment” might be presented in black and white and use a somber font, while a Wordle™ about freedom of religion might be multi-colored and use a celebratory font. After customizing the Wordle™, students find four visual images (photographs, artwork, political cartoons, symbols, and logos) that symbolically represent the current event and the constitutional issues raised by the event (e.g., placing an “X” between a picture of the school and the Facebook logo). Students then arrange the Wordle™ and four images on a poster to effectively display the relationship. The poster is not intended to convey all of the complexities of the current event and its relationship to the right; rather, it is intended to convey symbolic meaning and present highlights from the article. The students’ presentations, not the posters, highlight the complexities of the current event and its relationship to a right.

For the final step, students make an oral presentation to describe their poster and the ways in which the current event challenges the right. Students should consider the following questions as they make their presentations: What is the article about? How does it relate to your assigned right? What is your opinion about the relationship between this event and your assigned right? How might this issue affect you personally or the affect the general public? During the presentation, students are encouraged to think beyond their assigned right to explain how the current event relates to other rights detailed in the Constitution (e.g., in addition to the freedom of speech issue, does the principal’s Facebook research constitute unreasonable search clause of the 4th amendment?). Students voice their opinions about the relationship between the current event and the right. For example, a student could agree or disagree with the idea that cheerleaders holding signs inscribed with Bible verses at a public high school’s football game constitutes a violation of the separation of church and state (as the town council decided), or that the cheerleaders have a right to express their religious views regardless of the venue.

In order to convey complexity to smaller groups of their peers, students use the “Four Corners” presentation method whereby each student gives four, three-four minute presentations to small groups of their classmates. Four students (with one presenter in each corner of the classroom) present simultaneously. The rest of the class (the teacher and those not presenting) divides into four groups to listen to all of the students’ presentations. After each presentation, students question the presenters about the ways in which the right was challenged by a current event. The student audience members then rotate to the next corner and hear another presentation. Each student repeats his or her presentation four times, fine-tuning arguments as they respond to questions from different groups. After the audience has heard all four presentations, another group of presenters is chosen and the process is repeated. Using this method, students are able to hear a wide range of issues and presentations in a relatively short span of time. In an ideal classroom scenario, more time would be allotted for student presentations. The three-four minute presentations provide a challenge to developing deep understanding of all the issues discussed in presentations. In order to mediate this limitation, the day after presentations, students write about their reactions to rights issues from the day before. These writing prompts are used to initiate deeper discussions about current events that resonated with the students. Although the Four Corners presentation strategy does not allow for every issue to be discussed at length, it does allow students to explore a wide range of issues.

This project supports national and state standards. Three NCSS thematic standards are supported including: Power, Authority, & Governance, Civic Ideals & Practices, and Time, Continuity, and Change (NCSS, 1994). This project, additionally, supports two of North

Carolina's Essential Social Studies Standards: CE.C&G.3: Analyze the legal system within the United States in terms of the development, execution and protection of citizenship rights at all levels of government, and CE.C&G.4: Understand how democracy depends upon the active participation of citizens (NC Department of Public Instruction, 2010).

In summary, there are three major steps: (1) research – in which students collaboratively learn about a right, then individually research a current event and determine how it challenges the right, (2) design – in which students individually create a visualization of the relationship using a word cloud and four other symbolic images, and (3) presentation – in which students make a poster presentation explaining the nuances of the relationship between the right and the current event using the “Four Corners” presentation method.

Strengths of this Approach

This assignment aligns with the recommendations of NCSS's *Vision for Powerful Teaching and Learning in the Social Studies*. In the following section, we organize the strengths of this assignment with the five qualities of powerful teaching and learning outlined in NCSS's position statement: meaningful, integrative, value-based, challenging, and active.

Meaningful

Meaningful teaching includes teaching topics in-depth, developing skills, and teacher reflection. This project asked each student group to develop an in-depth understanding of one right outlined in the amendments to the U.S. Constitution and to challenge that right with a current event. In other words, rather than diffusing time and attention across all the rights, students became “experts” at one particular right, and learned about the other rights from their classmates. This project also led to student skill development. These skills included oral communication, collaboration and teamwork, information gathering and analysis, and technology (Internet research and Wordle™).

Teacher reflection played a large role in the development of this project. In order to aid in her reflections on her own teaching, Katie Miller asked students to evaluate her teaching by assigning her “quarterly grades.” For one of the quarters, a large number of students suggested the writing assessments (essays and research papers) were being overdone. Students requested to be assessed in way that did not require them to “write another essay.” Mrs. Miller took this opportunity to develop an assessment that met her teaching goals and honored students' feedback. Rather than assessing student understanding of rights through her normal methods, Mrs. Miller instead focused on using visual displays and oral presentations (Werner, 2006).

Integrative

Integrative teaching includes connecting the present to the past, connecting the disciplines of social studies, and asking students to conduct inquiry, develop and display data, and synthesize findings. These qualities are present in the project highlighted here. Students use current events to challenge rights written decades or centuries ago, connecting the present with the past. As Katie Miller told me during our discussions about this project, “The rights of Americans are not only outlined in the Bill of Rights. They are not dead. They are being debated every day.” This project also is multi-disciplinary drawing on political science, history, and civic engagement (NCSS Thematic Standards 6, 2, and 10, respectively). Finally, when identifying and organizing visuals on their posters, students practice integrative skills, including

inquiry, developing, and displaying data. Students also synthesize their findings in the oral presentation.

Value-Based

Powerful, value-based social studies teaching includes: critical thinking, assessing multiple viewpoints, and decision-making, as well as valuing reasoning and well-supported positions. This type of teaching incorporates the values associated with democracy, such as justice, and a commitment to freedom of thought and speech. The *Challenging Constitutional Rights* project asks students to make value-based decisions. To continue our “Facebook suspension” hypothetical, students are asked to make value-based judgments supported with a current event and visuals, about the values associated with privacy, freedom of speech, and the role of the school in protecting students. What if our hypothetical student was suspended because he posted a bullying message about another student on his Facebook site? In this case, does the value of student safety trump the value of student freedom of speech? This hypothetical helps students clarify their own values and consider the values of others. During their oral presentations, students in the audience were encouraged to ask challenging questions such as those highlighted here.

Challenging

Challenging social studies teaching calls for: analysis of documents, thinking through sophisticated concepts, and employing multiple tools of inquiry. The project highlighted here adheres to these qualities as students analyze multiple documents, including primary and secondary text documents, and visual documents. Students are not merely reciting the rights but grappling with sophisticated concepts, which have been reinterpreted over time and place. As Mrs. Miller described, “This project shows both the weaknesses and tangible challenges to the amendments, rather than only teaching idealized perceptions of them.”

Active

Active social studies teaching and learning requires students to work collaboratively to discuss issues and construct meaning through compelling projects. The *Challenging Constitutional Rights* project asks students to do just this. Students discuss rights issues in their small groups as they develop expertise on a specific right outlined in the Bill of Rights and selected amendments. This discussion is continued during the “Four Corners” poster presentations, during which audience members are encouraged to thoughtfully question the presenters about their assigned rights. By the end of this project, students should have a thorough understanding of both the surface-level right their amendment protects (e.g., speech, safety) but also more complex interpretations of and challenges to that right.

Limitations

For this assignment, students spend most of their time and energy on one right. As such, there is less class time dedicated to covering the other rights. An ancillary limitation is that students are expected to learn about rights from their peers during the presentations. The teacher, therefore, has less control over the information students do and do not receive on the topic of rights. A final limitation is the potential for student presentation fatigue, in which students’ attention and interest begins to wane after hearing too many presentations.

Teacher Reflection

In this section, we offer a reflection from Katie Miller, the teacher who facilitated this project (also an author on this paper). This reflection is an opportunity for Mrs. Miller to present her summative thoughts about the project.

As a whole, the *Challenging Constitutional Rights* project was successful on multiple levels. The first and most obvious success was the high level of student enthusiasm and engagement. Since this project was based on their feedback to the teacher (about too many written assignments), they were automatically more vested in the project, almost as if it had been their idea. That investment only grew as students worked through the stages of this project. The “quarterly grade” comments I received from students following this alternative assessment project were very positive. The following quotes are representative:

- “I really like when we do the visual and oral project instead of tests. They’re way more interesting.”
- “I learn more when you teach us through projects. I feel like I have more time to think about what we’re learning and show you how much I really know about rights.”

Students demonstrated better performance on this assignment than on most others. The class average for typical assessments, tests and quizzes, is a C. The class average for this project was a B. In addition, there were fewer failing grades on this assignment than on traditional assessments. For the traditional assessment, which accompanied this unit, 9 of 52 students did not pass, while all students except 1 passed the *Challenging Constitutional Rights* alternative assessment. I attribute this improved performance to the ownership students demonstrated in the project. When asked to internalize and express their opinion about an issue and then present this opinion to their peers, students acquired more knowledge and skills than when they simply study and regurgitate information for a test.

In addition to their enthusiasm for the project, there were many positive learning outcomes beyond content mastery: students improved their public speaking skills, critical thinking abilities, and employed different skill sets than they normally use in my class. In my experience, high school students are like many Americans in that they fear public speaking. The presentation component of this project was met with a degree of reluctance from some students regarding speaking in front of the class. By using the Four Corners presentation method, students’ public speaking fears were alleviated as they came to understand that they would only have to present to a small group of students at a time. By presenting four different times students gradually became more poised, animated, and comfortable in their content delivery. Not only did this project enable students to confront their fears over public speaking (because it was only to a small group), but also required them to practice and refine their presentation, hopefully reducing their anxiety over public speaking in the future.

This project refined students’ critical thinking skills. When they began looking for articles, some students headed towards the path of least resistance. If their assigned right was Freedom of Religion, for example, they simply wanted to find an article about a person exercising that right. Through teacher scaffolding and redirecting, these students were encouraged to dig deeper into the interpretation of their right. So, instead of presenting a surface-level article about a person practicing his or her faith, they chose an article about the protests associated with building a Muslim Community Center near the 9/11 memorial site.

Through this process, students had to think more critically about their assigned right, improving their analytical skills and civic competence.

Finally, this project supported students' employment and refinement of different skill sets than they usually use in my class. Even though students had argued against the volume of written assignments in class on my "quarterly grades," many ironically complained that they could not include writing as a part of this project. For their presentations, article summaries, and analyses, many students found it challenging to convey their ideas without written materials. By forcing students to rely only on visual and oral presentation skills, those who normally rely heavily on writing stretched their abilities. For students who excel in making oral or visual presentations, this project allowed them to showcase their skills.

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Appendix A
Project Handout

Challenging Constitutional Rights Current Event Assignment

The Idea: Instead of a test or research paper on the Bill of Rights and Amendments, you'll be creating a visual and spoken presentation about how one of the amendments relates to a Current Event.

The Specifics:

1. Find an article on something current (published within the last month). It must relate to one of our 27 amendments but cannot be about specific current events we've already discussed in class.
2. Read the article and think about how it relates to the amendment. You won't be turning in a written assignment, but these are some the questions you'll need to answer in a presentation: What is the article about? How does it relate to your assigned right? What's your opinion about the relationship between this event and your assigned right? How might this issue affect you/us?
3. Using wordle.com, make a visual graphic of your article (copy and paste the article text into Wordle™ and then customize the word cloud). Print this out. Include an MLA citation of your article on the back of your poster.
4. Then, choose 4 images (pictures, artwork, photographs, etc.) that represent this article and the constitutional rights issues it brings up. Arrange these images with your Wordle™ printout to make a poster (can be smaller than a full poster size). This is what you'll use to present with.
5. This is worth 50 points. You'll present it on 11/2. See rubric below for my expectations. I'm looking for creativity, neatness, analysis of ideas, and preparation for the presentation.

Appendix B
Project Rubric

Category	10	7	5
Article	Chosen article relates to assigned right and also demonstrates a challenge to premise of the right.	Chosen article relates to assigned right but does not demonstrate a challenge to premise of the right.	Chosen article may not relate to the assigned right or may come from an unreliable source.
	15	10	5
Student Thought and Analysis	Student shows deep understanding of the topic – connects meaning of right and understands how current event challenges it.	Understands and describes how the current event relates to the right but not how the current event challenges premise of the right.	Can describe the current event and the right but cannot connect the two.
	10	7	5
Neatness and Creativity	Student has used 4 pictures that creatively and strikingly	Student has used 4 pictures that demonstrate meaning	Student uses pictures on poster but they do not

	demonstrate meaning behind the current event and right in a visual manner.	behind the current event and right.	connect to the issue presented or there may be fewer than 4 included.
	15	10	5
Presentation	Student is very knowledgeable about issue. Can easily explain the right, current event, and connection between the two without relying on reading poster.	Student is knowledgeable about issue. Can explain the right, current event, and connection between the two but hesitates in his/her understanding or relies on notes or poster during presentation.	Student can explain the right and current event, but may not understand the connection between the two. Student may be unprepared or lacking understanding of issue.

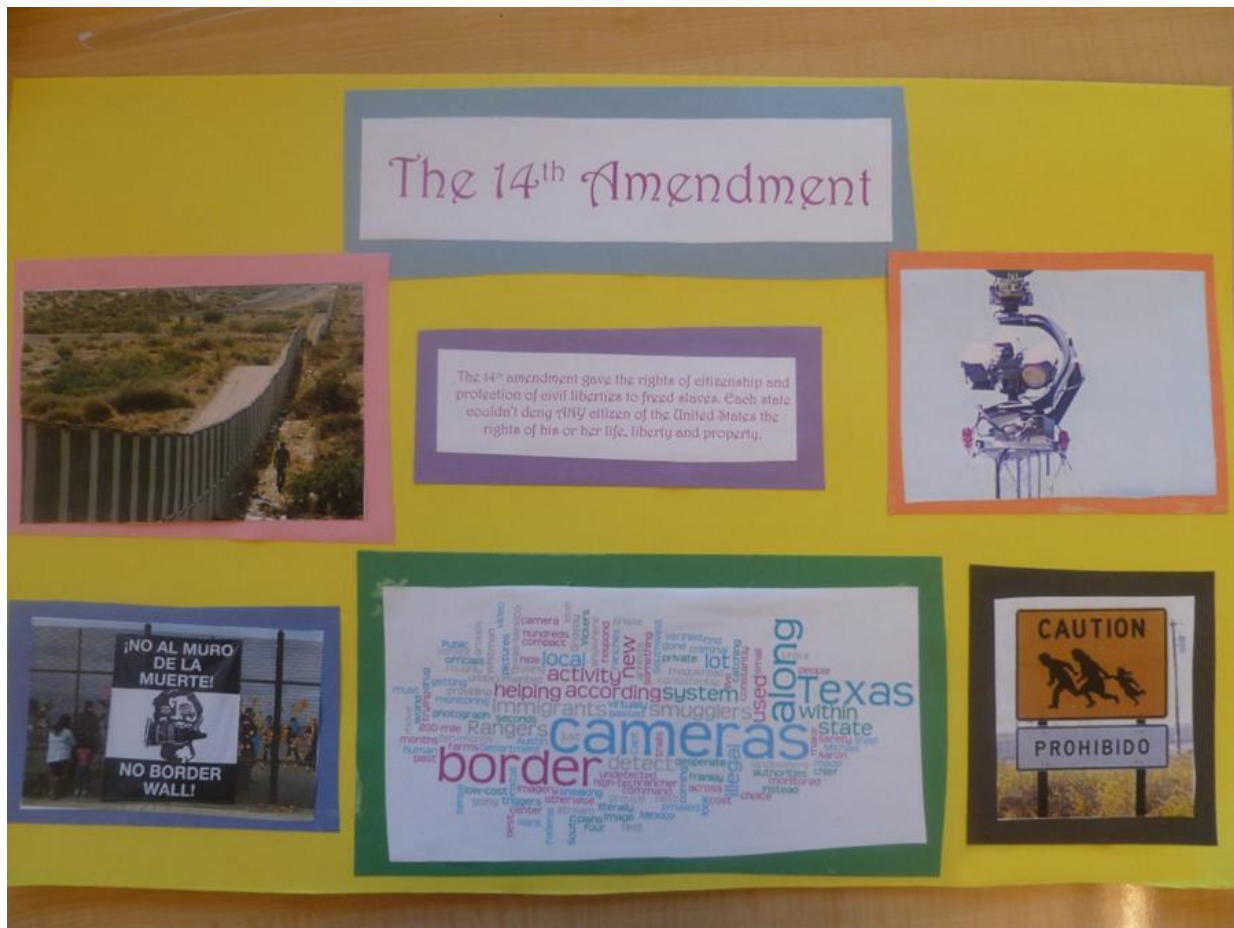


Figure 1. Sample student poster

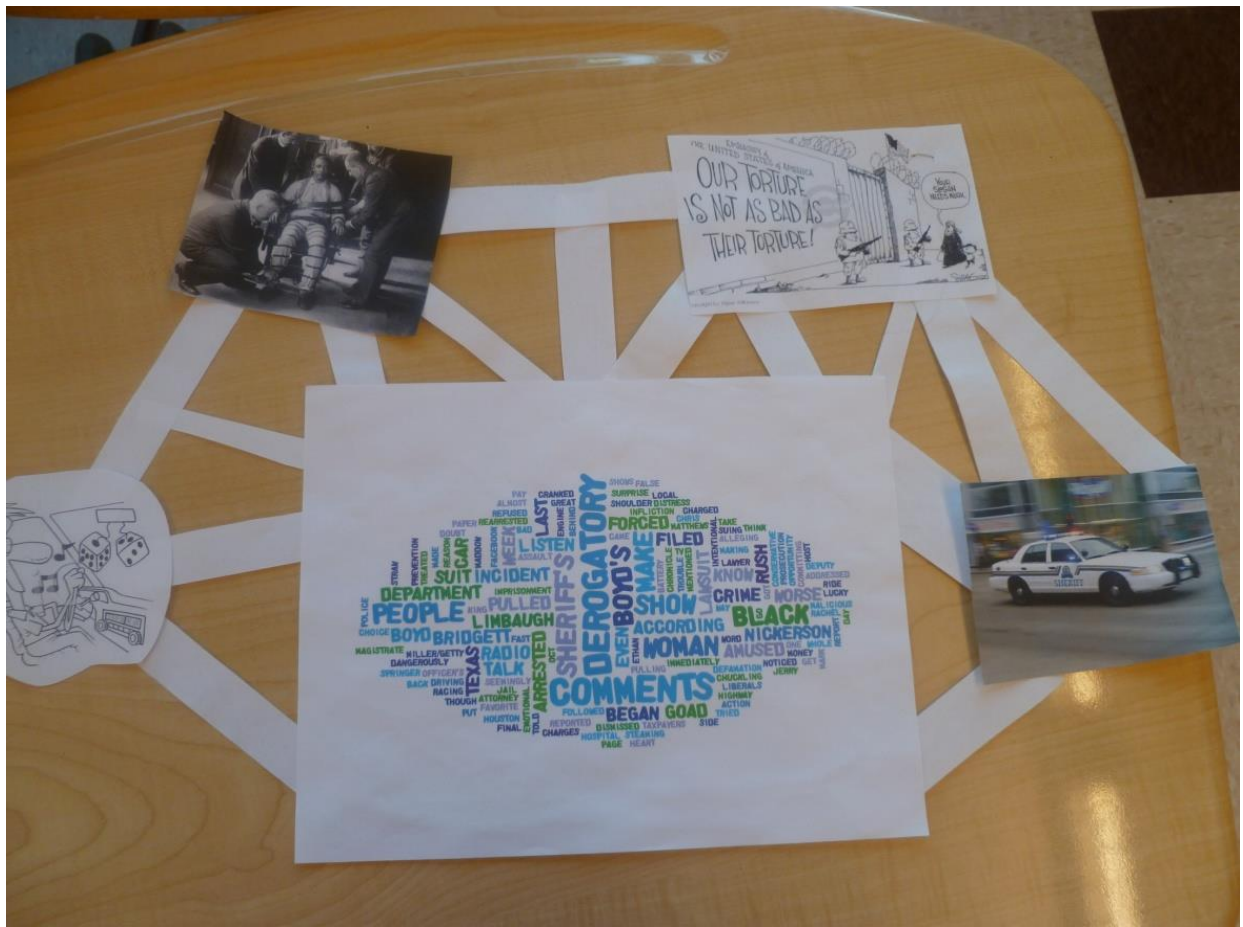


Figure 2. Sample student poster



Figure 3. Sample student poster

Authors' Bios

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