

★ **Bill of Rights: Rights and Responsibilities** ★

Purpose

The purpose of this lesson is to provide the student with opportunities to describe how written and unwritten laws and rules (plus mores and customs) of a society affect individual and group behavior.

Objective

The student will 1) consider the importance of individual liberties found in the Bill of Rights, 2) recognize the significance of the Fifth through Eighth Amendments, 3) recognize the significance of the Declaration of Independence, and 4) recognize that American citizens not only enjoy many rights guaranteed by the Constitution but also have many responsibilities associated with those rights.

Theme-Responsibility

The Bill of Rights in the U. S. Constitution guarantees citizens freedom through unalienable and established rights. With these rights also come our responsibility as citizens to understand their purpose and to exercise them appropriately.

NCSS Standards

VI. Power, Authority, and Governance
A. Examine persistent issues involving the

rights, roles, and status of the individual in relation to the general welfare.

X. Civic Ideals and Practices
A. Examine the origins and continuing influence of key ideals of the democratic republican form of government, such as individual human dignity, liberty, justice, equality, and the rule of law.
B. Identify and interpret sources and examples of rights and responsibilities of citizens.
H. Analyze the effectiveness of selected public policies and citizen behaviors in realizing the stated ideals of a democratic republican form of government.

Time

2-5 days, 1 hour per session

Materials

- ★ My Bill of Rights handout
- ★ Abridged Bill of Rights handout
- ★ School Code of Student Conduct (HISD example: see also http://www.houstonisd.org/HISD/portal/article/front/0,2731,20856_2506_14644,00.html)
- ★ Surveying the American People handout
- ★ Rights and Freedoms handout
- ★ Instructor Magazine (Sept. 1991, pp.42-43)
- ★ Website - www.americanheritage.org

Preparation

- ★ Copy materials/handouts.

Focus

Discuss: "What is so important about freedom?" Freedom is "the state or condition of being free." John Locke, whose ideas provided Jefferson with the basis for the Declaration of Independence, described freedom as "...our being able to act or not act according as well shall we choose or will." Two synonyms for freedom are liberty and independence.

These denote being able to act without interference or control by another. Freedom emphasizes the power to exercise rights. Liberty emphasizes the responsibility that balances each freedom. (For example, freedom of speech does not mean the liberty to gossip or tell lies.) Independence emphasizes the power to stand alone—sometimes supported by, but never dependent upon, someone or something else.

Activity

1. The Bill of Rights: What Are Our Rights?

A. Ask students to analyze and summarize the rights provided all citizens through the Bill of Rights of the Constitution. Examine and discuss the Bill of Rights, including their order, placement, and significance in the Constitution. Give some illustrations of these rights applied in students' everyday lives. (See Links page on www.americanheritage.org for additional resources on the Bill of Rights.)

B. Have the students continue to examine each of the ten original amendments of the Constitution and record the provisions of these amendments and how they affect Americans today.

C. Referring to the Abridged Bill of Rights, have each student choose the amendment he or she thinks is the most important and write a composition defending his or her position. These compositions can be shared with the other classmates, perhaps in the form of a debate.

2. Surveying the American People

Distribute or present the following scenario, "Surveying the American People," to students. Read the instructions and story and ask students to list the rights in order from most important to least important or from most impacting to least impacting. This may be done individually or in small groups. Ask students to defend their choices of why they ranked the amendments as they did. Further, have students provide three to five reasons why they chose as #1 one amendment as being the most important or having the most impact. Place these reasons in descending order of importance. Why did they like this amendment? Which rights did they most appreciate having? Why? After students have ranked their items, compile a list of the five highest-ranking items. Discuss the importance of all the rights. (Teachers may want to list rights on index cards and have students rank them accordingly.)

3. Select an Amendment

Students select a constitutional amendment that: 1) has the greatest impact on religious groups, 2) offers the greatest protection for school publications, 3) most effects voting days, 4) most effects term limits, 5) has the greatest impact on women, 6) represents the ideas of the progressive movement, 7) most effects a particular kind of industry (like oil, restaurant business, etc.), etc. Various criteria of selections can be chosen by the teacher.

4. A Mock Trial

This activity helps students understand the Fifth through Eighth amendments as they conduct a mock trial. Decide on a good case appropriate for the grade level. Randomly select or appoint students to role play the judge, the lawyers, and the witnesses. Then review, discuss, and

elaborate on the Fifth through Eighth amendments so that the students can understand the rules. Have the students prepare scripts in order to continue with the drama. Create scenarios for the case like: 1) young boys arrested for stealing, 2) teenagers flogged for vandalizing cars, etc.

5. Right or Responsibility?

A. Put the following statement on the chalkboard: “Citizens of the United States have rights and responsibilities.” Have students decide on definitions for the following terms:

Right: a privilege given to you by law, something to which you are entitled.

Responsibility: something you are obligated to do.

Examples: Citizens have a right to free speech.

Citizens have a responsibility to speak truthfully.

Using a list of rights provided in the Bill of Rights, have students list specific responsibilities that go along with each right. Students can create T-charts or Venn diagrams individually or in small groups to list characteristics or qualities of each amendment along with corresponding responsibilities, with rights listed in the left column and responsibilities listed in the right column. Help students determine the difference and relationship between rights and responsibilities.

B. Give students a list of rights and responsibilities and ask them to categorize each one. Make sure that students consider the possibility that an item might be both a right and a responsibility.

C. Examine a copy of a code of student conduct (from their school or district) and discuss the concept of rights and responsibilities as reflected in this document. Have students fill out their own “My Bill of Rights.” Discuss these rights and some of the responsibilities that come with them.

D. Have students work in pairs or groups to create short stories, scripts, cartoon strips, collages, or drawings that creatively and/or visually illustrate the Bill of Rights and corresponding responsibilities. Students can give their visual a tone that is, for example, serious, inspiring, educational, patriotic, humorous, etc. Publish a class book using the visuals.

Closure

Discuss the following issues: Consider what life might be like without the rights guaranteed in our Constitution. What are some of the possible dangers of not having a national, agreed upon Bill of Rights and Constitution? Can you think of real life examples in other countries? Which rights do you most appreciate having, and why? Why do we need to exercise our rights responsibly?

Assessment

Students will write a composition/essay addressing one of the issues discussed in closure or a related issue.



AN ABRIDGED BILL OF RIGHTS:

THE ORIGINAL (FIRST) TEN AMENDMENTS OF THE CONSTITUTION RATIFIED 1971

By Thomas Dyer

FIRST AMENDMENT: *Freedom of Religion, Assembly, and the Press.* Congress cannot pass laws that take away the freedom to believe and worship as you wish, and shall not limit freedom of speech or freedom of the press (the ability to write what you want). The right of people to peacefully get together, and to ask the government to correct wrongs, shall be protected.

SECOND AMENDMENT: *Freedom to Bear Arms.* Because a fighting force of citizens might be necessary to protect a free state, states have a right to allow people to keep weapons in their homes.

THIRD AMENDMENT: *Limits on the Quartering of Soldiers.* People don't have to allow soldiers to stay in their homes during peacetime, nor in time of war unless a special rule is made by the government.

FOURTH AMENDMENT: *Limits on Searches and Seizures.* Unless the government (including the police) has good reason, people, their homes, and their things cannot be searched or taken away. To conduct a search, officials must have reason to believe they will find a stolen object or discover a person breaking the law.

FIFTH AMENDMENT: *The Right to Due Process of Law, Including Protection Against Incriminating Yourself.* People don't have to give evidence against themselves in court. If they have been found innocent of a crime, they can't be tried again for the same crime. People have to be treated fairly by the law, and cannot have their lives, liberty, or property taken from them unless it is fair.

SIXTH AMENDMENT: *The Right to Legal Counsel and a Fair Trial.* People accused of a crime can have a lawyer and a trial by jury. They have to be told what they are accused of, and they can ask questions about it.

SEVENTH AMENDMENT: *The Right to a Jury Trial in Civil Cases.* If a disagreement between people is about something more than \$20.00, then they can have a jury trial.

EIGHTH AMENDMENT: *Unfair Punishment Is Forbidden.* People arrested on a charge can be free while they wait for their trial if they pay money to the court as bail, which is a way of promising they will return for their trial. If they show up, they get this money back. Fines have to be fair. And people found guilty cannot be punished in a cruel or unusual way that is not allowed by law.

NINTH AMENDMENT: *Other Rights Are Protected by the Constitution.* The rights listed in Amendments 1-8 aren't the only ones people have.

TENTH AMENDMENT: *Any Powers that Do Not Belong to the National Government Belong to the States.* The U. S. government has only those powers listed in the Constitution.

MY BILL OF RIGHTS

Use this form to write your own personal Bill of Rights!

Be it known to all people that I, _____, being a citizen in good standing of _____, and being of sound mind and body, do wish to state that every one of the following rights is mine and that I accept the responsibility that accompanies these rights.

1. The right to spend time with my friends _____ and _____, knowing it is my responsibility to return home in time to eat dinner and do homework.

2. The right to stay up and _____, knowing it is my responsibility to _____.

3. The right to _____, knowing it is my responsibility to _____.

4. The right to _____, knowing it is my responsibility to _____.

5. The right to _____, knowing it is my responsibility to _____.

This Bill of Rights is hereby signed, sealed, and ratified this day of _____, in the year _____.

Signed:

Witnessed by:

Excerpted with permission from "A Bill of Rights K-12 Resource Packet" published by the Michigan Commission on the Bicentennial of the United States Constitution.

Surveying the American People

Scenario:

You and your family recently read a story together about the formation of a new country. In the story, the leader of the country decides to survey the American people about their government and their rights. He makes a request:

“We have looked at some of your laws and the way your government operates and have found that they seem to work very well. They seem to provide the right amount of freedoms and responsibilities for the individual so that everyone can get along and live together harmoniously and safely. Therefore, we would like to conduct a survey among the people of the United States to try and arrive at a decision about which rights would be important to adopt. Therefore, I have created a list of the Bill of Rights in your Constitution for you and your countrymen to rank in order. Please look over the list and decide which of the ten are most important to you and in what order. Make a note among yourselves of the top FIVE of the ten rights, the five which get the most votes from all the citizens of the United States.”

To do this activity, you will need to think about each right and why it is important. Think about how each right functions and serves the American people. Consider what life would be like without these rights. Follow the directions for and complete the survey about our rights.

Rights and Freedoms

You and your classmates are to rank the following rights in order of importance or in the order in which you would give them up, with 1 being the most important right (the right you would give up last) and 10 being the least important right (the one you would give up first). Discuss each right and why it is important. Think about how each right functions and serves the American people.

Directions: Rank from 1 to 10 your most important rights (1-most important, 10-least important).

_____ Right to bear arms

_____ Right to freedom of speech

_____ Right to legal counsel

_____ Right to protection from cruel and unusual punishment

_____ Right to freedom of the press

_____ Right to jury trial

_____ Right to freedom of religion

_____ Right to peacefully assemble

_____ Protection from self-incrimination

_____ Right to protection from unreasonable searches and seizures

Rights and Responsibilities

Learning About My School's Student Code of Conduct

School is one place where a student has certain agreed upon rights and responsibilities. While students have certain rights in schools, they also have many responsibilities that accompany those rights. Each school district has a Code of Student Conduct about these rights and responsibilities. As a student, make it your responsibility to know the code for your school district and to review it with your parents. It will help you and other students have a safe and successful educational experience.

Sample: Below are some of the basic rights of students and points of interests mentioned in one school district (*Houston Independent School District Code of Student Conduct*):

- You have the right to attend public schools.
- You have the right to a well-balanced curriculum and instruction.
- You have the right to evaluation of your academic progress.
- You have the responsibility to participate in the educational process by attending class, paying attention, completing assignments, and asking questions if you don't understand a subject you are being taught.
- You especially have the responsibility to behave appropriately, not interfering with the goals of the educational community.

School teachers and administrators have the right and responsibility to respond to student acts of misconduct that interfere with the goals of education.

- Level I** These offenses generally occur in the classroom and can be corrected by the teacher.
- Level II** These offenses are more serious than Level I and/or represent the student's inability to control Level I misconduct. Level II offenses call for administrative intervention.
- Level III** These offenses seriously disrupt the educational process in the classroom, the school, and/or at school-related activities, or are a continuance of repeated Level I, II, or III misconduct. Level III misconduct may result in student suspension and optional removal to an alternative education program.
- Level IV** Level IV misconducts involve more serious criminal offenses. These include any felony, whether school related or not, unless it is one for which expulsion is required. This level of misconduct requires placement in an alternative education program.
- Level V** Level V offenses are dealt with by the expulsion of the offending student. Expulsion is fit punishment for violations which seriously threaten the safety of the school community. Expulsion is fit punishment in response to criminal acts of mischief including but not limited to: weapons possession, possession of an illegal substance, and assault.

Used with permission, Houston Independent School District.

Excerpt Example from Houston Independent School District Code of Student Conduct

Foreword

The Houston Independent School District (HISD) has established as one of its primary goals the provision of a high-quality educational program for each student in a safe school environment free of disruptions that interfere with the educational process. The purpose of this *Code of Student Conduct* is to inform all students and parents of HISD's expectations regarding behavior and conduct. The *Code*, reviewed and approved by the HISD Board of Education, is based on the policies of the Board of Education and Standard Practice Memoranda (SPMs). SPMs communicate district administrative procedures and practices.

This *Code* was developed to protect the rights of all students by:


- providing a districtwide discipline management plan
- specifying the behavior that is expected of all students
- describing the broad range of student misconduct and providing appropriate disciplinary consequences or options for the various kinds of misconduct
- outlining student rights relating to school

Students and parents are expected to become familiar with the provisions of the districtwide *Code of Student Conduct* and the rules and regulations adopted and implemented by their individual schools based upon their School-Based Discipline Management System. Students are also expected to abide by the policies set forth in the *Code* so that they can truly get the most out of their years in school.

Major changes to the *Code* this year include the following:

- changes in accordance with state law to allow for expulsion or referral to a Disciplinary Alternative Education Program (DAEP) by HISD for Level IV and V offenses, including for conduct that occurs within 300 feet of the school property line or on the property of another school district in Texas or that was committed by a student at a school district outside of the state
- moving changing of school documents or signing a parent's name on school records from Level II to Level III
- adding use of computers or other means to access and tamper with HISD records, to include grade books or any other public school records maintained by HISD, to Level IV
- adding "hacking" or breach of computer security that results in loss or damage in amount greater than \$1,500 to Level IV
- revising Level V, in accordance with changes in state law, to allow for the expulsion of students who engage in conduct against another student that contains the elements of aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit capital murder even if the offense occurs away from school
- clarifying that a police report is required for any Level IV or Level V infraction if the infraction also constitutes a violation of the Penal Code
- updating the provisions regarding confinement, restraint, and time-out applicable to students with disabilities

Students and parents should be aware that the Houston Independent School District does not discriminate on the basis of age, race, color, ancestry, national origin, sex, handicap or disability, marital status, religion, veteran status, political affiliation, or sexual orientation. This policy includes a prohibition on racial harassment and a hostile environment, as this type of harassment denies students the right to an education free of discrimination on the basis of race, color, or national origin. Students may utilize the district's complaint procedures (see p. 18) to address any issues related to these areas without fear of retaliation. In addition, HISD will not tolerate sexual harassment at any level. Any complaint of discrimination of any type will be fully investigated, and the district will take appropriate action.


Kaye Stripling
Superintendent of Schools

August 2003

Responsibilities in Behavior Intervention

The effective enforcement of the *Code of Student Conduct* and the School-Based Discipline Management System is essential in keeping a school and/or school-related activities free of disruption and is dependent on the exercise of the responsibilities by the following:

STUDENTS

- adhere to school, district, and classroom rules and regulations for behavior and good conduct.

PARENTS

- support school, district, and classroom rules for student behavior and ensure that their children conduct themselves according to district standards.
- provide the school with their current address and, when available, current telephone numbers.
- ensure student attendance at school. By state law, student attendance is the responsibility of parents and guardians.
- provide the appropriate school personnel with any student information that will affect the student's ability to learn and the student's behavior.
- read, acknowledge, and understand these rules and the rules applicable to their children's conduct while they are at school.

TEACHERS

- establish classroom-management procedures that concentrate on good student conduct and support school and district policies and procedures.

ADMINISTRATORS

- develop with all members of the school community an effective School-Based Discipline Management System that promotes and maintains the support of good student behavior.

BOARD OF EDUCATION

- approve a behavior code that identifies standards of conduct for students and enact policies and procedures necessary for implementing and enforcing a structured and disciplined learning environment.

Student Responsibilities

The student's responsibilities for achieving a positive learning environment at school and/or school-related activities include the following:

- Attending all classes each day and being on time
- Preparing for each class with appropriate materials and completed assignments
- Dressing according to the dress code adopted by each individual school
- Knowing that the use, possession, and/or sale of illegal or unauthorized drugs, alcohol, and weapons are unlawful and prohibited and that students may be subject to random searches in accordance with Board Policy and state and federal law in order to assure a safe school environment
- Showing respect toward others
- Conducting oneself in a responsible manner
- Paying required fees and fines
- Knowing and obeying all school rules in the *Code of Student Conduct* and the School-Based Discipline Management System
- Cooperating with staff members in the investigation of disciplinary matters
- Seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels
- Reporting threats to the safety of students and staff members as well as misconduct on the part of any other students or staff members to the building principal, a teacher, or another adult
- Using HISD technology systems for school business purposes only and using school computers and related equipment appropriately
- Abiding by the technology security procedures developed by HISD, such as never leaving a terminal or workstation unattended or unsecured while logged on to a host computer or network
- Reporting all observed or suspected technology security problems immediately to a teacher

In general, all students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The Houston Independent School District shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and district personnel.

Students shall exercise their rights and responsibilities in compliance with rules established for the orderly conduct of the district's educational mission. The district's rules of conduct and discipline and the School-Based Discipline Management System are established to achieve and maintain order in the school. Students who violate the rights of others or district or school rules shall be subject to disciplinary action in accordance with established district policies and procedures.

All students are expected to maintain the highest level of discipline and decorum at all school functions. Failure to comply with administrative directives promoting order and respect will result in the student's being removed from participation in school activities, including commencement exercises.

Student Rights and Responsibilities, Board Policies, and Standard Practice Memoranda

The Board Policies and Standard Practice Memoranda of the Houston Independent School District contain the rights and responsibilities of students that are embodied in this *Code of Student Conduct*. A brief description of several of the more important student rights and responsibilities is included in this section. The proper balance of student rights and privileges (•) with student responsibilities and obligations (+) is essential to the orderly conduct of the district's educational mission.

Instructional Programs

- The Houston Independent School District shall be responsible for providing a well-balanced curriculum and for delivering effective instruction to all students enrolled.
- + Students have the responsibility to strive for academic growth by participating in the appropriate educational program to their utmost ability.

Attendance of Students

- Regular attendance and punctuality shall be required of every student.
- + Students have the responsibility to take advantage of their educational opportunity by attending all classes daily and on time unless circumstances prevent them from doing so.

Continuing Education

- Student absences while suspended shall be considered as excused absences.
- + Students have the responsibility to make up all work missed while suspended within five school days after their return to school from suspension in order to receive credit for the work.

Evaluation, Grading, and Promotion/Retention of Students

- Students shall be evaluated on a continuous basis in the most effective manner to determine the extent of their progress.
- + Students have the responsibility to maintain reasonable standards of academic performance commensurate with their ability.

Complaints

- Students may present any complaint to the district, either personally or through a representative, through the appropriate complaint procedures.
- + Students have the responsibility to follow the established complaint procedures and to accept the decision that results from the complaint process.

Student Dress Code and Personal Grooming

- Each individual school shall adopt specific standards concerning dress and personal grooming.
- + All students have the responsibility to become familiar with the school's standards and the responsibility to adhere to them.

Student Publications

- Students are entitled to express, in writing, their opinions and may distribute handwritten, duplicated, or printed materials on school premises or at school-sponsored activities at other locations in accordance with certain conditions and procedures established in Board Policy.
- + Students have the responsibility to become familiar with and follow the conditions and procedures in Board Policy. (See Student Publications, p. 20.)

Students and School Property

- Students are expected to show proper respect for both persons and property.
- + Students are responsible for their own actions directed toward school property and for damages to property.

Search of Property and Students

- Students are entitled to the guarantees of the Fourth Amendment of the U. S. Constitution, and they are subject to reasonable searches and seizures.
- + Students have the responsibility not to carry on their person or to have on school property or at school-sponsored events such items as drugs, weapons, alcohol, paging devices, or other contraband materials in violation of school policy or state law.
- School officials are empowered to conduct reasonable searches of students and school property when there is reasonable cause to believe that students may be in possession of drugs, weapons, alcohol, or other materials ("contraband") in violation of school policy or state law. Students who bring contraband onto school grounds may be searched in order to secure the school environment so learning can take place and to protect other students from any potentially harmful effects stemming from the contraband. School property such as lockers and desks shall remain under the control of school officials and shall be subject to search.
- Students do not have a reasonable expectation of privacy in the use of school lockers or school desks.
- The administration may utilize dogs and metal detectors as provided by HISD policies and applicable laws. Metal detectors and trained dogs may be used at random locations and times by HISD personnel as determined by HISD administrative and law enforcement personnel.

The 18-Year-Old Student

- The 18-year-old student who has adult status may enroll in and attend public school.
- + The 18-year-old student who is enrolled in public school has the responsibility to follow the policies, procedures, rules, and regulations of the school district.

The 18-year-old student who has more than five unexcused absences may be withdrawn due to nonattendance for the remainder of the semester. An Admission, Review, and Dismissal Committee shall be convened prior to the withdrawal of an 18-year-old student with disabilities for nonattendance.