



The Courts – Elementary Level

Making an Appeal

Source:

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Objectives:

1. Students will be able to argue an appellate case.
2. Students will analyze public policy conflicts.
3. Students will be given three characteristics of an appeals court.

Related Essential Learning Requirements:

While this lesson can positively address several of the Essential Academic Learning Requirements in Social Studies and Language Arts, the lesson plan indicates only those Learning Requirements most directly applicable.

As a result of this lesson, students will gain competence in the following Learning Requirements:

- Understand and explain the purpose and organization of the United States government: the executive, legislative, and judicial branches at, and among, the local, state, and federal levels of government. (*Civics, EL 2, Bench 2.1*)
- Understand the function and effect of law. (*Civics, EL 2, Bench 2.2*)

Grade Level:

Grades 3-6.

Time:

One class period (approximately 50 minutes).

Materials:

Handout 1 – Bringing a Gun to School (one per student).
Handout 2 – Arguments for Jeffrey and his parents (one for half the students).
Handout 3 – Arguments for the principal (one for half the students).

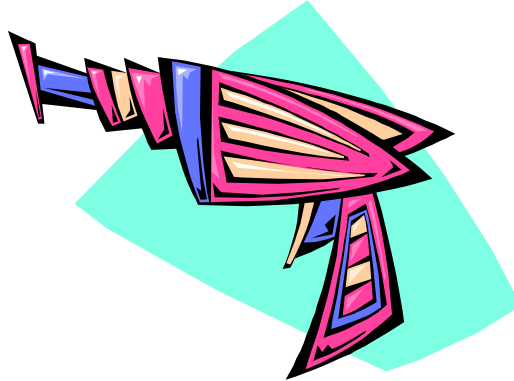
Procedures:

1. **Inform students** that today they are going to get to argue an appeal. Write **appeal** on the board and get students to review what an appeal is.
2. **Pass out Handout 1 or put it on the docu-camera.** Have students read the facts.
3. **Clarify the facts.**
 - a. **Ask students about what the school district's rule stated:** Anyone bringing a weapon, including a toy weapon, onto school property will be expelled for one year.
 - b. **Ask students what Jeffrey and his parents want:** They want to have Jeffrey to be able to go back to school, not to have criminal charges brought, and to have his school record cleared of this incident.
 - c. **Ask students what the principal wants:** The principal wants a safe school without weapons, and to have her authority to enforce the rules supported.
 - d. **Ask students to identify the problem that must be decided on appeal:** Whether Jeffrey should be expelled for one year from the school district for bringing a 1-inch toy gun onto school property in violation of the no-weapons rule.
4. **Divide the class into two equal groups,** assigning one side to argue for Jeffrey and one side to argue for the principal. You can explain that since Jeffrey and his parents are filing the appeal, they are called appellants. The principal is the appellee.
5. **Further divide each half of the room into small groups of up to five students.** Pass out Handout 2 to Jeffrey's side and pass out Handout 3 to the principal's side.
6. **Ask each group to pick someone to be the lead attorney to make arguments for their group.** Give the class ten minutes for each group to write out all the arguments that support their side. Have them think about the other side's arguments and how they will respond to those arguments.
7. **Ask the lead attorney from one group of appellants (Jeffrey and parents) to give one argument for not expelling Jeffrey for one year.** Ask the lead attorney from an appellee group (principal) to give one argument to support the principal. Rotate among all the groups, getting out all the arguments.
 - a. Arguments are many and may include:
 - b. **For Jeffrey (appellants):** The purpose of the no-weapons rule is to make the school a safe place for students. Having a 1-inch toy gun, which could not be mistaken for an actual gun, is not a violation of the rule. The administrators need to look at the circumstances and use their judgment. Expelling students for this type of rule-breaking is a wrong decision. Students should get more school time, not less school time, for minor misconduct.

- c. **For principal:** The district has a zero-tolerance rule on weapons. Jeffrey knew of the rule and disregarded it. The principal is behaving responsibly by enforcing the no-weapons rule. The principal should err on the side of caution in interpreting this rule so that no one gets hurt. Guns in school are a serious problem and the district is using what means it has to provide a safe school for its students.
 - d. After the students have made all the arguments, ask them to become judges and decide how they would decide the appeal. Depending upon how much time you would want to spend on this activity, you could have students actually write out their decision.
 - e. In the actual case, the school officials agreed to reduce the seriousness of the infraction; allowed Jeffrey back into school after a three-day suspension; and agreed to clear his record at the end of the school year, providing there were no further serious weapons incidents.
 - f. Students may be interested to know that the G.I. Joe Collectors Club of America presented Jeffrey with five of the action figures, a special medal, and a certificate of “valor.” The collectors said they thought he and his parents put up a good fight after the boy was expelled. Ask students what impact that might have on Jeffrey.
- 8. Tell students that this appeals activity was to help them understand about appeals in our legal system.** In Washington State, the highest court that hears appeals is the Washington State Supreme Court in Olympia, Washington.
- 9. Conclude with identifying how the Washington State Supreme Court works. Be sure to include these elements:**
- **The Court can decide which cases it wants to hear.**
 - A panel of nine judges (called justices) decides the case, majority wins.
 - No witnesses or evidence are presented.
 - Lawyers for each side are allowed 30 minutes to argue.
 - The decisions of the Supreme Court govern all the state courts in Washington.
 - Judges write written opinions of their decisions.

HANDOUT 1

Bringing a Gun to School



Ten-year-old Jeffrey Parks brought a 1-inch plastic handgun to his elementary school. The gun was a pistol that comes with the “G.I. Joe” action figure. The gun did not fire bullets and had no moving parts.

The school has a “zero-tolerance rule on weapons.” The rule clearly states that toys that appear to be weapons cannot be brought to school. Anyone bringing a real or toy weapon to school will be expelled from the school district for one year. The principal expelled Jeffrey from school for one year.

Jeffrey says the gun was in his pocket by mistake. He said that a friend saw it when he was getting his lunch money out of his pocket. Jeffrey has never been in trouble before for aggressive behavior. His father says he is a “typical ten year old.”

The principal states that the rule is clear and there is a very important reason for the rule—to keep students safe. At the start of the school year, she went to each classroom. She told all the students not to bring weapons, including toy weapons, to school or there would be consequences. The principal also said that Jeffrey’s previous behavior record was a factor in the decision to expel him, and claimed that Jeffrey pointed the gun at another student.

Jeffrey and his parents appeal the principal’s decision to expel him from school.

1. What are the most important facts?
2. What is the school rule on weapons?
3. What do Jeffrey and his parents want?
4. What does the principal want?
5. What is the problem that must be decided on appeal?

HANDOUT 2



Group Members:

Arguments for Jeffrey and his parents

Your group needs to make a list of all the arguments you can think of for Jeffrey and his parents. Think about what the principal will argue and what response you can make. Select one of your group to be the lead attorney who will present arguments from your group.

List your arguments here:

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HANDOUT 3



Group Members:

Arguments for the principal

Your group needs to make a list of all the arguments you can think of for the principal. Think about what Jeffrey and his parents will argue and what response you can make. Select one of your group to be the lead attorney who will present arguments from your group.

List your arguments here:

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