

***“EXCELLENCE THROUGH COLLABORATIVE COMMUNITIES OF LEARNERS”***

**AURORA UNIVERSITY SYLLABUS**

**Course Number: OEDC 5121**

**Course Title: First Amendment Institute**

**3 Semester Hours Graduate Credit**

**1. Catalog Description**

The McCormick Foundation Civics Program presents its third annual First Amendment Summer Institute, a weeklong course focusing on the five freedoms: religion, speech, press, assembly and petition. Attendees will learn from experts in the field, partake in related lesson plan demonstrations, and explore the living First Amendment history of downtown Chicago.

**2. Course Overview\Course Teaching Methods**

This course is geared toward social studies, journalism, and language arts teachers at the secondary level. It delves specifically into the five freedoms of the First Amendment, with a focus on their application in a school setting. Relevant topics include the free exercise of religion in a classroom, students’ free speech rights when partaking in off-campus acts of expression, and the ability of a principal to exercise prior review over a student newspaper.

The course will offer a mixture of large group lectures (both by the lead instructor and a series of First Amendment experts), with questions fielded throughout; small group discussion; partner primary document analysis; teacher-led lesson plan demonstrations; and McCormick Foundation classroom program demonstrations. Technology will be incorporated throughout, with *PowerPoint* slide shows used to facilitate all activities.

**3. Student Learning Objectives**

As a result of this course participants will be able to:

- Understand basic First Amendment legal jurisprudence.
- Synthesize First Amendment fact patterns in order to determine the constitutionality of both hypothetical and actual scenarios.
- Discover the historic roots and subsequent evolution of the five freedoms in practice.
- Comprehend the First Amendment’s application in a public school setting.
- Analyze ways in which these settings can be more First Amendment-friendly while still balancing pedagogical and safety concerns.
- Apply First Amendment knowledge in the classroom through related peer-tested lesson plans and Civics program resources demonstrated throughout the course.

## **IL Learning Standards Addressed**

### **Social Science**

Goal 14: Understand political systems, with an emphasis on the United States.

Standard A: Understand and explain basic principles of the United States government.

Standard C: Understand election processes and responsibilities of citizens.

Standard D: Understand the roles and influences of individuals and interest groups in the political systems of Illinois, the United States and other nations.

Standard F: Understand the development of United States political ideas and traditions.

Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.

Standard A: Apply the skills of historical analysis and interpretation.

Standard B: Understand the development of significant political events.

Goal 18: Understand social systems, with an emphasis on the United States.

Standard C: Understand how social systems form and develop over time.

### **Common Core Standards for English Language Arts & Literacy in History/ Social Studies**

Reading History 1: Cite specific textual evidence to support analysis of primary and secondary sources

Reading History 2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

Reading History 3: Identify key steps in a text's description of a process related to history/ social studies

Reading History 4: Determine the meaning of words and phrases as they are used in a text;, including vocabulary specific to domains related to history/ social studies.

Reading History 10: By the end of grade 8, 10, and 12, read and comprehend history/ social studies texts in the grades (respective) text complexity band independently and proficiently.

Writing History 1: Write arguments focused on discipline-specific content.

Writing History 9: Draw evidence from informational texts to support analysis, reflection, and research.

### **Social and Emotional**

Goal 2: Use social awareness and interpersonal skills to establish and maintain positive relationships.

Standard B: Recognize individual and group similarities and differences.

Standard C: Use communication and social skills to interact effectively with others.

Goal 3: Demonstrate decision-making skills and responsible behaviors in personal, school, and community contexts.

Standard A: Consider ethical, safety, and societal factors in making decisions.

Standard B: Apply decision-making skills to deal responsibly with daily academic and social situations.

Standard C: Contribute to the well-being of one's school and community.

#### **4. Units of Work\Texts and Required Readings**

##### **Session One**

Continental breakfast  
Supreme Court primer (Shawn Healy and Janice Belzowski)  
Break  
Guest speaker (Peter Alter, Chicago History Museum)  
Lunch  
Resource person (Kris Maldre, National Archives)  
Lesson plan demonstration  
Global view of the First Amendment (Healy)  
Breakout groups (Briefing a Supreme Court case)  
    Case: *Abington School District v. Schempp*  
Small group sharing  
Preview of the next day (Healy)  
Adjournment

##### **Session Two**

Continental breakfast/ registration  
Freedom of Religion—Establishment Clause (Charles Haynes)  
    Case: *County of Allegheny v. ACLU*  
Break  
Establishment Clause continued (Haynes)  
Lunch  
Resource person (Marcia Beauchamp, Face to Faith)  
Lesson plan demonstration  
Freedom of Religion—Free Exercise Clause (Haynes)  
    Case: *Employment Division v. Smith*  
Breakout groups (You Be the Judge)  
    Case: *Christian Legal Society v. Martinez*  
Small group sharing  
Preview of the next session (Healy)  
Adjournment

##### **Session Three**

Continental breakfast  
Freedom of Speech—Categorical exceptions (Healy)  
    Case: *Miller v. California*  
Break  
Guest speaker (Barbara O'Toole)  
Lunch  
Resource person (Danielle Estler, Discovery Trunks)  
Lesson plan demonstration (*A Burning Issue*)  
Freedom of Speech--Tiers of scrutiny (Healy)  
    Case: *U.S. v. O'Brien*  
Breakout groups (You Be the Judge)  
    Case: *Schwarzenegger v. Electronic Merchants Association*

Small group sharing  
Preview of the next session (Healy)  
Adjournment

#### **Session Four**

Continental breakfast  
Freedom of the Press—Prior restraint and libel (Healy)  
    Cases: *New York Times v. U.S.* and *New York Times v. Sullivan*  
Break  
Guest speaker (Tim McNulty, Northwestern University)  
Lunch  
Resource person (Jamie Loo, New Media and News Literacy)  
Lesson plan demonstration  
Freedom of the Press—Digital Age challenges (Healy)  
Breakout groups (You Be the Judge)  
    Case: *Snyder v. Phelps*  
Small group sharing  
Preview of the next day (Healy)  
Adjournment

#### **Session Five**

Continental breakfast/ registration  
Speech at the Schoolhouse Gate--Categorical exceptions for students, Digital Age challenges (Healy)  
    Cases: *Tinker v. Des Moines* and *Hazelwood v. Kuhlmeier*  
Break  
Guest speakers (Panel composed of Patrick Geahan, Randy Swikle, and school administrator)  
Lunch  
Resource person (Neelam Jumma, Freedom Express)  
Lesson plan demonstration  
Speech at the Schoolhouse Gate—the special case of teachers (Healy)  
Breakout groups (Lesson plan development)  
Small group sharing  
Course evaluation (Belzowski)  
Adjournment

#### **Text and Required Reading**

Bollinger, Lee C., and Stone, Geoffrey R. “Dialogue.” Bollinger and Stone, eds. *Eternally Vigilant: Free Speech in the Modern Era*.  
Davis, Wendy N. “No More Pencils, No More Facebooks.”  
Easton, Eric B., “The Colonel’s Finest Campaign: Robert R. McCormick and *Near v. Minnesota*.”  
Haynes et al, *The First Amendment in Schools*.  
Irons, Peter, ed., *May It Please the Court: The First Amendment*.  
McCormick Foundation, *Free Speech 3.0: Student Expression in the Digital Age*.

McCormick Foundation, *Freedom of Speech and Press in the Information Age*.  
Newberry Library and Chicago History Museum. "Outspoken: Chicago's Free Speech  
Tradition."

Suurtamm and Darden, "Toeing the Line and the Law: First Amendment  
Rights in Schools."

## 5. Class Assignments

- Daily single-page legal briefs of assigned landmark Supreme Court cases (seven in all).
- A single lesson plan for use in a middle or high school lesson plan, where students encounter a contemporary First Amendment issue.
- A culminating essay, at least five pages in length, that summarizes a contemporary, school-based First Amendment issue, applies existing First Amendment jurisprudence, and makes a recommendation for a related school policy that respects students' First Amendment rights balanced with pedagogical and safety concerns.

## 6. Evaluation and Procedures

Grading will be based upon quality of work with components weighted as follows. Grades are differentiated on the basis of quality. Quantity alone is not a significant factor for grade differentiation.

**20%: Course attendance and participation**

**25%: Daily legal briefs**

**20%: First Amendment lesson plan**

**35%: Culminating essay**

Aurora University  
College of Education  
Graduate Grading System

The graduate grading system was reviewed by Deans' Council and forwarded to the Academic Standards Committee for deliberations. This was approved by the Academic Standards Committee as of 5 May 1992 for presentation to the Faculty Senate on 12 May 1992.

At the end of the course, letter grades are awarded as defined:

- A (4 quality points per course unit) Excellent. Denoted work that is consistently at the highest level of achievement in a graduate college or university course.
- B (3 quality points per course unit) Good. Denotes work that consistently meets the high level of college or university standards for academic performance in a graduate college or university course.

- C (2 quality points per course unit) The lowest passing grade. Denotes work that does not meet in all respects college or university standards for academic performance in a graduate college or university course.
- F (0 quality points per course unit) Failure. Denotes work that fails to meet the graduate college or university standards for academic performance in a course. No credit or course tuition refund will be awarded for the class.

Submitted 5 May 1992  
Approved 12 May 1992

### **Rubrics specific to the major assignments of the course**

#### **Daily Legal Briefs**

A: In a single type-written page, the brief succinctly summarizes the facts of the assigned Supreme Court case, elegantly frames the issues the Court set out to decide and its related ruling, efficiently recounts the reasoning behind the decision, briefly references separate concurring and/ or dissenting opinions, and offers insightful personal analysis of the outcome.

B: Addresses all of the aforementioned components of the brief, but lacks the crisp, efficient detail of “A” quality work. Analysis is less provocative or fails to place the decision in the broader context of First Amendment jurisprudence.

C: One or more of the aforementioned components of the brief are missing or incomplete. Analysis lacks tie to “big picture” and enduring significance of decision.

F: Three or more of the aforementioned components of the brief are missing or incomplete. Analysis is uninformed.

#### **First Amendment Lesson Plan**

A: Lesson addresses a contemporary First Amendment issue, beginning with a “critical engagement question.” It provides a lesson overview, a list of lesson objectives, and ties to state and national social studies standards. Teacher materials are listed and, if applicable, developed, including any primary documents that may be incorporated. The specifics of the lesson are then detailed, along with associated homework and potential extension activities.

B: Addresses all of the aforementioned components of the assignment, but the lesson plan lacks absolute clarity, is not readily usable in a secondary social studies classroom, and/ or fails to engage the learner at the highest levels of learning.

C: One or more of the aforementioned components of the lesson plan are unclear, missing or incomplete. The lesson requires significant revisions for use in a secondary social studies classroom.

F: Three or more of the aforementioned components of the lesson plan are missing or incomplete. The lesson is not worthy of use in a secondary social studies classroom.

### **Culminating Essay**

A: A culminating essay, at least five pages in length (12 point font, 1.5 line spacing or less), that summarizes a contemporary, school-based First Amendment issue, applies existing First Amendment jurisprudence, and makes a recommendation for a related school policy that respects students' First Amendment rights balanced with pedagogical and safety concerns.

B: Addresses all of the aforementioned components of the essay, but the school-based First Amendment issue summary is lacking detail, and/ or the policy recommendation needs modification prior to implementation as it fails to maintain the balance between the First Amendment, classroom pedagogy, and safety concerns.

C: Summary of First Amendment issue wanting, as is applicable jurisprudence. Policy recommendation is unrealistic given balance of concerns.

F: Summary of First Amendment issue incomplete, as is applicable jurisprudence. Policy recommendation incomplete or missing altogether.

Late work will not be accepted. Make-up work will be accepted the day immediately following an approved absence.

### **7. Attendance Policy**

Course participants are required to attend all course sessions and to actively engage in class discussions, small group activities, and experiential group exercises and projects. Absences of more than one day will result in automatic withdrawal from the course with no refund or course credit awarded. All assignments missed as a result of absences must be submitted immediately upon a participant's return.

### **8. Academic Honesty and Integrity Statement**

Students are expected to maintain academic honesty and integrity as students at Aurora University by doing their own work to the best of their ability. Academic dishonesty (cheating, fabrication, plagiarism, etc.) will result in the student's receiving a zero for that test, assignment, or paper.

## 9. Final Examination Policy

In lieu of a final examination, a culminating essay, at least five pages in length, that summarizes a contemporary, school-based First Amendment issue, applies existing First Amendment jurisprudence, and makes a recommendation for a related school policy that respects students' First Amendment rights balanced with pedagogical and safety concerns is required..

## 10. American Disability Act Compliance

In compliance with ADA guidelines, students who have any condition, either permanent or temporary, which might affect their ability to perform in this course, are encouraged to inform the instructor at the beginning of the course. Adaptations of teaching methods, class materials, including text and reading materials or testing, may be made as needed to provide for equitable participation.

## 11. Bibliography

- Bollinger, Lee C., and Stone, Geoffrey R. "Dialogue." Bollinger and Stone, eds. *Eternally Vigilant: Free Speech in the Modern Era*. Chicago: U. of Chicago Press, 2002. Pages 1-31. Print.
- Davis, Wendy N. "No More Pencils, No More Facebooks." *ABA Journal*. Chicago, IL: July 2009. Print.
- Easton, Eric B. 2008. "The Colonel's Finest Campaign: Robert R. McCormick and *Near v. Minnesota*." *Federal Communications Law Journal*, Vol. 60, No. 2. Bloomington, IN: Indiana University School of Law (March). Available Online: <http://www.law.indiana.edu/fclj/pubs/v60/no2/Easton.pdf>.
- Free Speech 3.0: Student Expression in the Digital Age*. McCormick Foundation. Available Online: <http://www.mccormickfoundation.org/publications/freespeech3.pdf>.
- Freedom of Speech and Press in the Information Age*. 2008. McCormick Foundation. Available Online: [http://www.mccormickfoundation.org/publications/FreeSpeech\\_InfAge.pdf](http://www.mccormickfoundation.org/publications/FreeSpeech_InfAge.pdf).
- Haynes, Charles, Sam Chaltain, John E. Ferguson, Jr., David L. Hudson, Jr., and Oliver Thomas. 2003. *The First Amendment in Schools*. Nashville: First Amendment Center.
- Irons, Peter, ed. 1997. *May It Please the Court: The First Amendment*. NY: The New Press.
- Newberry Library and Chicago History Museum. "Outspoken: Chicago's Free Speech Tradition." [http://publications.newberry.org/outspoken/exhibit/exhibit\\_index.html](http://publications.newberry.org/outspoken/exhibit/exhibit_index.html). Web. 27 Apr. 2011.
- Suurtamm, Karen Emily, and Darden, Edwin C. "Toeing the Line and the Law: First Amendment Rights in Schools." Westheimer, Joel, ed. 2007. *Pledging Allegiance: The Politics of Patriotism in America's Schools*. NY: Teachers College Press.