

PRE-VISIT MATERIALS: ISSUES IN THE HOUSE OF REPRESENTATIVES PROGRAM

EXAMINING THE CONSTITUTIONALITY OF FLORIDA'S A+ EDUCATION PLAN
Classroom Activity

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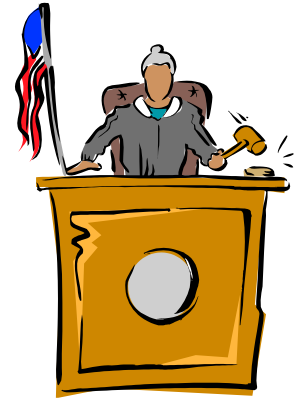
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EXAMINING THE CONSTITUTIONALITY OF FLORIDA'S A+ EDUCATION PLAN

Classroom Activity

GRADES: Advanced 7th-8th; High School American Government

SUBJECT: Civics, Social Studies

DURATION: 45-60 minutes



INTRODUCTION:

This document contains a basic outline of suggestions and directions for the teacher's role for this worksheet. This exercise will give the students practice interpreting both the U.S. Constitution and the Florida Constitution. The teacher's role is guiding the discussion of this interpretation. The goal is to communicate to the students how laws, which are passed by the legislative branch, are interpreted by the judicial branch of government. In this case, the judicial branch has the responsibility for determining whether the new state law follows both the U.S. and State Constitutions. The reason legislators need to keep constitutional issues in mind is because if the law is found to be unconstitutional, then it is removed from the books. Passing unconstitutional laws wastes taxpayer money and makes the legislators look bad.

Though there are a lot of details below, the exercise is designed to engage students into carefully examining the text of the U.S. Constitution, realizing the importance of both the federal and state constitution, and gaining experience interpreting the Constitution and the law, which is the job of the judicial branch of government. Additionally, students will see that there can be many interpretations of both the laws and the Constitution. They will see that this process is both important to the system of checks-and-balances and guided by intelligent investigation of the matter at hand.

BASIC FORMAT:

There are three discussion points for the students to analyze. The first is the First Amendment to the U.S. Constitution. They will listen to you explain how the First Amendment is interpreted (more below), and then decide if they believe the proposed Opportunity Scholarship Program is allowed under the Constitution. Then, on the next page, students analyze two discussion points, which are sections of Florida's Constitution relating to the state's obligation for public education and a more strict separation between church and state. Again, students will need to decide if the law also is allowed by the state's constitution. Since it is a state law, it must be permissible by both constitutions.

We would encourage the teacher to engage the students in debate and discussion of the items as best you can—this can include tallying opinions for every question you pose, having them get up and go to a designated part of room with likeminded students, working in groups and presenting a group opinion on each of the three discussion points (and if the group cannot agree—a representative from the majority side of the group and minority opinion). The more engaging and active the discussion is, the less likely the students will be too bogged down in the details.

One suggestion would be to break the students off into working groups before you begin this exercise. Tell them that they will be examining parts of the U.S. Constitution and the Florida State Constitution. The whole class will discuss the parts of the Constitution, and then in their groups they will debate with each other whether or not they think the law is constitutional. After a decision is made, a spokesperson from the group will tell the class why they came to that conclusion. If the groups cannot agree amongst themselves, there will be a majority opinion spokesperson for the group and a minority opinion spokesperson.

OBJECTIVES:

This exercise will engage students in short-term strategic thinking by allowing them to discuss, debate, and interpret the state and federal constitutions and a state law. Students will be able to examine multiple



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perspectives on a public issue and develop their own opinions on it; evaluate Constitutional rights and their impact on individuals and society; simulate the judicial decision-making process by interpreting a law at the state and federal level; and understand the role of judicial review in American constitutional government.

VOCABULARY:

Because the exercise involves the texts of the U.S. and Florida Constitutions, there are various vocabulary words that students may or may not be familiar with. Below are some of the words of particular importance:

- Judicial branch
- Legislative branch
- Constitutionality
- Paramount
- Adequate
- Provision
- Denomination
- Uniform
- Exercise
- Revenue
- Public treasury
- Tax refund
- Trial court
- Appellate court

MATERIALS:

Depending on how each teacher would like to set-up this exercise, each student or group of students should receive a copy of the “Examining the Constitutionality of Florida’s A+ Education Plan” worksheet. Additionally, students should have viewed the Prezi or Opportunity Scholarship Program Worksheet that defines the program, and have access to at least the information in Question 2 in both of these, which gives an overview of the cases for and against this law’s constitutionality. The last three pages of this document is a copy of the First Amendment, Education Article (Article IX, Section 1a), and No-Aid Provision. These are also on the worksheet. One benefit of using the larger printouts at the end is that the students have plenty of room for comments or underlining unknown words on these versions.

STRATEGIES & ACCOMMODATIONS:

- Use of group/cooperative learning.
- Encourage students to make real-life connections and access prior knowledge of a topic.
- Summarize ideas during transitions, mid-lesson and at the end of a lesson.

Sunshine State Social Studies Standards and References provided at the end of this document.

PROCEDURES:

Before: Have students view the Prezi and/or complete the worksheets on the Opportunity Scholarship Program so they are familiar with the topic and questions surrounding its constitutionality. Teachers should feel comfortable explaining the four discussion points detailed below to effectively lead the class discussion.

During: The activity will take place in four parts: Introducing the Concept, Considering the First Amendment, Considering the Education Articles, and Considering the No-Aid Provision. The following information will help give background information to the teachers and serve as a guide for this activity. The following information has thematic questions that teachers can use to prepare themselves to engage the students in discussion and dialogue with the students. Of course, we would recommend the teacher using this as an outline, and tailoring the information and presentation style to his/her students. As stated above, we would recommend grouping the students into discussion groups to fill out the activity, as a way to discuss and debate the issue more fully with their peers.

INTRODUCING THE CONCEPT:

Start off by provoking class discussion on the role of the judicial branch in government, how the legislative branch is affected by the judicial branch, and what the Constitution does (both U.S. and state). Try to get students as engaged and talkative as possible. *Below are some Q&A's to help you prepare to introduce the students to this exercise, grouped by theme, but they're in no particular order.*

The Judicial Branch's Role in Governing

- **What is the judicial branch's role in governing?**

The judicial branch interprets law and applies it to the facts of each case; settles disputes; ensures “equal justice under the law.” Basically, it makes sure everyone is able to get a fair trial, and makes sure laws (legislative branch) and government practices (executive branch) are fair and equal to all people; and it makes sure those laws and practices follow the constitution and law.

- **What's the highest court in Florida? What's the highest court in the U.S.?**

Florida Supreme Court for Florida, and Supreme Court of the United States

- **Why do we need two Supreme Courts?**

Well, that's a good question! The Florida Supreme Court is the highest court in the State of Florida. That means it has the final say on the state's laws and its constitution. The Supreme Court of the United States has the final say on federal laws and the federal Constitution. We have a state court system to enforce state laws and a federal court system to enforce federal laws. State law and the State Constitution have to follow federal laws and the federal Constitution, but they also can give citizen's more rights, or describe different responsibilities of the government, which you'll see later.

Here's a recent example of the interaction between the State Supreme Court and the U.S. Supreme Court on hearing a case:

The local police conducted a warrantless sniff test for marijuana on the doorstep of the home of Mr. Jardines. The dog alerted the police that it smelled marijuana. Using this information to confirm their suspicions, Mr. Jardines was arrested for growing the drug. Mr. Jardines was convicted of growing marijuana in trial court, but his attorneys appealed the verdict. They argued that the police violated Mr. Jardines' "right to privacy," which is guaranteed by the Fourth Amendment in the U.S.

Constitution. The State Supreme Court agreed with Mr. Jardines' attorneys. But, because the "right to privacy" is in the federal Constitution, Florida's state attorneys appealed the State Supreme Court's decision to the U.S. Supreme Court. The U.S. Supreme Court agreed to take the case and will hear testimony in Fall 2012. Cases: Jardines v. State (2011) for the Florida Supreme Court and Florida v. Jardines (2012) for the U.S. Supreme Court.

How a Case Gets Heard by the Supreme Court

- **Is the trial for a person who steals tools from a neighbor's shed heard by the Supreme Court?**

The judicial system, both state and federal, begins with a “court of first instance,” which is often called a **trial court**. This is the type of court you go to if you are accused of breaking the law, like the person who stole the tools. Through procedures, this court decides if the defendant is guilty or not guilty.

Here's a chart showing the basic structure of the state and federal courts, and the process involved for taking a case up to the Florida Supreme Court and the U.S. Supreme Court:

State Level:	<i>County Court</i> •	<i>Circuit Court</i> •	<i>District Court of Appeals</i> •	<i>Florida Supreme Court</i> •
Federal Level:	<i>U. S. District Courts</i> •	<i>U. S. Circuit Courts of Appeal</i>	<i>OR</i> <i>U. S. Court of Appeals for the Federal Circuit</i> •	<i>U.S. Supreme Court</i>

Trial Court: Appellate Court: Trial Court & Appellate Court:

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- **Can another court hear the case if the defendant is found guilty in trial court?**

Yes, if the defendant thinks that they did not receive a fair trial the case can be appealed to an *appellate court*. After hearing their position, either side can appeal the ruling. If the next highest court accepts the case, it can continue until the process ends at the “court of last resort.” This is the Supreme Court. So if the person who steals the tools has a really good claim that he or she did not get a fair trial or fair arrest procedure, then the case could make it all the way up to the Supreme Court. However, this is very unlikely.

Note: If the Florida Supreme Court decides that the U.S. Constitution was not followed, or one of the parties in the case appeals it on grounds that it is unconstitutional under the U.S. Constitution, the case can go up to the U.S. Supreme Court.

- **If the Legislature passes a law that a person or group of people believe does not follow the Constitution, what branch of government listens to these arguments?**

Judicial branch! The case will start in lower courts, but eventually it could be heard by the Supreme Court.

- **If the judicial court is the one who decides if a law is unconstitutional, why do legislators have to worry about it?**

The main reason is that if it’s unconstitutional, the law they worked so hard to pass will eventually be taken off the books. It can tie up the courts and waste taxpayer money. If it was obvious, the legislators will look like fools—because they don’t understand the constitution and the limits it sets on legislators to enact laws.

Reason We Have a Constitution

- **What purpose does a Constitution serve?**

You can think of them like blueprints or guiding plans for democratic government. They clearly establish limits for government, the rights of citizens, and clearly explain the structure and responsibilities of these legal and political organizations. The reason a written constitution is useful is because it provides a framework of rules, rights, and structure that everyone knows and can count on. The rules cannot change unless there is a broad and public agreement to change them.

- **Does the State of Florida have a Constitution like the U.S. does?**

YES!!

- **What are some of the ways the State Constitution is similar to the federal constitution?**

The State Constitution explains the structure, function and responsibilities of the state government. Like the U.S. Constitution, it explains the separation of powers, with our legislative, executive and judicial branches being similar to but not exactly the same as those of U.S. system. It also contains basic laws for the state.

- **How is the State Constitution different?**

There are subtle and major differences. One big difference is that education is prominently featured in the State Constitution (but is not in the U.S. Constitution at all). Florida’s Constitution clearly defines the state’s role in public education for K-12 and the state university system. Our state constitution also includes additional rights that are not found in the U.S. Constitution.

How it Relates to the Opportunity Scholarship Program:

Critics of the school voucher programs nationwide have argued that school vouchers violate the separation of church and state in the U.S. Constitution. Critics in Florida have also argued that the Opportunity Scholar Program violates the State Constitution in several parts—in how the state is supposed to manage public education, and the separation of church and state, which is a little stricter in the State Constitution.



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CONSIDERING THE FIRST AMENDMENT:

This discussion point will focus on the First Amendment, particularly the Freedom of Religion section of the amendment. The goal is to get the students to think about what this part of the First Amendment means in the abstract, and then get them to apply this to a real law by hearing how the Courts have applied it to laws before (i.e. how the courts interpret the Constitution and law).

Again here are some Q&A's to help you prepare for the discussion with the students.

Understanding the Separation of Church and State

- **What amendment in the U.S. Constitution guarantees the “Separation of Church and State”?**

(We would recommend printing out or having a way for the whole class to view the exact words in the first amendment. Have a student read the amendment to the class.)

FIRST AMENDMENT:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

“Separation of Church & State” Freedom of Religion; Freedom of speech; freedom of the press; Freedom of assembly; Right to petition. That’s a lot of rights in just one amendment! For today’s exercise, we’re going to focus on the first part of the first amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”

- **What does it mean when it says Congress can’t make a law “respecting an establishment of religion?”**

Basically it means that the Congress cannot establish a state religion, or favor one religion over another. So, Congress can’t pass a law that forces people to follow a religion, or not to follow a religion, or to pray.

- **What does the part about “prohibiting the free exercise thereof” mean?**

Literally, it means that the Congress cannot pass a law that stops someone from practicing, or exercising, their faith. This part of the law has had many tests before the Supreme Court. The Court has ruled that laws that have as their basis a “compelling interest” for the public in restricting religion-related activities can be allowed by the Constitution. That means Congress CAN pass laws that prohibit actions, but those actions have to be broadly applied. Examples of acceptable prohibited actions are laws on human sacrifice, polygamy (*Reynolds v. United States, 1878*), and spiritual drug use (*Employment Division v. Smith, 1990*).

- **Where is the phrase “Separation of Church and State” in the text of the amendment?**

It’s actually not written in the text. This phrase is an interpretation of what the amendment means. Courts, the judicial branch of government, are in charge of making interpretations of law and deciding how they apply in the real world. That means that when a case is brought to the Supreme Court, the Court has to decide if the rights guaranteed by the Constitution are being honored.

Thomas Jefferson used the phrase “wall of separation between church and state” to describe the First Amendment and the Supreme Court often uses this interpretation to explain their decisions in cases. The first part of the amendment states that the government can make no law either establishing a religion or prohibiting the exercise of a religion. There’s a tension there.



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Next are a few Q&A's that go over the case history and illustrate how the separation of church and state is interpreted by the Supreme Court. These can help you provide good examples to the students so they can make an informed decision on whether the Opportunity Scholarship Program is allowed under the First Amendment of the U.S. Constitution. When you go through the court cases with the students, we would recommend allowing for discussion with each one, and pushing back if the conversation starts going one way or the other.

Relevant Case History

- 1. New Jersey passes a law that said the State will pay parents back for the cost of bus money to get their kids to any school—public schools, private nonreligious schools, and religious schools. Do you think that this violates the First Amendment?**

The Supreme Court ruled that parents could be reimbursed for the cost of transportation to religious schools because it was in the State's interest to get the kids to school quickly and safely, and that their transportation there did not have a real effect on religious teaching. Case: *Everson v. Board of Education of Ewing Township*, (1947)

- 2. Pennsylvania passes a law that pays for the salaries of teachers at religious schools who teach nonreligious subjects, like English, math, etc. These teachers would teach the same lessons and use the same textbooks as the teachers in public school. Does this violate the First Amendment?**

In this case, the Court set up a system for evaluating cases because they thought that Pennsylvania State law made the state have "excessive entanglement" with religious institutions (i.e., "too much to do with"). With this case, the Court also set-up what is called the "Lemon Test" or system to determine whether there was too much interaction between the state and religious groups. Case: *Lemon v. Kurtzman* (1971)

- 3. Minnesota passes a law that lets parents receive a tax refund on state taxes in the same amount the parents paid for tuition, textbooks, and transportation for their children's K-12 school education at a public or private (including religious) school. Is this a violation of the First Amendment?**

The Supreme Court ruled that Minnesota could allow parents to pay less in taxes for the amount they paid to send their kids to private schools, including religious schools, because it was a benefit offered to all parents. The benefits to the religious organization are incidental (meaning it happens but not the law's main purpose), and the parents, not the government, make the decision on where to send the children to school. Case: *Meuller v. Allen* (1983)

- FURTHER DISCUSSION: Remember New Jersey's plan for paying back the parents for the cost of transportation to schools. Do you think the Supreme Court would have allowed that law if instead of paying the parents, the state paid the religious schools for the cost of transporting the students? How is this option different than the first?**

If the money had gone directly to the schools, it was clear that the Supreme Court's decision would have gone the other way. This is because the money would go directly to the schools that are advancing religious beliefs instead of the parents and would be viewed an intrusion on the separation between church and state.

Once the students get a feel for how the United States Supreme Court has ruled on this part of the First Amendment, we would recommend posing the question, "Do you think the Opportunity Scholarship Program violates the First Amendment of the U.S. Constitution?" to your students. In discussion groups, as recommended above, or individually, have students make notes on their worksheets and present their findings to the class as a group (as mentioned above) or as an individual (calling multiple people).



CONSIDERING THE EDUCATION ARTICLES:

The Florida State Constitution has a big section on the responsibilities of the State to provide public education (both university and K-12). The following information examines one important section of the State Constitution that focuses on K-12 public schools and the role of the state in providing “high quality education” to all children residing within the borders of the state.

The State’s Role in Public K-12 Education

- **Let’s read this section of the State Constitution, define the important words, and figure out what this section is saying about the State government’s responsibility to provide public education:**

“It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education...”

- What does **Paramount** mean? *Of chief concern or importance*
 - **Adequate?** *Enough to meet a need.*
 - **Provision?** *Something that is supplied or provided*
 - **Uniform?** *Always the same (Perhaps ask the students, “In what ways can they think of that would be important?”)*
 - **Efficient?** *Producing what you want to happen without much waste*
 - **Safe?** *Free from danger (What do you think that this means for you as students in a public school?)*
 - **Secure?** *Free from danger, but also dependable*
 - **High-quality?** *Good in content*
- **So what is this part of the State Constitution saying?**

The State Constitution is saying that a top duty of the state is to provide for all children that live in Florida the ability to attend a good public school. It is also saying that the State Legislature must make this happen by creating laws that allow for free public schools that are all the same across the state, effective at teaching without costing too much, safe and dependable, and provide good teachers and content. Every student should have the ability to get a good education from any school statewide.

The State Supreme Court has not ruled often on this part of the State Constitution, but below is one example to help your discussion with the students of relevant case history. When you go through the court cases with the students, we would recommend allowing for discussion with each one, and pushing back if the conversation starts going one way or the other.

Relevant Case History

1. **Do you think that this part of the Constitution is saying that school boards in each county would need to have the same number of board members running the school district?**

The Florida Supreme Court ruled it did not mean that school boards had to have the same number of members. It ruled that even if numbers were unequal, public schools across the state had to operate with a common plan or serve a common purpose. The Court defined “uniform” as meaning the counties needed to operate with the same statewide plan or purpose, that the same number of members was not needed to accomplish this. *Case: School Board of Escambia County v. Florida (1977)*

Since the state Supreme Court has heard few other cases dealing with this section, it will likely be up to the Court to decide this case by thinking about the intent of the text.

Once the students get a feel for how the Florida Supreme Court has ruled on this part of the Constitution, we would recommend posing the question, “Do you think the Opportunity Scholarship Program violates this part of the Florida Constitution?” to your students. In discussion groups (as recommended above) or individually, have students make notes on their worksheets and present their findings to the class as a group (as mentioned above) or as an individual (calling multiple people).

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CONSIDERING THE NO-AID PROVISION:

Most legal analysts believe that the “no aid” provision in the Florida Constitution makes a stronger separation between religious organizations and the state government than the First Amendment in the U.S. Constitution does. This is important because you have already looked at the First Amendment and made a decision for yourself on that amendment.

What Does the No-Aid Provision Actually Say?

- **Let’s read this section of the State Constitution, define the important words, and try to figure out what this section is saying about the State government’s responsibility to provide public education.**

Text: “No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”

- What does **revenue** mean? *For the state, revenue means money it takes in, usually from the residents. In Florida, the State gets its money from a sales tax. Residents and visitors to the state pay this tax whenever they buy something. This money is then used to pay for state programs, like public schools, state parks, state roads, etc.*
- And the **public treasury**? *The public treasury refers to all the moneys the state government has collected from revenue sources.*
- How about **sect, denomination, and sectarian**? *In general, you can consider denomination, sect, and sectarian all mean a branch or group within a larger religion. For instance, Methodists are a denomination of Protestant Christianity.*

- **How is the “No-Aid” Provision in the State Constitution different from the First Amendment?**

The “No-Aid” Provision in the Florida Constitution clearly states that moneys that belong to the state government cannot go to help any church or religious organization, directly or in a roundabout way.

Florida Courts have ruled on this part of the Constitution more often. We’ll go through some of their past cases, so you can help the students understand what this part of the Florida Constitution means. When you go through the court cases with the students, we would recommend allowing for discussion with each one, and pushing back if the conversation starts going one way or the other.

Relevant Case History

1. **Do you think a public school could allow a religious group to pay for and maintain a chapel for worship at the school?**
2. **Do you think that a public school can allow a religious group or service to use the school during non-school hours?**
3. **Do you think that the state of Florida could allow a retirement home run by a church to not pay taxes to the state government? (*A nonreligious, not-for-profit retirement home would be allowed to not pay taxes.*)**

All of these cases were allowed by the State Supreme Court. For instance, number 3 was allowed because the retirement homes had a nonreligious purpose of caring for the elderly and any benefit to the religious organization was incidental (happens, but not the main purpose). Similar reasons were given for Numbers 1 & 2. Case 1: *Fenske v. Coddington (1952)*; Case 2: *Southside Estates Baptist Church v. Board of Trustees (1959)*; Case 3: *Johnson v. Presbyterian Homes of Synod of Florida, Inc. (1970)*

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- **FOLLOW-UP: Do you think the decision about the Retirement Home might have been different if the law said the State could pay the retirement home an amount per patient for caring for the elderly residents?**

We don't know for sure, but the key point the Court made in all these decisions is that the aid going to these religious schools is not coming directly from the public treasury. In none of the cases—a placement for a chapel, the use of a public school, and a tax exemption—is money coming out of the state's treasury. That is a major reason each policy is allowed. We can't know for sure, but the Supreme Court would likely strike down the reworded Retirement Home law, since money for it would come out of the public treasury.

Once the students get a feel for on how the Florida Supreme Court has ruled on this part of the Constitution, we would recommend posing the question, "Do you think the Opportunity Scholarship Program violates the "No-Aid" Provision of the Florida Constitution?" to your students. In discussion groups (as recommended above) or individually, have students make notes on their worksheets and present their findings to the class as a group (as mentioned above) or as an individual (calling multiple people).

After:

After this worksheet is completed, students should participate in the mock legislative session to decide whether they, as state legislators, would like to vote for or against this proposed law. This can be accomplished by a field trip to the Florida Historic Capitol Museum to participate in our program, "Issues in the House of Representatives," or with the assistance of the Classroom DVD version of the same program. Once that is completed, look at the wrap-up on the Opportunity Scholarship Program at the end of the Main Lesson Plan (file name: "Directions for Prezi-NonPreziworksheets.pdf") to find out how each of these cases was decided, and share it with your class.

REFERENCES:

- "Everson v. Board Of Education," The Oyez Project at IIT Chicago-Kent College of Law, http://www.oyez.org/cases/1940-1949/1946/1946_52/.
- Florida 1st District Court of Appeals, *Bush v. Holmes*, 886 So. 2d 340 (2004).
- Garry, Patrick M., "The Myth of Separation: America's Historical Experience with Church and State," *Hofstra Law Review*, Vol. 33, No. 2, (2004).
- Haughey, Lila, "Florida Constitutional Law: Closing the Door to Opportunity: The Florida Supreme Court's Analysis of Uniformity in the Context of Article IX, Section 1," 58 *Florida Law Review* 945 (2006).
- Institute for Justice and American Legislative Exchange Council, *School Choice and State Constitutions: A Guide to Designing School Choice Programs*, April 2007.
- "Lemon v. Kurtzman," The Oyez Project at IIT Chicago-Kent College of Law, http://www.oyez.org/cases/1970-1979/1970/1970_89.
- "Mueller v. Allen," The Oyez Project at IIT Chicago-Kent College of Law, http://www.oyez.org/cases/1980-1989/1982/1982_82_195.
- Supreme Court of Florida, *John Ellis "Jeb" Bush, etc., et al., vs. Ruth D. Holmes, et al.*, No. SC04-2323 (2006).
- Supreme Court of the United States, *Lemon v. Kurtzman*, 403 U.S. 602 (1971)
- Wikipedia contributors on various articles, *Wikipedia: The Free Encyclopedia*, <http://en.wikipedia.org/>
- "Zelman v. Simmons-Harris," The Oyez Project at IIT Chicago-Kent College of Law, http://www.oyez.org/cases/2000-2009/2001/2001_00_1751.

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RELATED SUNSHINE STATE SOCIAL STUDIES STANDARDS FOR THIS EXERCISE:

7th Grade:

- SS.7.C.2.4: Evaluate rights contained in the Bill of Rights and other amendments to the Constitution. (*First Amendment*)
- SS.7.C.2.13: Examine multiple perspectives on public and current issues.
- SS.7.C.3.4: Identify the relationship and divisions of powers between the federal government and state government.*
- SS.7.C.3.6: Evaluate Constitutional rights and their impact on individuals and society. (*First Amendment*)
- SS.7.C.3.8: Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.
- SS.7.C.3.10: Identify sources and types (civil, criminal, constitutional, military) of law.
- SS.7.C.3.11: Diagram the levels, functions, and powers of courts at the state and federal levels.*
- SS.7.C.3.13: Compare the constitutions of the United States and Florida.
- SS.7.C.3.14: Differentiate between local, state, and federal governments' obligations and services.

8th Grade:

- SS.8.A.1.1: Provide supporting details for an answer from text, interview for oral history, check validity of information from research/text, and identify strong vs. weak arguments.
- SS.8.A.1.6: Compare interpretations of key events and issues throughout American History.*
- SS.8.C.1.5: Apply the rights and principles contained in the Constitution and Bill of Rights to the lives of citizens today.

9-12th Grade:

- SS.912.C.2.6: Evaluate, take, and defend positions about rights protected by the Constitution and Bill of Rights. (*First Amendment*)
- SS.912.C.2.10: Monitor current public issues in Florida.*
- SS.912.C.2.11: Analyze public policy solutions or courses of action to resolve a local, state, or federal issue.
- SS.912.C.3.7: Describe the role of judicial review in American constitutional government.
- SS.912.C.3.8: Compare the role of judges on the state and federal level with other elected officials.*
- SS.912.C.3.9: Analyze the various levels and responsibilities of courts in the federal and state judicial system and the relationships among them.
- SS.912.C.3.10: Evaluate the significance and outcomes of landmark Supreme Court cases.* (*Most significant case directly relating to school vouchers is Lemon v. Kurtzman (1971)*).
- SS.912.C.3.12: Simulate the judicial decision-making process in interpreting law at the state and federal level.**
- SS.912.C.3.15: Examine how power and responsibility are distributed, shared and limited by the Constitution.

*: Indicates the activity is a good lead in discussion for this standard.

_: Indicates the emphasis is placed in this underlined portion of the standard.

Bold: Indicates that the standard is particularly well-met by this activity.



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