**Up in Smoke: Federalism Today**

**Subject area/course**: Social Studies, U.S. Government

**Grade level/band**: 11–12

**INSTRUCTOR PROCEDURES**

1. **Task overview**:

Students write a 5- to 6-page paper analyzing the challenges of balancing power between the national and state governments inherent in Federalism. Using the current issue of medical marijuana, students are asked to consider the distribution of power in the Constitution and relevant Supreme Court cases to make an argument for which level of government should have responsibility for determining the legality of the sale of medical marijuana. The goal of the assignment is to have students consider the power and authority of each level of government as well as their interdependence.

1. **Prior knowledge required:**

Students should be able to:

* Read and interpret primary source documents.
* Understand the organization of argumentative writing.
* Understand the basic concept of Federalism.
* Discuss the distribution of power between the national and state governments in the U.S. Constitution.
1. **Common Core State Standards aligned to this task:**

CCSS.ELA-Literacy.CCRA.W.1 Write arguments to support claims in an analysis of substantive topics or texts using valid reasoning and relevant and sufficient evidence.

CCSS.ELA‐Literacy.CCRA.W.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

CCSS.ELA‐Literacy.CCRA.W.7 Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.

CCSS.ELA‐Literacy.CCRA.W.9 Draw evidence from literary or informational texts to support analysis, reflection, and research.

CCSS.ELA‐Literacy.RI.11‐12.1 Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

CCSS.ELA-Literacy.RH.11‐12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA‐Literacy.RI.11‐12.8 Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning (e.g., in U.S. Supreme Court majority opinions and dissents) and the premises, purposes, and arguments in works of public advocacy (e.g., *The Federalist*, presidential addresses).

CCSS.ELA-Literacy.RH.11‐12.9 Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

CCSS.ELA‐Literacy.RH.11-12.10 By the end of grade 12, read and comprehend history/social studies texts in the grades 11–CCR text complexity band independently and proficiently.

**The College, Career, and Civic Life (C3) Framework for Social Studies State Standards):**

**D2.Civ.1.9-12.** Distinguish the powers and responsibilities of local, state, tribal, national,

and international civic and political institutions.

**D2.Civ.4.9-12.** Explain how the U.S. Constitution estab­lishes a system of government that has powers, responsi­bilities, and limits that have changed over time and that are still contested.

**D2.Civ.11.9-12.** Evaluate multiple procedures for making governmental decisions at the local, state, national, and international levels in terms of the civic purposes achieved.

**D2.Civ.12.9-12.** Analyze how people use and challenge local, state, national, and international laws to address a variety of public issues.

**D4.1.9-12.** Construct arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses.

1. **Time requirements:**

After having discussed the concepts of Federalism and distribution of power as outlined in the Constitution, at least one day of class should be spent introducing the task. An in‐class demonstration of how to locate and determine the relevance of various Supreme Court cases should be included in the introduction day.

Students will need at least two weeks of out‐of‐class time to write this paper. Throughout the time students are working on their papers outside of class, some class time should be allotted to answering questions and supporting students in their analysis of court cases.

1. **Instructor materials to use during administration:**
* Handout A: Supreme Course Case Assessments worksheet. This could be the basis for a class discussion at some mid-point during the task’s timeframe.
* Every basic American government text will include a discussion of the Constitution and Federalism. For a more in-depth coverage of the topic, academic publishers such as Congressional Quarterly offer numerous texts and resources.
* It would be useful to become familiar with the Oyez project web site (http://www.oyez.org) prior to assigning the task. Teachers should note the ease of locating cases and the readability of the case summaries for their students. Additionally, familiarity with the site will facilitate the teacher’s determination of the number of cases, or even which specific cases, they think students should use in their papers.
1. **Instructor procedures during administration:**
* Introducing the task with the use of media coverage/current events discussion can make the task more engaging for students.
* Be sure to emphasize the task's goal of analyzing Federalism throughout the introduction and mentoring stages of the task, not the topic of the ethics or merits of marijuana legalization.
* You should have students check in regularly so that they can indicate what cases they have found, how they understand the cases to fit into their evolving arguments, and what their conclusions are likely to be. It will be critical to check that students haven’t strayed from the original intent of the assignment.
* Have students use Handout A to take notes on some of the key court cases they are examining. Ask students use their completed handouts when discussing their work with you. Alternatively, you may wish to have them discuss their handouts in small groups.
* This assignment could be concluded by teaming groups of students in the class based on their conclusion of whether the national or state governments should be responsible for this issue and then having them debate using the court cases they found as evidence.
1. **Student support:**

The following suggestions are examples of scaffolding that can be used to meet the diverse student needs within the classroom.

* Provide class time for research on students’ topics.
* Provide definitions of new vocabulary words ahead of time.
* For the final product, all learners will benefit from peer assistance while brainstorming their topics, as well as a peer or teacher review of their papers before final submission.
1. **Extensions or variations:**
* Students could present the results of their research to the class via an oral or multi-media presentation.
* If there is a particularly interesting and/or controversial topic, a debate could be organized where students choose sides on the topic and defend their views.
1. **Scoring and assessment considerations:**

EPIC developed the *College and Career Ready (CCR) Task Bank Scoring Rubric* to accompany this task. If your school or department uses a standardized rubric that would fit the content and requirements of this task, you may choose to use your existing rubric. The following notes and suggestions are meant to clarify the intent of the rubric and include considerations for the assessment of student work.

* When assigning the task, provide students with the rubric that will be used to score their final product and discuss it as a class.
* Unlike some rubrics, the *CCR Task Bank Rubric* does not predetermine “point values” for the scoring criteria. The rubric thus allows for flexibility with different instructors’ scoring systems and individual determination of the “weight” of each criterion.
* Student work that scores at the *Accomplished* level is considered to be entry-level college work.
* The *Exceeds* category on the rubric provides an example of how a student can go above and beyond the *Accomplished* level. These examples are intended to be only ONE way a work product can exceed expectations, thus allowing room for your professional judgment.
* If needed, consider including task-specific criteria as an additional scoring category to the rubric or providing a checklist of requirements for the task.