

Education and Equality in the Courts

Interdisciplinary Subject: Social Studies

Grade Level: 6-8

Duration: 80-100 minutes

Lesson Overview: In this lesson, students analyze primary sources related to equality in education in the United States. In Part I, students analyze two sets of primary sources that illustrate major transformations in American public education following both the *Mendez v. Westminster* federal case (1947) and the *Brown v. Board of Education* Supreme Court case (1954). In Part II, students participate in a moot court activity about expanding equality for undocumented immigrant and legal-resident or citizen students in the historic Supreme Court case of *Plyler v. Doe* (1982). Students write their answers to questions about the role of equality in public education.

Essential Question

How equal has public education been in the United States?

Lesson Objectives

Students will be able to:

- Analyze primary sources in order to make inferences about the sources' historical content, context, and relevance.
- Develop evidence-based claims about the meaning and purpose of equality in education.
- Defend a position using evidence-based arguments about equality in education.
- Deliberate with peers to make a decision about the meaning and purpose of equality in education.

Materials Needed

- Education and the 14th Amendment Slide Pack
- Source Pack 1
- Source Pack 2
- Handout A (to go with Source Pack 1): Sources A and B (1 each per pair of students)
- Handout B (to go with Source Pack 2): Sources C and D (1 each per pair of students)
- Handout C: Bibliographic Information
- Discussion Questions Slide Pack
- Handout D: Education and the 14th Amendment (1 per student)
- Handout E: Reflecting on *Plyler v. Doe* (1 per student)

Library of Congress Resources

- *Domestic Science class in Horace Mann School. See Bliss report. Location: Tulsa, Oklahoma / Lewis W. Hine.* (1917) <https://www.loc.gov/resource/nclc.05235/>
- *[African American children on way to PS204, 82nd Street and 15th Avenue, pass mothers protesting the busing of children to achieve integration]* (1965) <https://www.loc.gov/item/2004670162/>
- *[First grade class of African American and white school children seated on the floor, Albemarle Road Elementary School, Charlotte, North Carolina]* (1973) <https://www.loc.gov/item/2011646494/>
- *Dailey, West Virginia. December 1941. Homestead school at the Tygart Valley homesteads, a FSA (Farm Security Administration) project eleven miles southwest of Elkins, West Virginia. A shop class. Part of the vocational training program.* <https://www.loc.gov/resource/fsa.8b16124/>

Created in collaboration with the Barat Education Foundation, Constitutional Rights Foundation, and DePaul University College of Education; funded and distributed through a *Teaching with Primary Sources* grant awarded by the Library of Congress.

Find additional materials and resources at <https://Citizen-U.org/> and <https://PrimarySourceNexus.org>.

Content created and featured in partnership with the TPS program does not indicate an endorsement by the Library of Congress.

Standards

C3 Indicators

D2.Civ.8.6-8 Analyze ideas and principles contained in the founding documents of the United States, and explain how they influence the social and political system.

D2.His.4.6-8 Analyze multiple factors that influenced the perspectives of people during different historical eras.

D2.His.12.6-8 Use questions generated about multiple historical sources to identify further areas of inquiry and additional sources.

D3.3.6-8 Identify evidence that draws information from multiple sources to support claims, noting evidentiary limitations.

Teacher's Guide

Preparation Tips

Prior to Part I

Assemble Source Packs for each pair of students.

Copy Handouts A and B (to accompany source packs 1 and 2)

Copy Handout C (Bibliographic Information)

Prior to Part II

Copy Handout D (Education and the 14th Amendment)

Copy Handout E (Reflecting on *Plyler v. Doe*)

Part I: Background and Source Analysis

A. Focus Discussion

1. Ask students: Why is it important to make sure that all children have equal access to a good education?

Answers may include: *Everyone needs skills for employment when they become adults. No one should have a greater or lesser opportunity to learn based on skin color or nationality. Skin color and nationality do not determine who will make a great contribution to the arts, sciences, politics, or humanities.*

2. Tell students they will now explore times when education was not equal for all children, but a few important individuals helped to change that.

B. Introduction to Education and the 14th Amendment

1. Show the PowerPoint presentation "Introduction to Education and the 14th Amendment." See the notes section for each slide for explanations of the images and more background information.

2. Explain to students that since the *Brown v. Board of Education* Supreme Court decision in 1954, public schools have been integrated, which means they have allowed students of different ethnicities or races to mix.

3. Explain that they are going to explore and answer the following compelling question: *How equal has public education been in the United States?* For the next part of the lesson, students will work in pairs to examine primary sources.

C. Spark Inquiry: Pairs Analyze Source Packs 1 and 2

1. Divide students into pairs and distribute Handout A to half of the pairs. Distribute Handout B to the other half of the pairs. Tell students to think about the examples of segregation they saw in the introductory presentation as they analyze the images in the source packs.
2. Students should spend a few minutes on the handout their pair received, answering the questions posed for each source. (Sources are captioned with a brief title that provides only minimal information.)

Source Pack 1 (w/ Handout A):

- A. "Domestic Science Class"
- B. "Mothers Protesting the Busing of Children"

Source Pack 2 (w/ Handout B):

- C. "Albemarle Road Elementary School"
- D. "Shop Class"

D. Brief Discussion

1. After students have completed the questions on their handout, ask students to discuss these questions on their handout with their partner:
 - What was the most interesting source? Why?
 - Do any of the sources represent equality in schools to you? Why or why not?
 - What do the sources reveal to you about public education and equality?

NOTE: These questions are listed on slide 1 of the discussion questions slide pack for this lesson.

2. Distribute Handout C (Bibliographic Information) and assign student pairs to:
 - 1) Read the bibliographic information.
 - 2) Discuss the following questions:
 - What important information did you learn about the source?
 - What did you learn from the bibliographic information about equality in public schools?
 - What new questions do you have about the sources?
 - 3) Write down new questions about the sources.

NOTE: These instructions are listed on slide 2 of the discussion questions slide pack for this lesson.

E. Closure

1. Facilitate a class discussion:
 - What was the most interesting thing you noticed about the pictures? Why?
 - In your paired discussion, did someone else notice something about a source that you missed? What was it?
 - What is your best advice for examining sources?
 - What did the sources reveal to you about public education and equality?

2. Optional: Have each student complete a 3-2-1 inquiry exit slip.
 - Students should use the following prompts:
 - *Three things I learned:*
 - *Two things I found interesting or surprising:*
 - *One thing I still have a question about:*
 - The surprising things may overlap with the three things a student learned.

NOTE: These questions are listed on slides 3 and 4 of the discussion questions slide pack for this lesson.

Part II: Moot Court

A. Introduction: Background Reading – Education and 14th Amendment

1. Explain to students that they have discussed racial and gender equality in public schools. Now they will learn about another more recent interpretation of what equality in public schools means.
2. Students will read the **first part** (through “The Constitutional Questions” section) of Handout D, “Education and the 14th Amendment.” Before reading the arguments for both sides in the case, check for understanding by asking the following questions:

- What does the 14th Amendment’s equal protection clause say? *“Persons” within a state’s jurisdiction (area of legal authority or governance) shall have “equal protection of the laws.”*
- Would the 14th Amendment prohibit anything you saw in the sources you looked at before (Source Packs 1 and 2)? *Accept reasonable answers.*
- What law did Texas pass about undocumented immigrant children in schools? *The law barred undocumented children from attending public schools, but it gave school districts the option to charge those children tuition. Citizen or legal-resident children received free public schooling.*
- How did the case about undocumented immigrant children reach the U.S. Supreme Court? *Attorneys for undocumented school-age children in Smith County, Texas, challenged the decision of a local school district to charge these children tuition. They won their case in federal court, which meant that federal court stated the law violated the equal protection clause of the 14th Amendment. The school district appealed the case to the U.S. Supreme Court.*

NOTE: These questions are listed on slides 5 and 6 of the discussion questions slide pack for this lesson.

3. Students will then **read the arguments** for the school district and the arguments for the undocumented children.

B. Deepen Inquiry: Plyler v. Doe Moot Court

1. *Note:* The rules on Handout D modify actual Supreme Court procedures for the purpose of conducting this class simulation. One word of caution: Avoid forcing students into roles in which they might object to arguing for a position due to moral or religious reasons.
2. Tell the students they are now at the Supreme Court of the United States. Read through the “Rules of Procedure” with them. Make sure students understand the rules. Form them into groups of seven. Each group is its own court. Each member of each group will have one of the following roles:

The roles:

- Two will be attorneys for the school district (appellants)
- Two will be attorneys for the undocumented children (respondents)
- Three will be Supreme Court Justices (the three justices are a “triad”)

3. Give courts enough time, probably 15 minutes, to prepare according to the rules on Handout D, reminding them to draw also on their knowledge about equality in education from the previous day's class.
4. When all groups are ready, attorneys for the school district will speak first. Attorneys for the undocumented children will speak second.
 - Remind students that the justices may ask questions at any time.
 - Attorneys for the school district take turns giving a one-minute summary of their arguments.
 - Attorneys for the undocumented children take turns giving a one-minute summary of their arguments.
 - After hearing both sides, justices in each group deliberate out loud. Attorneys listen but do not interrupt the justices.
 - o Justices deliberate by discussing the arguments they heard. Justices share with each other the most persuasive and least persuasive arguments they heard.
 - o Justices provide reasons why they thought arguments were most persuasive or least persuasive.
 - o After justices deliberate, each triad votes whether they will rule in favor of the school district or the undocumented children.
5. After justices deliberate, take a poll of the triads in the classroom.
 - How many triads voted for the school district?
 - How many for the children?
 - How many triads were unanimous in their decision?
 - How many had a dissenting justice (voting differently than the other two)?

NOTE: These questions are listed on slide 7 of the discussion questions slide pack for this lesson.

6. Alternatively, have the judge triads come to the front of the room to deliberate in a fishbowl activity.

C. Lesson Reflection and Assessment

1. Debrief the activity with the students. Ask these questions in a whole-class discussion:
 - What was the most persuasive argument you heard?
 - Which side in the case do you think had the stronger arguments? Why?
 - What facts of the case do you think were the most important for the school district?
 - What facts of the case do you think were most important for the undocumented children?
 - How do you think the real Supreme Court decided this case? What makes you think the court decided the case that way?

NOTE: These questions are listed on slides 8 and 9 of the discussion questions slide pack for this lesson.

2. Writing Assessment

- a) Distribute Handout E. Read the following actual decision of the Supreme Court aloud (also printed on the handout). (The citation is [Plyler v. Doe](#), 457 U.S. 202 (1982).)

By a 5-4 vote, the U.S. Supreme Court Decision in *Plyler v. Doe* (1982) decided:

The equal protection clause of the 14th Amendment applies "to anyone, citizen or stranger" residing within a state's boundaries. The children in this case were within the jurisdiction of the state and were thus protected by the 14th Amendment.

The equal protection clause of the 14th Amendment requires Texas and the Tyler Independent School District to provide free public schooling to the children of undocumented immigrants on an equal basis with the other children in the state and school district.

Writing for the majority, Justice William Brennan concluded: "We cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests."

Writing for the four dissenters, Chief Justice Warren Burger stated: "By definition, illegal aliens have no right whatever to be here, and the state may reasonably, and constitutionally, elect not to provide them with governmental services at the expense of those who are lawfully in the state."

b) On Handout E, students write answers to the following questions in at least one well-developed paragraph each:

- What does this case tell you about equality in public education?
- Do you agree with the court that the nation bears "significant social costs" when "select groups" are denied equal means to public education? Why or why not?
- What would those social costs be today?

Well-developed paragraphs should include a topic sentence, relevant facts, concrete details, and other information and examples from student discussion and source analysis to help explain how public education has affected equality.