Teaching Controversial Issues

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The vision for NJ Student Learning Standards for Social Studies (2020)

An education in social studies fosters a population that:

- Is **civic-minded**, globally aware, and **socially responsible**;

- Exemplifies fundamental **values of democracy and human rights** through active participation in local, state, national, and global communities;

- Makes **informed decisions** about local, state, national, and global events based on inquiry and analysis;

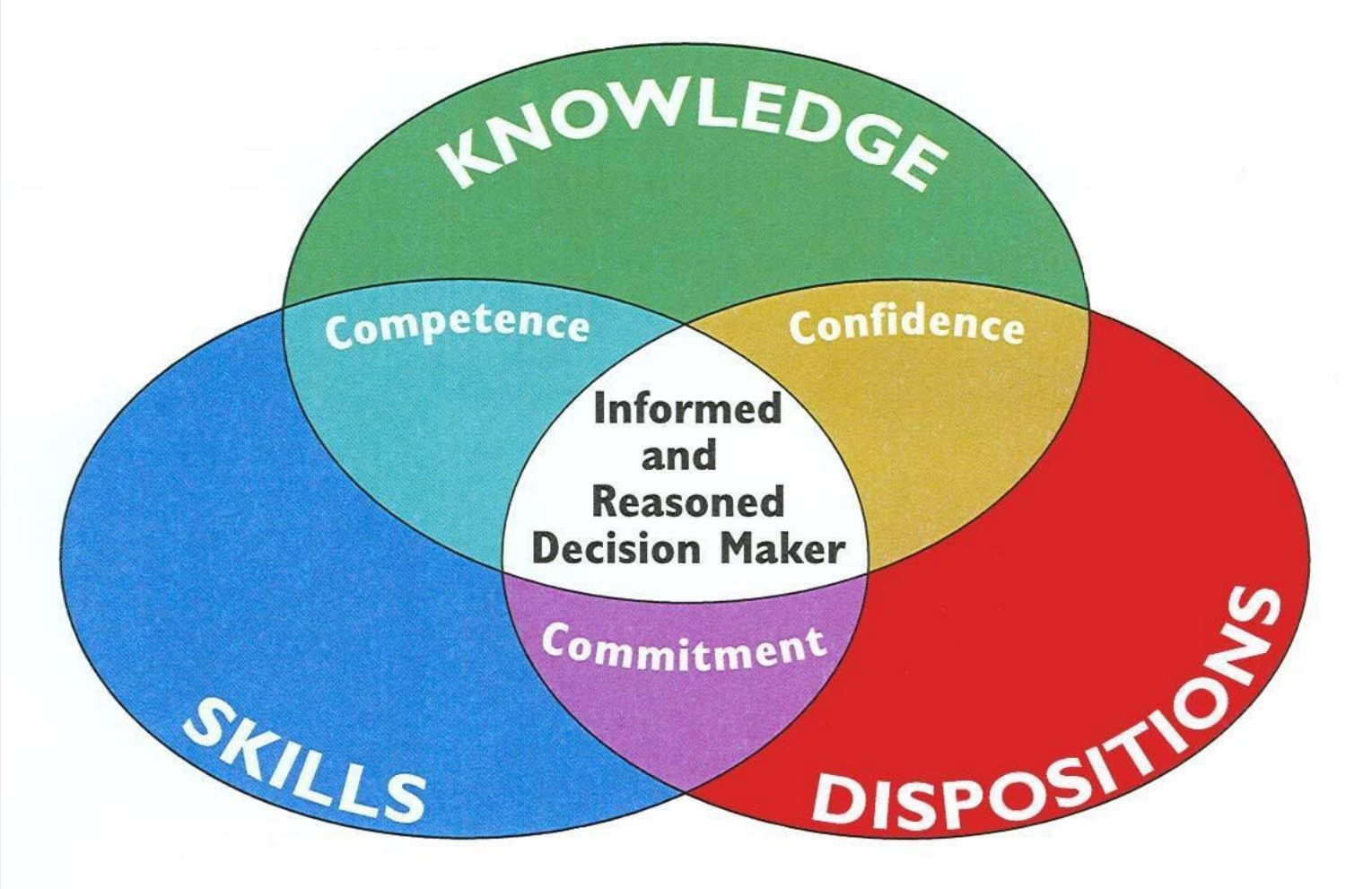
- Considers **multiple perspectives**, values diversity, and promotes cultural understanding;

- Recognizes the **relationships** between people, places, and resources as well as the implications of an interconnected global economy;

- Applies an understanding of **critical media literacy skills** when utilizing technology to learn, communicate, and collaborate with diverse people around the world; and

- Discerns fact from falsehood and **critically analyzes information** for validity and relevance.

How do we help our students to become informed and reasoned decision-makers?



An effective social studies curriculum cannot avoid controversial issues!

Nor should we try to avoid them…

Why should we teach controversial issues?

- Democratic self-government requires constant discussions and decisions about controversial issues.
- Silence about controversial issues makes it more likely that bad policies will prevail.
- There is an intrinsic and crucial connection between the discussion of controversial political issues and the health of democracy.
- You cannot have democracy without discussing controversial issues.
- Therefore, we need to teach our students how to "do" democracy by practicing the skills of discussing controversial issues in the classroom.

From: Diana Hess, *Controversy in the Classroom*, 2009.

Research shows

Discussing current controversial public issues:

- Is authentic and relevant
- Enhances sense of political efficacy
- Improves critical thinking skills
- Increases students comfort with conflict that exists in the world outside of classroom
- Develops political tolerance
- Motivates students
- Results in students gaining greater content knowledge

From: Diana Hess, *Controversy in the Classroom*, 2009.

Problems Facing Teachers

- How to ensure civil discourse within the classroom and a positive school and classroom climate.
- How to protect the classroom from outside partisan pressures.
- How to teach about controversial issues and elections during a highly partisan era.
- How to emphasize that which unites us as Americans.
- How to ensure students are civically literate.
- Are there any problems that we missed and you want to add?

What Are Controversial Issues?

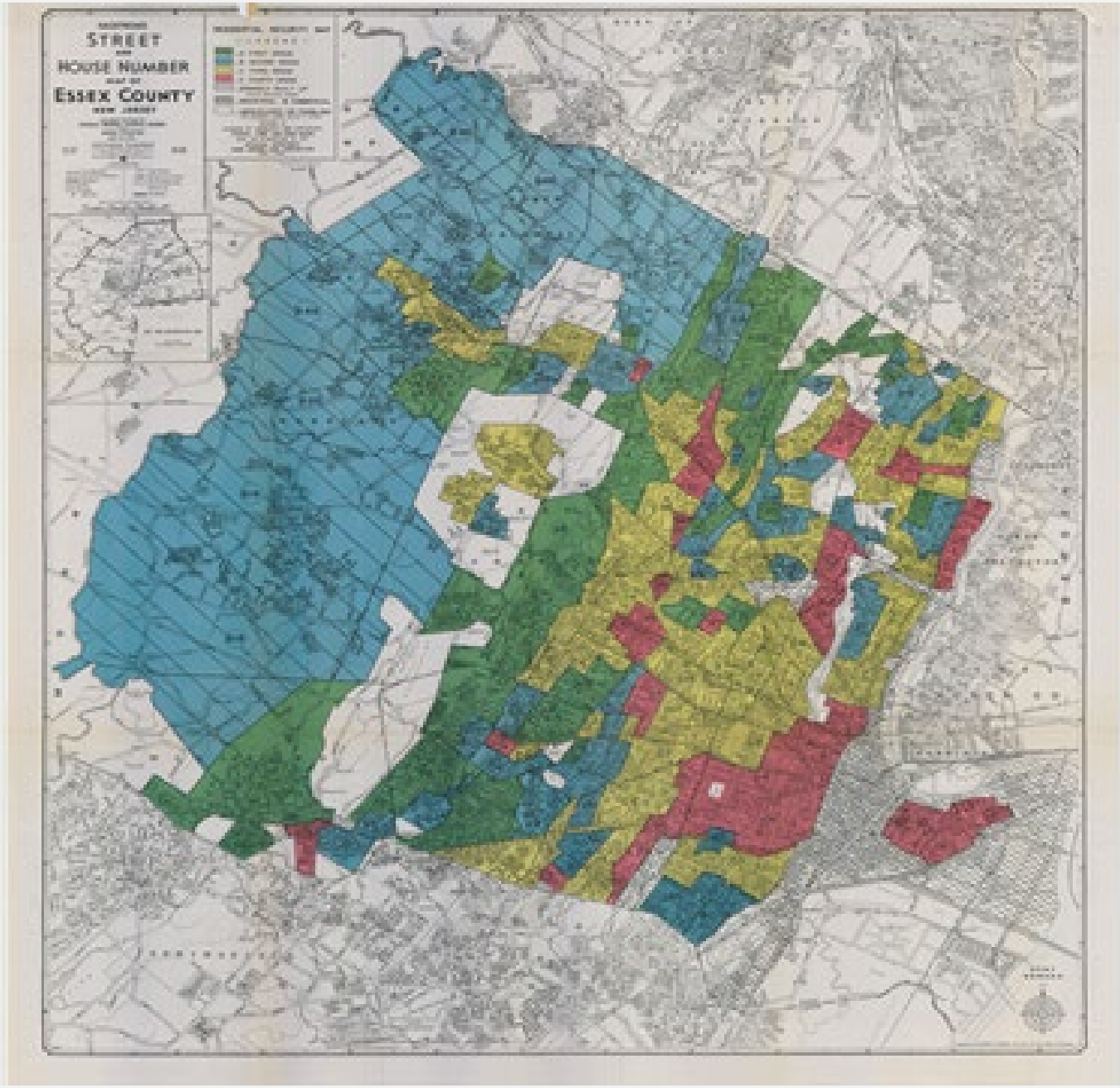
- Any public issue that defies an easy solution and may challenge deeply held beliefs or interests
- Issues that test the balance between individual freedom and safety or order for the common good
- What are some controversial issues that you are encountering or expect to encounter?

Critical Race Theory

- Since the 1980s, Critical Race Theory has become a growing movement in the study of law and upper-academia. It's a graduate-level academic framework that encompasses decades of scholarship. It's focused on institutions and their historical impact on race, even when the institutions are *supposedly* blind to issues of race and identity.
- Nobody is teaching "Critical Race Theory" in middle or high school if they are just teaching about the role of race relations in American history.
- The phrase has been conflated by some with teaching about race, period. And teaching about the role of race in American history is likely to make some people uncomfortable, as it juxtaposes the historical record against a preferred narrative of America as an unblemished success and challenges their sense of identity.
- It is impossible to accurately teach U.S. history or civics without addressing issues of race.

A Quick Example of Critical Race Theory in Current Policy Debates

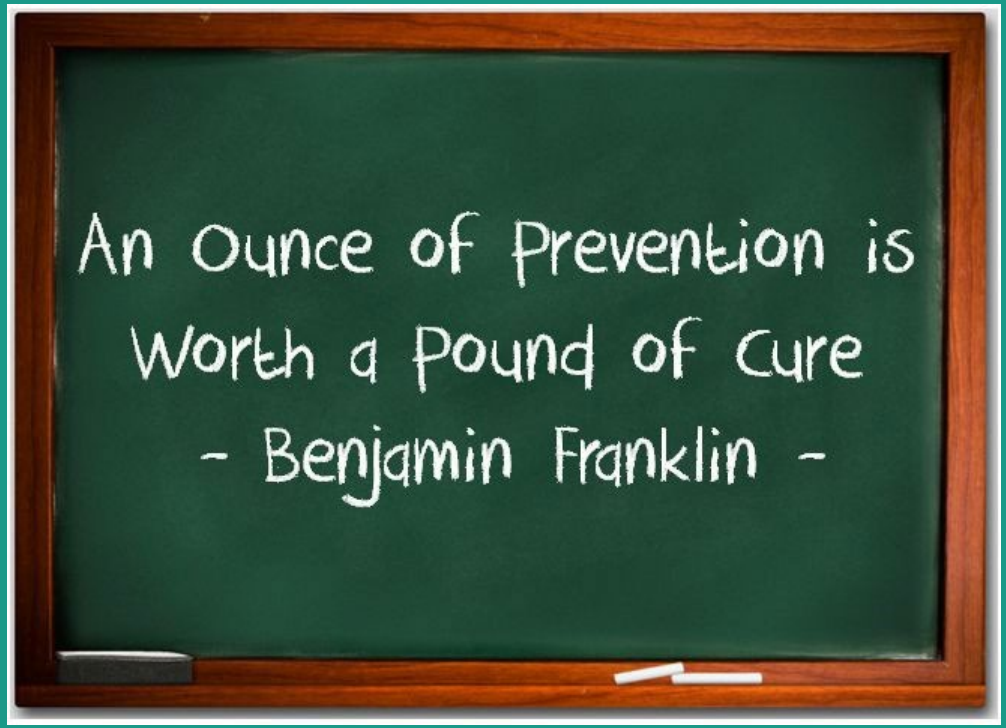
- The Department of Treasury issued a report acknowledging that Black taxpayers were three times more likely to be audited than White taxpayers, despite the fact that IRS returns do not identify the race of who submitted the tax documents. This was the result of a study by a team of economists from Stanford University, the University of Michigan, the University of Chicago, and the Department of the Treasury.
- This was probably due to computer algorithms and the fact that certain groups are more likely to claim the Earned Income Tax Credit.
- The Biden administration has instructed the Department of the Treasury to examine its practices to eliminate unintentional systemic bias. It involves developing a methodology with statistical models to impute race and ethnic identity in tax data to ensure a more equitable distribution of tax benefits. This is an application of Critical Race Theory, something certainly not being done in middle and high schools.
- Links:
  - I.R.S. Acknowledges Black Americans Face More Audit Scrutiny - The New York Times (nytimes.com)
  - Disparities in the Benefits of Tax Expenditures by Race and Ethnicity | U.S. Department of the Treasury



Redlining map by the HOLC of Essex County from the 1930s

An Ounce of Prevention: Preparing for Controversy

- School policies
- Your community
- Communicating with your school administrators
- Classroom climate
- Sharing your opinions



School Policies On Teaching Controversial Issues

- In addition to hiring and evaluating the school superintendent, school boards work primarily through policies, which set guidelines for principals, teachers, parents and students.
- School policies are written, public records
- Your school should have a policy that:
  - supports and encourages the teaching of controversial issues, usually policy #2240
  - sets guidelines for teaching controversial issues, including a process for dealing with challenges

Look at your school policy on teaching controversial issues

- https://www.straussesmay.com/seportal/Public/DistrictPolicy.aspx?policyid=2240&id=7286f1c73007451c9e06cc5042ad218f (New Brunswick)
- https://drive.google.com/file/d/19QQmnwbbgZI8GDv_bIbCt7NbTbuRJjkl/view (Paterson)
- https://westfield.schoolboard.net/sites/nj.westfield.schoolboard.net/files/Policies%20-%20Attachment%20%231_24.pdf (Westfield)
- https://boe.nutleyschools.org/sites/default/files/policies/2240.pdf (Nutley)
- More recently adopted policies on controversial issues provide more guidance
- What key words or ideas do you see?
    - Balanced, unprejudiced, no indoctrination, fair, objective
- Look at your district's policy. Advocate for one if none exists--Use these as models

Know Your Community

- Do you live in the community where you teach?
- If not, google the town where you teach to get an idea about the demographics
- Look at the local newspaper or online media
- How might this knowledge help you?

Know What Your Objectives Are

- Classroom activities should encourage critical thinking.
- You are not trying to convince students of any particular point of view.
- Be able to articulate why you are using or discussing controversial materials—it may be to demonstrate a prevailing view of a past time period.
- Preview any materials, especially visual media which may be very powerful or provocative.
- Be aware of biased sources of information.

Talk With Your Administrators

- Plan in advance: Tell your supervisor and/or principal that you plan to teach about the upcoming election or another controversial event or issue
- Refer your supervisor/principal to your school policy about Teaching Controversial Issues, #2240
- Refer your supervisor/principal to your district's stated mission which is usually to create critical thinkers who are informed, engaged citizens
- Note the state social studies standards which are extremely broad and progressive and encourage teaching controversial issues and critical thinking activities
- Explain the value of what you are planning to teach
- If you anticipate controversy send a note and/or talk with parents/parents organizations

Create a Respectful Classroom Climate

- Establish a process and rules of adequate evidence or support so that discussion is based on facts rather than simply opinions
- Use activities that require students to actively listen when considering controversial issues
- Carefully consider how students show be grouped
- Provide closure, which may simply be an acknowledgement of the difficulty of the issue

Should you disclose your viewpoint?

- Be mindful of your position as the “classroom expert” and the potential impact on the students. Personal views should probably not be shared with elementary or middle school classes. There are also arguments for not sharing with high school classes.
- Sometimes, students may directly ask for your opinion. If you prefer NOT to disclose your view, explicitly state that and explain why.
- If you decide to disclose your own views, do it carefully and ONLY AFTER students have expressed their views
- Disclosure should be accompanied by a disclaimer
    - This is my view because…
    - Other people may have different views
- Unrequested disclosures may be seen as preachy, or may stop the discussion contrary to the goal of having students investigate and develop their own informed opinions. Unrequested disclosures may also be viewed as efforts to indoctrinate your students.

Teach in a neutral, balanced manner that does not try to indoctrinate students

- First Amendment protection of academic freedom for teachers is not absolute: teachers must be teaching within the state standards and within their local school curriculum. (E.g., *Kirkland v. Northside Ind. School District*, 1989: a teacher has no right to substitute his own book list for the one approved by the district without permission or consent.)

- New Jersey has taken a very broad approach to classroom content, with standards setting a framework for each content area, but unlike many other states which establish a state curriculum, leaving significant control to local school boards.

- NJ teachers are protected as long as what they are teaching is within the state standards and the local curriculum and is being taught in a neutral, balanced manner that does not seek to indoctrinate students.

Start with American Ideals

- American ideals are a source of unity for a diverse nation and provide an important context for civic education.
- Focusing on American ideals places valid parameters on classroom discussions, rather than opening classroom discussions to random statements potentially disruptive of the school climate.
- Basing instruction on American ideals in founding documents (especially the Constitution) provides a non-partisan basis for responding to any outside advocacy or pressure groups. ***It is crucial that instruction be non-partisan***.
- American ideals can form the basis for inquiry-based lessons and provide a reference point for questions and discussions during the year that can be revisited. It can facilitate the infusion of civic education across the curriculum.

American Ideals: The Process

First Inquiry: Identify what ideals define and unite us as Americans

- Brainstorm the concept of "American ideals"
- Review documents (e.g., U.S. Constitution) and identify ideals in them
- Develop a class consensus regarding 5-6 most important American ideal

Second Inquiry: Application

- The American ideals identified can be used by your students to determine which candidate best articulates and supports these ideals, *or*
- The American ideals identified can be used with other controversial issues or historical events to determine which policies or historical figures best reflect American ideals

What Are “Ideals”?

- Define what is meant by the word, “ideals”. Students may confuse these with practices and policies.
- Ideals may be defined as those values and principles that are the *ultimate goal or aim* of our founding documents and institutions and which define the best of America.
- For example, limited government is an ideal, checks and balances is the practice to help achieve limited government.
- Democracy is an ideal, voting is a practice.
- The rule of law is an ideal, establishing a system of courts is a practice.

Possible List of American Ideals

- Democracy
- Liberty (negative conception)
- Limited Government
- Equality
  - Of opportunity, both political and economic
  - Equal protection under the laws
- Property Rights

* This is just one possible list developed by a group of teachers doing this activity. Many others are possible.

Link to full lesson framework: Teaching with American Ideals

New Jersey Student Mock Election

- Designed for either remote or in-school instruction. Student privacy carefully protected – students vote with anonymous codes.
- Voting procedures – digital or paper ballots available
- Voting dates: Two weeks before the actual election
- Web site and resources: http://njmockelection.org/
- Results mapped by legislative district and grade band. These can be the basis for a post-election lesson.
- Help your students get in the habit of being an informed voter in ***every*** election.

Sponsored by the New Jersey Social Studies Supervisors Association, The New Jersey Center for Civic Education, and the New Jersey Council for the Social Studies.

Civil Discourse in the Classroom

- Wait to be recognized by the teacher before speaking.
- Don't interrupt or talk over someone else who is speaking.
- Listen for content in the statements of others, even if you disagree. Don't engage in side conversations that distract from the speaker who has the floor.
- Don't assume that you know what someone else means. Ask questions that help you understand perspectives different from your own.
- Relate your comments to those of previous speakers.
- Don't get personal. No demeaning or inappropriate comments, facial expressions, or gestures.
- Differentiate between facts and opinions. Both are valid when expressed appropriately.
- Listen more than you speak.

Source: United States Courts: Guidelines for a Civil Discussion

Classroom Strategies for Building Skills for Civil Discourse

- Continuum/Take a stand
- Active Listening/Civil Conversations
- Moot courts–structured format for considering constitutional issues
- Inquiry Questions
- Philosopher's Stone
- Guided discussions
- Socratic Seminars
- Philosophical Chairs discussion
- Legislative hearings—structured format for considering solutions to problems
- Structured debates

Take a Stand/Continuum

- Can use with any controversial topic—e.g., immigration, reparations for racial discrimination, fracking, Electoral College, hate speech on social media, etc.

- Phrase a question as either/or (yes or no, agree or disagree)--e.g., Should the Electoral College be abolished? Should fracking be illegal? Should we establish a process for illegal immigrants become citizens?

Take a Stand/Continuum

- Ask the students to stand to one side of you if they agree and to the other if they disagree. You can ask those who are unsure to stand in the middle. The stronger the opinion, the farther the students move from the center.
- Now the students have taken a stand and formed a continuum of views. Turn and face the line.
- Ask those at either ends of the line to explain WHY they take their position
- There are <u>no rebuttals, students explain their views (why) and listen to others</u>
- If you hear a viewpoint that does not fit with where the student stands, have the student move to an appropriate spot.
- Ask those in the middle who were unsure if what they heard helped them decide and ask them to move to the appropriate spot
- Ask others if they changed their views based on what they heard and ask them to move to the appropriate spot.

Should the federal government offer a guaranteed minimum income?

- Those who agree, stand to the right.
- Those who disagree, stand to the left.
- Those who are unsure, stand in the middle.
- Ask those at either ends of the line to explain WHY they take their position
- There are <u>no rebuttals, students explain their views (why) and listen to others</u>
- If you hear a viewpoint that does not fit with where the student stands, have the student move to an appropriate spot.
- Ask those in the middle who were unsure if what they heard helped them decide and ask them to move to the appropriate spot
- Ask others if they changed their views based on what they heard and ask them to move to the appropriate spot.

Take a Stand/Continuum

- The value of doing the continuum is that students are listening, reflecting on what they hear, explaining their views, and perhaps changing their views based on what they hear from others. They are *NOT DEBATING*.
- Afterwards, you might have the class do research and see if some additional information causes some students to change their initial opinions.

CIVIL DISCOURSE REQUIRES ACTIVE LISTENING

The biggest communication issue is we do not listen to understand.

We listen to reply.

What is Active Listening?

- Eye contact, Nodding, Shaking head?
- Saying yes or no?
- Seeking information: asking a question?
- Seeking confirmation: rephrasing or paraphrasing?

Directions: Active Listening/Civil Conversations

- Select a controversial issue—gun control, health care, reparations, guaranteed minimum income, carbon taxes, NATO, border security, almost anything with two (or more) sides (but start by simplifying it to two)
- Place 4-8 chairs in front of the classroom, 2 rows facing each other
- Form teams of two, three or four people
- First person states viewpoint and briefly explains why
- No one interrupts
- Opposite side takes turn making argument
- Before person across from him or her can respond, must in some way restate his or her understanding of what has been said.

Should the U.S. government provide reparations for slavery?

- Form two rows of chairs with one row arguing yes and the other arguing no.
- The first person arguing for the idea states his or her position and ***briefly*** explains why
- No one interrupts
- Opposite side takes turn making argument
- Before the person starting with the opposing view can respond, he or she ***must in some way restate his or her understanding of what has been said.***

Debrief: Active Listening/Civil Conversations

- This can be a bit tedious because we do not normally take the time to acknowledge and give feedback for each statement made. However, it is serious active listening practice.
- Value: explaining, listening, reflecting and changing views. Not debating.
- You might have the class do research and see if opinions have changed

- Break
- Next Up - *Mini-Moot Courts and Simulated Legislative Hearing!*

Moot Courts

- A moot court is a mock appellate court hearing
- The court, composed of a panel of judges or justices, is asked to rule on a lower court's decision
- No witnesses are called, nor are the basic facts of the case in dispute
- The focus is on the application, fairness or constitutionality of the law.
- Each side presents arguments for consideration by the judges
- A moot court is an effective strategy for focusing student attention on the underlying principles and concepts of justice

Mini Moot Court

Ensures that every student is involved in the moot court, by having students work in groups of three.

Set Up:

1. Make sure that everyone understands the factual and legal background.

2. Divide your class into triads (groups of three) by counting by 3s or assigning student to roles.

3. In each group of three, one person is the judge or justice, one the attorney for the appellant/petitioner (bringing the appeal) and one the attorney for the respondent (responding)

The hearing and decision

- Preparation: attorneys prepare their arguments; judges prepare several questions they may want to ask
- Hearing:
  - Attorneys make brief 2 minute arguments
  - Judges may interrupt with 1-2 short questions (you might have time for more in your classroom)
- Decision: After the arguments have been made, ask all of the judges to come to the front of the room and have an “open court hearing” where the judges discuss their opinions and reasons. Some judges may decide to change their views after they have heard from their colleagues.

Debriefing

- Debrief the activity by discussing the actual ruling in the case, if a decision has been rendered, or the strongest and weakest arguments if a decision is still pending, or if it is a purely hypothetical case

- A moot court is a very structured way for students to consider issues of fairness within a constitutional context and also to gain an understanding of how appellate courts function.

Simulated Legislative Hearing

Inquiry Question from *We the People: The Citizen and the Constitution*

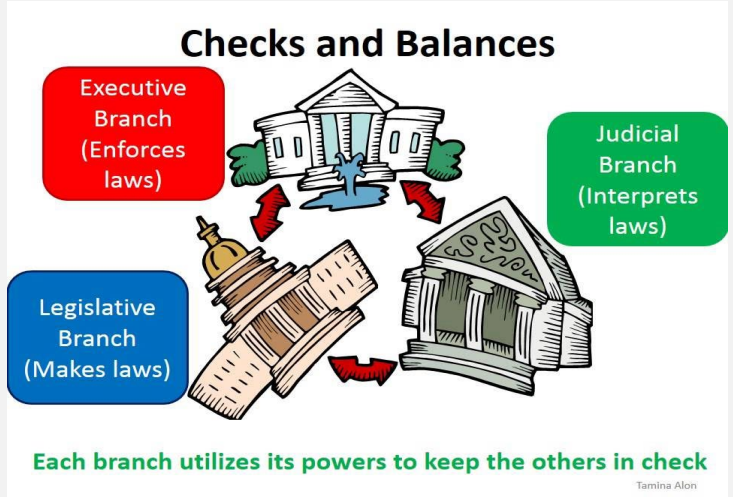
Presidential power has increased dramatically since the early 1930s. What factors have contributed to that growth of power? On balance, is the growth of presidential power a healthy or a detrimental development? Why?

- How is the system of checks and balances designed to limit the exercise of presidential power and how well does it work?
- How can public opinion affect presidential power?

Background- Presidential Power

- In Federalist #70, A. Hamilton argued for the necessity of an "energetic executive"
- Since the 1930's, Presidents have acted with great energy, especially in times of national emergency
- Here are some examples:

- **FDR** - New Deal; World War II powers
- **Truman** - Undeclared Korean War
- **Kennedy** - Escalation in Vietnam
- **Johnson** - Great Society; Gulf of Tonkin
- **Nixon** - Cambodia; Watergate
- **Reagan** - Iran- Contra Affair
- **H.W. Bush** - Panama; Persian Gulf War
- **Clinton** - Undeclared War in Bosnia
- **W. Bush** - Iraq War; Terrorist Surveillance
- **Obama** - Drone Strikes; DACA
- **Trump** - Russian Inter.; Election Denial



Has the expansion of presidential power created imbalance in our system of Checks and Balances?

Oral Hearing - Presidential Power

Designed for groups of 3-4

Step 1. Delegation of Responsibility: Intra-group discussion determines responsibility for each student/question in the prompt

Step 2. Individual Paragraph: Each student drafts an individual paragraph for their delegated responsibility. Emphasize: clear answer to the question asked, ***factual*** support, and reasoning.

Step 3. Prepared Statement Development: Students collaborate to finalize a three-paragraph prepared statement.

Step 4. Hearings: Each group orally presents their prepared 3-minute statement. All group members expected to speak. A panel of students listen, then questions the presenting group for a maximum of 4 minutes. After the questioning, the panel offer the presenting group constructive feedback.

Today's Oral Hearing Activity - Step 1

Each table will constitute a group. 3 members at that table should be selected to present. Because of time we will shorten the activity in two respects.

- The group will skip steps 1 and 2 and begin with step 3 - development of the prepared statement.
- The group will address only the opinion part of the prompt -
  "*On balance, is the growth of presidential power a healthy or a detrimental development? Why?*"

Your Goal - directly answer the question asked; offer factual support for your answer; demonstrate reasonable connections between the answer and the factual support.

You have 10 minutes to prepare. In that 10 minutes, I will circulate and give each table a number (1 or 2) The number will ultimately determine whether your group presents your statement or acts as a panel. I will also identify a timekeeper for each table. Questions? ***Begin!***

Today's Oral Hearing Activity - Step 2

Step 4 - **Oral Hearings**.

- Arrange your seats facing members of your neighboring group.
- Group number ____ presents their prepared statement in a maximum of two minutes:
- Group number ____ acts as panel - listens to the presentation and offer follow-up with questions.
- The Q&A session is a maximum of three minutes.
- Timekeeper from group number _____ calls time.
- Finally, the panel offers the presenting group constructive feedback.

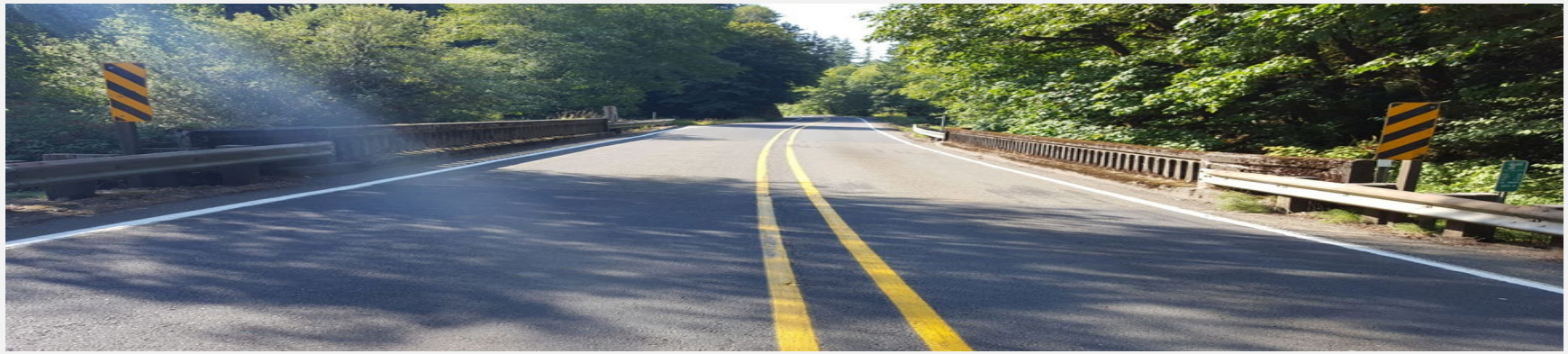
You have 10 minutes to present, question, and offer feedback.

Questions? ***Begin***!

Defense, Prevention, and Guard Rails

- **Defense** - The structure is the first layer of teacher's defense against accusations of bias.
  Student Groups - **Determine the direction of the arguments.**
  Teachers – **Determine the framework that encourages civil discourse**

- **Prevention** - How can you ensure that students will not pursue arguments that veer off the academic road, into a ditch, or worse, off a cliff? Three forms of ***accountability*** provide the guardrails.



Group Mates

Collaboration/Consensus
Argument of 3 or 4
Never an argument of 1

Teacher Assessment

Incentives for Clear Assertions
Factual Support
Rational Connection
Constructive Feedback

Classmates

Presented openly
Audience of peers
Confirmation Bias
Uncertain/Unlikely

We the People: The Citizen and the Constitution

- Initiated in 1987 as part of the bicentennial of the Constitution
- Materials for upper elementary, middle and high school classes, updated every decade
- One of the few social studies programs repeatedly subjected to independent evaluations, which showed that participating students:
  - made significantly greater gains than comparison students in their understanding of core values and principles of democracy, constitutional limits on governmental institutions, and rights and responsibilities of citizenship
  - improved their civic skills, including their ability to analyze issues, debate, persuade, and achieve group consensus
  - "significantly outperformed comparison students" on civics tests, displayed greater political tolerance and were more likely to vote
- Annual statewide *We the People* competition held each January at Rutgers University—with national competition

Go to our website for resources

Contact us at:

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