

Scoring Notes for Secondary Social Studies CBAs (Grades 6-12)

The following rules apply when scoring any of the Social Studies Classroom-Based Assessments (CBAs) for grades 6-12.

1. **Position:** All CBA responses should include a position. In some cases, such as the “Constitutional Issues” CBA, this position is meant to be persuasive. For other CBAs, such as the “Enduring Cultures” CBA, it is the well-reasoned conclusion that the student has drawn about the cultures being examined. In both cases, however, the response must do more than simply restate information. Instead, every CBA response should make a case or argument for looking at a particular issue, topic, or event in a particular way.
2. **Explanation and Analysis for Background, Reasons, or Evidence:** Any required explanation or analysis should include at least one specific detail or example as well as the student’s commentary on how the detail or example relates to the position, issue, or topic being addressed in the CBA response. Just providing commentary or just listing specific details is not adequate to earn a response credit for explaining or analyzing something.
3. **Sources:** All CBAs for grades 6-12 require responses to use and cite 3 or more sources. To be credited for the use and citation of a source, the response must explicitly address the source within the text and provide enough bibliographic information so that an outside reviewer could find the source (e.g., author, title, and url for an online article) or, at least, be able to corroborate the existence of the source (e.g., informal interviews). The only source for which a student does not need to provide bibliographic information is the U.S. Constitution.
4. **A.C.C.E.:** There are four qualities that any CBA response must have to earn credit. In short, they must be accurate, clear, cohesive, and explicit in addressing the relevant concepts.
 - a. **Cohesive:** All parts, paragraphs, or sections of a CBA response must fit together in one cohesive whole. If it is so disjointed that an outside reviewer would not be able to gather the overall position, it cannot earn credit.
 - b. **Clear:** If an outside reviewer cannot follow the points made in a CBA response due to lack of clarity, it cannot be credited.
 - c. **Explicit:** Responses should address concepts and elements required by the rubric in explicit terms. For example, if the rubric requires the response to include a discussion of a particular perspective, it should be clear to an outside reviewer where that discussion is in the response. Credit should not be given to points that require inferences to be made.
 - d. **Accurate:** For a response to earn any credit, the information provided for a particular criterion must be accurate. The following is a supplemental criterion to be used in conjunction with CBA’s rubric when the response contains inaccuracies. In sum, a response should earn no more than a “3” for a particular criterion if there are some minor inaccuracies and no more than a “2” for a particular criterion if there are any major inaccuracies.

| 4 – Excellent | 3 – Proficient | 2 – Partial | 1 - Minimal |
|---------------------------------------|---|--|-------------------------------------|
| The response contains no inaccuracies | The response contains a few minor inaccuracies that do not contradict or weaken the overall response. | The response contains several minor inaccuracies or one or more major inaccuracies that contradict or weaken the overall response. | The response is largely inaccurate. |

5. **Writing:** Conventions, organization, and style are not formally evaluated when using the CBA rubric alone. However, OSPI recommends that teachers use a writing rubric to supplement the scoring of responses to the CBAs.

Scoring Guide for the Middle School Constitutional Issues CBA
(Recommended for 8th Grade)

The following document outlines only some of the many ways students could reach proficiency in responding to this particular CBA. It is meant to provide abbreviated examples of how the rubric works. It is recommended that for each criterion, you begin with Score Point 3 (“Meeting Standard”): it is highlighted because the purpose of the task is to see if students can meet standard (i.e., reach proficiency).

| Criterion A – Position | | |
|---|--|---|
| Score | Score | Sample Response |
| 4 – Excellent (Exceeding Standard) | For a response to earn a “4” for its position, it must <i>not only</i> state a position on the issue that considers both individual rights and the common good but also: <ul style="list-style-type: none"> • Include a call to action. | <i>I believe individuals in the U.S. should be able to own and carry handguns because the 2nd Amendment guarantees our right to do so and it will ultimately make our society a safer place if criminals are not the only with one arms. To ensure that this right is protected, I would call on my fellow citizens to join with the NRA to lobby city councils to repeal the ban on hand guns in most major cities.</i> |
| 3 – Proficient (Meeting Standard) | For a response to earn a “3” for its position, it must state a position on the issue that: <ul style="list-style-type: none"> • considers both individual rights and the common good. | <i>I believe individuals in the U.S. should be able to own and carry handguns because the 2nd Amendment guarantees our right to do so and it will ultimately make our society a safer place if criminals are not the only with one arms.</i> |
| 2 (and below) Partial (Not Meeting Standard) | A response would only earn a “2” for the position criterion if it only considered individual rights or the common good | <i>I believe individuals in the U.S. should be able to own and carry handguns because the 2nd Amendment guarantees our right to do so.</i> |

| Criterion B – Background | | |
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| Score | Score | Sample Response |
| 4 – Excellent (Exceeding Standard) | For a response to earn a “4” for background, it must <i>not only</i> describe the what, who, and why but also: <ul style="list-style-type: none"> • Describe why this issue is important by relating it to a key ideal or constitutional principle. | <i>Numerous groups have been fighting for decades over the meaning of the 2nd Amendment. Banning handguns in cities first began in the early 1900s. Since then, groups like the NRA have sought to repeal these bans while others, including the NRA, have fought to block these bans, particularly in the cities of Boston, New York, and Chicago. This issue is important because it connects with one of the ideals that our founding fathers (and mothers) fought for when establishing this country: freedom. The drafters of the Bill of Rights included the 2nd Amendment stating that “the right to keep and bear arms shall not be infringed” because it was necessary to ensure individuals had the to protect themselves, including from a tyrannical government.</i> |
| 3 – Proficient (Meeting Standard) | For a response to earn a “3” for its background, it must provide background on the issue by describing: <ul style="list-style-type: none"> • what the issue is • who is involved in the issue • why this issue is important. | <i>Numerous groups have been fighting for decades over the meaning of the 2nd Amendment. Banning handguns in cities first began in the early 1900s. Since then, groups like the NRA have sought to repeal these bans while others, including the NRA, have fought to block these bans, particularly in the cities of Boston, New York, and Chicago. This issue is important because it affects the safety of so many people in the country.</i> |
| 2 (and below) Partial (Not Meeting Standard) | A response would only earn a “2” for the background criterion if it was missing the what, who, or | <i>Numerous groups have been fighting for decades over the meaning of the 2nd Amendment. Banning handguns in cities first began in the early 1900s. Since then, groups like the NRA have sought to repeal these</i> |

* Note: The source references and citations used in the sample credited responses are only meant to serve as illustrations of how the rubric works. They are not actual sources.

| | | |
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| Standard) | why of the issue. | <i>bans while others, including the NRA, have fought to block these bans, particularly in the cities of Boston, New York, and Chicago.</i> |
|-----------|-------------------|--|

| Criterion C – Reasons & Evidence | | |
|--|--|--|
| Score | Score | Sample Response |
| 4 – Excellent (Exceeding Standard) | For a response to earn a “4” for reasons and evidence, it must <i>not only</i> include the elements necessary to score a “3” (see below) but also provide an explanation of how a second piece of credible information logically supports the position on the issue. | <i>As stated, the 2nd Amendment states that “the right to keep and bear arms shall not be infringed.” Several Supreme Court cases have debated whether this right extends to individuals. I agree with XX’s argument in the recent case YY when she says that, of course, this is an individual right because ZZ. Given this argument, cities that try to ban hand guns are acting unconstitutionally. (Miers, 2008). A recent study by the American Enterprise Institute indicates that people living in cities without a handgun ban are less likely to be a victim of gun violence than those living in cities with a ban on handguns.</i> |
| 3 – Proficient (Meeting Standard) | For a response to earn a “3” for its reasons and evidence, it must provide evidence that includes: <ul style="list-style-type: none"> • An explanation of how a constitutional principle logically supports the position on the issue. AND • An explanation of how one additional piece of credible information logically supports the position on the issue. | <i>As stated, the 2nd Amendment states that “the right to keep and bear arms shall not be infringed.” Several Supreme Court cases have debated whether this right extends to individuals. I agree with XX’s argument in the recent case YY when she says that, of course, this is an individual right because ZZ. Given this argument, cities that try to ban hand guns are acting unconstitutionally. (Miers, 2008).</i> |
| 2 (and below) Partial (Not Meeting Standard) | For a response to earn a “2” for its reasons and evidence, it provides evidence that includes EITHER: <ul style="list-style-type: none"> • An explanation of how a constitutional principle logically supports the position on the issue. OR • An explanation of how one additional piece of credible information logically supports the position on the issue. | <i>As stated, the 2nd Amendment states that “the right to keep and bear arms shall not be infringed.”</i> |

| Criterion D – Referencing & Citing Sources | | |
|--|---|---|
| Score | Score | Sample Credited Source Reference & Citation |
| 4 – Excellent (Exceeding Standard) | For a response to earn a “4” for sources, it must include references to and citation for four or more credible sources. | <i>I agree with XX’s argument in the recent case YY when she says that, of course, this is an individual right because ZZ. Given this argument, cities that try to ban hand guns are acting unconstitutionally. (Miers, 2008).</i> |
| 3 – Proficient (Meeting Standard) | For a response to earn a “3” for its citing of sources, it must: <ul style="list-style-type: none"> • Make explicit references within the paper or presentation to three credible sources that provide relevant information. • Cite sources within the paper, presentation, or bibliography. | <i>Works Cited Miers, H. (2008). 2nd Amendment for All? Time. (NOTE: This is only one credited source. To reach proficiency, a response would need to cite and reference THREE sources. In addition, it is recommended that teachers have a designated format for referencing and citing sources.)</i> |
| 2 (and below) Partial (Not Meeting Standard) | A response would earn a “2” for the sources criterion if it only referenced and cited 2 sources. | |

Sample Student Response #1 – MS Constitutional Issues - “Hamdi vs. the U.S. Government”

The issue in this case is whether Yassim Hamdi, a citizen of both the U.S. and Afghanistan, should be imprisoned indefinitely without a trial, for suspicions of being an unlawful combatant and in cahoots with a terrorist group. It is important that this case is acknowledged because it would set the grounds for all other cases like it. If it is decided the he can be denied the right to a fair trial, then it basically gives the United States government permission to label anyone they please as an unlawful combatant and send them off to Guantanamo Bay, where they would be held indefinitely without a trial. The government is violating Hamdi’s Civil Rights to a fair and an attorney. He may be an Afghani citizen, but that does not cancel out his American citizenship. So looking at this case from a legal standpoint, denying him any of the rights that the Constitution ensures he will have, is completely unethical. Also ignoring the Democratic Ideal of Equality is shameful. The government should not be able to take away the rights of anyone, even if they believe them to be an Al-Qaeda affiliate.

In this case the United States government believes that Hamdi is an unlawful combatant, which would give them the right to hold him indefinitely. They also believe he was plotting to do harm because he was found on enemy soil. Hamdi, however, believes that the way he was treated is unfair. He was deprived of a trial by jury and did not get a speedy, public trial. The right to Justice was also ignored in his case.

In the case of Hamdi v. U.S. Government, I rule in favor of Hamdi for the following reasons. First of all he was not allowed to have a speedy trial by jury. Second, he was not awarded equal protection and due process. And lastly, he was denied Civil Rights.

The first, sixth, and seventh amendments to the constitution guarantee the right to a speedy trial by jury, which Yassim has yet to receive. Without a public trial by jury, it is more difficult to monitor the legality of the trial. In the exact words of the constitution (Article 3, Section 2) “The trial of all crimes, except in cases of impeachment, shall be by jury.” Instead of a public trial by jury, the government has tried to conduct Military Tribunals for those accused of being unlawful combatants. This, in every way, contradicts the claims by Donald Rumsfeld (secretary of defense) that terrorist groups are not official militants. To add to the illegitimacy of this situation, a witness has yet to come up and testify against Hamdi. Without a witness, it proves that the government can allege claims against anyone without proof and hold them without trial indefinitely. Also, according to written law, two witnesses are required to come forward with claims against the suspect to label him as an unlawful combatant. Since he shouldn’t legally be able to be held as an unlawful combatant, he should be considered a Prisoner of War, and be required to have an attorney and a fair trial.

The framers of the Constitution would have said that everyone has the right to be brought in front of a judge. A direct quote from the Bill of Rights says, “Officials are required to bring a person whom they have arrested before a judge in the court of law.” The quote applies to “a person” and does not specify who exactly is included as these “people”. Therefore we should assume the law is for everyone, even unlawful combatants. Odds are most of the “unlawful

Comment [cp1]: Criterion B – Background – Explains what the issue, who is involved, and why the issue is important.

Comment [cp2]: Criterion A – Position: States a position.

Comment [cp3]: Criterion A – Position: Position considers individual rights

Comment [cp4]: Criterion A – Position: States a position.

Comment [cp5]: Criterion D – Sources: Accurately quotes the Constitution.

Comment [cp6]: Criterion C – Reasons/Evidence: Uses a constitutional principle to support the position.

Comment [cp7]: Criterion C – Reasons/Evidence: The response cannot receive a 4 because it has minor inaccuracies such as this inaccurate quoting of the Bill of Rights.

combatants” are of Middle Eastern decent and are classified as terrorist partially because of their ethnicity. This is an issue because in the past, white men have been favored greatly over other sexes and races when it came to rights. The right to a fair trial was implemented to ensure no class or race was favored over another. The framers of the Constitution were diligent in their beliefs that everyone deserved a trial by jury. They liked the idea so much that they mentioned it twice in the Constitution. It is the framers’ wish that everyone receive a trial by jury. The argument against this is that Hamdi poses a possible treat to America. But it is logical to say that in times of war or conflict, the majority should not be awarded the right to imprison or take away rights of others based on fear. If we would have followed this guideline in the past, this country could have avoided some embarrassing moments. An example of this is the 1942 catastrophe after the Pearl Harbor bombing. The United States military was ordered to round up people of Japanese heritage and hold them in custody on no other chargers but of being Japanese decent. Two thirds of the refugees were U.S. citizens. They were not given the right to a trial or an attorney. What these unlucky people didn’t know was according to the Constitution, unless the government has incrimination proof; any person who is being held can demand the writ of habeas corpus, which is a guarantee against indefinite detention.

Finally, individual rights would be more important than common welfare in this situation for two reasons. This first is Yassim Hamdi was not caught in the act of doing anything illegal, so he has not proven to be a danger to the public. In the case write-up, it said “The U.S. government alleged that Hamdi was in Afghanistan fighting for the Taliban.” At the time, our nation was not at war with Afghanistan, so his alleged membership to this group should be irrelevant. Also, shouldn’t he legally be considered less dangerous than someone charged with assault or murder? All people who commit heinous crimes such as these are given the right to a fair trial, so why should Hamdi, who hasn’t done anything illegal, be denied his basic rights? The second reason why individual rights should be protected over common welfare is the right to a trial itself would not in fact endanger anyone. If Hamdi was found to be guilty of a crime, he would merely be appointed with a fair and reasonable jail time. If he was found innocent, it would be very easy to assign an ankle monitor to him, which would alert others of his potential danger and provide a way to track his activities.

As you can see, the treatment that Yassim Hamdi has received is in every way unconstitutional and in violation of his personal rights. Labeling him as an unlawful combatant is not only wrong, but it has not even been confirmed by a reliable witness, or any witness at all, that he was taking part in any illegal activity. To hold him indefinitely is against the law and, in my opinion, un-American in every aspect. If we allow this treachery to take place, who’s to tell that other abominations will follow. I am not saying Mr. Hamdi’s case should be dismissed in a care-free manner, but if the United States legal system works half as well as we are lead to believe, Hamdi’s case should be easily dealt with in a constitutional fashion. Saddam Hussein (who took the lives of countless innocent people) was allowed to have a fair, public trial, yet the government is denying a U.S. citizen their basic rights because of alleged terrorist affiliation. Since when has it been acceptable to imprison someone for what they might do in the future? Yes, there is a chance that Hamdi might have become a threat, but on legal grounds there is hardly enough reason to imprison him, let alone deprive him of his freedom. So please, if you have any respect for the written law, I urge you to take the moral high ground by enforcing it fairly.

Comment [cp8]: Criterion B – Background: Relates the issue to a larger constitutional principle.

Comment [cp9]: Criterion C – Reasons/Evidence: Provides an additional piece of credible information to support the position.

Comment [cp10]: Criterion A – Position: Position considers the common good.

Comment [cp11]: Criterion A – Position: Student comes close to issuing a “call to action” but it is not sufficiently clear or specific.

Scoring Matrix - Middle School - Constitutional Issues - Paper: #1

“Hamdi vs. the U.S. Government”

CRITERION A

The response earns a 3 for its Position. The response states a position (“I rule in favor of Hamdi because he was denied civil rights”) and the position considers individual rights (Hamdi’s civil right to a fair trial) and the common good (second-to-last paragraph: the trial would not endanger us and Hamdi is not a danger to the public). However, no further credit can be awarded as th position never includes a call to action.

| Position – Common Good & Individual Rights & Call to Action CRITERION: | | |
|---|-------------------|---|
| | Yes or No? | Comments |
| States a position on the issue that... | Yes | I rule in favor of Hamdi because he was denied civil rights. |
| ...considers individual rights | Yes | The govt is violating Hamdi’s civil right to a fair trial and an attorney. |
| ...considers the common good | Yes | Second to last paragraph – the right to a trial itself would not in fact endanger anyone – Hamdi has not proved himself to be a danger to the public |
| ...includes a call to action | No | Asking the judge to rule in a particular way does not count as a call to action. However, students could talk about what civic actions they would take if the court ruled against them. |

Score: 3

CRITERION B

The response earns a 4 for Background. It provides background on the issue and defines the issue by what the issue is (right to trial for unlawful combatant), who is involved in the issue (Hamdi, a citizen of Afghanistan), and why it is important (this case will “set the grounds for all other cases like it.”) The response also explains how this issue is important by relating it to a constitutional principle (trial by jury). As each of these is accurately explained within the context of the background on the issue, each is credited.

| Background – Defining Issue/ Relating to Rights & Common Good CRITERION: | Yes or No? | Accurate? | Comments |
|---|-------------------|------------------|---|
| Provides background on the issue by defining... | Yes | | Clear discussion of the details of the case |
| ...what the issue is. | Yes | | Explains that the case is about the right to a trial |
| ... who is involved in the issue | Yes | | Explains who Hamdi is. |
| ... why this issue is important... | Yes | | Explains that this case will “set the grounds for all other cases like it.” |
| ...by relating it to a key ideal or constitutional principle. | Yes | | Relates to Founders’ discussion of the right to a trial by jury |

Score: 4

CRITERION C

The response earns a 3 for Reasons and Evidence. The response provides reasons for the position (the country could avoid another embarrassing moment). It also explains how a constitutional principle logically supports the position on the issue (Article III, Section II and “trial by jury” are both quoted appropriately and used to support the position). In addition, the response uses additional credible information to support the position (avoid the embarrassment like the U.S. with the internment of Japanese-Americans during World War II). The response cannot earn a 4 for this criterion, however, because it contains some minor inaccuracies when attempting to support the position (the quote from the Bill of Rights is not accurate neither is the discussion of the 1st Amendment). Hence, the response earns a 3 for this criterion.

| Reasons/Evidence – Principles and Policies/Cases CRITERION: | Yes or No? | Accurate? | Comments |
|---|-------------------|------------------|---|
| Provides reason(s) for the position supported by evidence. | Yes | | Country could avoid another embarrassing moment (Japanese Internment); |
| The evidence includes... ...An explanation of how a constitutional | Yes | | Article III, Section 2 – quoted accurately and appropriately; Trial by jury referenced in the |

| | | | |
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| principle logically supports the position on the issue. | | | Constitution twice |
| ...An explanation of how one additional pieces of credible information logically support the position on the issue. | Yes | | Reason to rule in favor of Hamdi: avoid embarrassment (analogous to Japanese internment) |
| ...An explanation of how a SECOND additional piece of credible information logically support the position on the issue. | | | The student cannot receive a four because the paper has some minor inaccuracies (e.g., 1 st Amendment reference is inaccurate, direct quote from Bill of Rights that does not exist) |

Score: 3

CRITERION D

This response earns a 1 for Sources. The response cites two parts of the Constitution, which counts as source. While other sources may have been used to complete this response, none are used and cited in the response or in a bibliography and thus, the response cannot earn more than one point for this criterion.

| Credible Sources CRITERION: | | | | | |
|--|---------------------|--|----------------------------------|--------------------------|---------------------------------------|
| Task | Yes/ No? | Paraphrases/ Quotes Source? | Relevant/ Supportive? | Cites Source? | Comments |
| Makes an explicit reference to a FIRST source | Yes | Yes | Yes | Constitution | Constitution – Article III, Section 2 |
| Makes an explicit reference to a SECOND source | No | | | | |
| Makes an explicit reference to a THIRD source | No | | | | |
| Makes an explicit reference to a FOURTH source | No | | | | |
| OTHER SOURCES | | | | | |

Score: 1

Sample Student Response #2 – MS Constitutional Issues - Atkins v. Virginia

On August 16, 1996, Daryl Atkins and William Jones drove to a nearby convenience store, the day before had been spent drinking and getting high on marijuana. They robbed and abducted Eric Nesbitt, driving to a nearby ATM after finding out he only have \$60 on him. They had Nesbit withdraw \$200, then drove out to a secluded area and shot him eight times. After being arrested, in the court room Atkins was said to be “mildly mentally retarded.” This specific unfortunate event is arguably cast into the category of “cruel and unusual punishment.” Should a “mildly mentally retarded” person be an exception to the death penalty? In this particular case, “justice” applies because both Atkins and Jones are human beings and should be held accountable for their actions. ideas in the Preamble: Atkins is a proven risk to society, and it would be in the best interest of the people if he were no longer around.

The two groups of people affected by this issue are Atkins and the state of Virginia. Atkins’ group believes that he shouldn’t get the death penalty, claiming that it would be “cruel and unusual punishment” to execute a “mildly mentally retarded” man. They also believe that Atkins should not be held accountable for his actions. However, the state of Virginia has an obligation to treat everyone equally. They believe that Atkins is a risk to the community and should be held liable for this crime.

In the case of Atkins v. Virginia, I rule in favor of Virginia for the following reasons. First, all men were created equal, and that fact must be upheld within the court room. Secondly, Atkins is said to be of at least average intelligence, and should be held accountable for his actions. Lastly, Atkins is a proven risk to society, based on a string of other convictions which have landed him in jail many times before.

As it says in the 14th amendment, everyone has the right to equal life, liberty, and property. I believe that Atkins should not be summarily excused for his abnormality. Granted, his IQ is arguably low; we believe that he should be held accountable for the crime he has committed. If you are capable of buying drugs, driving to a store, abducting, robbing, and shooting a man eight times, you should be able to be punished for it. This crime was committed in a particularly vile manner. Atkins has, in fact, spent time in jail before. A string of previous violent convictions has landed him in jail a number of times, and he has been proven a future risk to the community. I believe that we should not make any exceptions, especially when the safety of the people is at risk.

The Founders would have said that all men are created equal. As it clearly states in the Declaration of Independence, all men are created equal and have the inalienable rights of life liberty and the pursuit of happiness. Although Atkins’ IQ test results portrayed a fairly low score of 59 that is no reason to single him out. If he were to be treated differently, think of all the people in the future who will use this as a ploy in their own cases. Aren’t all men created equal? How is it we are to determine who should die and who should get off scot free? Is it really fait that a man with an IQ of 70 can get the death penalty, but ay man who scores under that doesn’t apply? There was also a testimony given at Atkins’ trial by the state witness, Dr. Stanton Samenow. Dr. Samenow told the court that Atkins’ vocabulary, behavior, and general knowledge suggests that he is of at least average intelligence. Think about this, Atkins was able to go through a series of complicated events knowing full well that he was doing the wrong thing. The state’s witness, Dr. Samenow, testified under oath saying that Atkins was of at least average intelligence. To let a killer off the hook would be unjust.

Finally, the General Welfare of America today calls for the protection of the citizens. It would be in the best interest of the community if Atkins got the death penalty. He is a risk of “future dangerousness,” a proven risk to the community. He has a history of being violent and has committed many crimes, ending up in jail more than once. One of the most important facts in this case is that Atkins made a confession to one of his former cell-mates.

Comment [c12]: Criterion B – Background: Student explains the who and the what of the case. In addition, the student explains why this case is important by relating it to a constitutional principle.

Comment [c13]: Criterion A – Position: The states a clear position related to a public issue: whether or not someone who has mild mental retardation should be eligible for capital punishment. Other parts of the student’s position deal specifically with why Atkins, in this particular case, should be executed – this, however, does not count as a position on a public issue and thus, is not considered for scoring this CBA.

Comment [c14]: Criterion A – Position: Student addresses how this position addresses individual rights.

Comment [c15]: Criterion A – Position: Student addresses how this position addresses the common good.

Comment [c16]: Criterion D – Sources: The response receives credit for accurately and appropriately citing the Constitution.

Comment [c17]: Criterion C - Reasons and Evidence: The response provides reasons for the position and references the general welfare clause and the 14th Amendment. However, it does not adequately explain how these constitutional principles support the position that Atkins should receive the death penalty.

Comment [c18]: Criterion D – Sources: The response receives credit for accurately and appropriately citing the Declaration of Independence.

Comment [c19]: Criterion C – Reasons and Evidence: Dr. Samenow’s testimony explains why Atkins should be executed but does not provide support for the larger position that people with mental retardation should be eligible for capital punishment.

Comment [c20]: Criterion C – Reasons and Evidence: Again, the response provides evidence for why Atkins is guilty of the crime but does not specifically address the larger position of why people with mental retardation should be eligible for capital punishment. Moreover, the response does not explain why imprisonment without parole would be less effective in protecting the general welfare.

The unnamed cell-mate claimed that Atkins had confessed to shooting Eric Nesbit on August 16th. Murderers should not be allowed into the community. There are a number of inconsistencies in Atkins' version of event, while Jones' version was coherent and credible. Jones is now serving a life sentence; a deal he got in exchange for a testimony against Daryl Atkins. So now we have a confession, professional viewpoint, and a dangerous man that is a proven risk to society. What do you think we should do to keep the citizens safe?

In regards to the shooting death of Eric Nesbit, I believe that Daryl Atkins should receive the death penalty. A man of average intelligence, followed by a string of violent crimes and previous convictions, he would be a potential danger to the community. He has been convicted of many offenses; offenses that have become more and more violent throughout the years. We cannot let this man get off just because he is a few IQ points under the execution line.

Scoring Matrix - Middle School - Constitutional Issues - Paper: #2

CRITERION A

The response earns a 3 for its Position. The response states a position on a public issue (even though Atkins is mildly mentally retarded, he should be executed) and the position considers individual rights (equal treatment) and the common good (Atkins is a proven risk to the community; “General Welfare of America”). However, no further credit can be awarded as the position never includes a call to action.

| Position – Common Good & Individual Rights & Call to Action CRITERION: | | |
|---|-------------------|---|
| | Yes or No? | Comments |
| States a position on the issue that... | Yes | Atkins should be executed – a ruling in favor of Virginia. |
| ...considers individual rights | Yes | Discussion of equal treatment – Virginia has an obligation to treat everyone equally. |
| ...considers the common good | Yes | Best interest of the community; a proven risk to the community; “General Welfare of America” |
| ...includes a call to action | No | Other than calling the judges to action; possible calls to action = if the judge does not give Atkins the death penalty, the student could call for the legislature to take action and restrict the judge’s choices |

Score: 3

CRITERION B

The response earns a 4 for Background. It provides background on the issue and defines the issue by what the issue is (should a mildly mentally retarded individual be eligible to receive the death penalty?), who is involved in the issue (Atkins and the state of Virginia), and why it is important (relates to the general welfare and the idea that all men are created equal). The response also explains how this issue is important by relating it to a key ideal (“all men are created equal” as stated in Declaration of Independence). As each of these is accurately explained within the context of the background on the issue, each is credited.

| Background – Defining Issue/ Relating to Rights & Common Good CRITERION: | Yes or No? | Accurate? | Comments |
|--|------------|-----------|--|
| Provides background on the issue by defining... | Yes | | Describes the details of the case |
| ...what the issue is. | Yes | | Should a mildly mentally retarded individual be eligible to receive the death penalty? |
| ... who is involved in the issue | Yes | | Discussion of Atkins is thorough (also references to Virginia) |
| ... why this issue is important... | Yes | | Discussion of “General Welfare of America” and “all men are created equal” |
| ...by relating it to a key ideal or constitutional principle. | Yes | | “Declaration of Independence” states that “all men are created equal” |

Score: 4

CRITERION C

The response earns a 1 for Reasons and Evidence. The response meets the basic requirements for this criterion by providing reasons for the position (Atkins should be executed because of the need for equal treatment and because of possible precedent). It also references the general welfare clause and the 14th Amendment. However, it does not adequately explain how these constitutional principles support the position that Atkins should receive the death penalty. In addition, while the response references other reasons, some only address the narrow specifics about why Atkins specifically should be executed and do not address the larger position of why someone who is mildly mentally retarded should be eligible for the death penalty (e.g., Dr. Samenow’s testimony). The response can only be credited for reasons related to the constitutional issue of whether a person who is mildly mentally retarded should be eligible for execution. For other reasons, no specific evidence is provided (e.g., evidence that not giving Atkins the death penalty would create a dangerous precedent). Hence, the response earns a 1 for this criterion.

| Reasons/Evidence – Principles and Policies/Cases CRITERION: | Yes or No? | Accurate? | Comments |
|---|------------|-----------|--------------------------------------|
| Provides reason(s) for the position supported by evidence. | Yes | | Equality; Dangerous Future Precedent |

| | | | |
|---|----|--|--|
| The evidence includes... ...An explanation of how a constitutional principle logically supports the position on the issue. | No | | The discussion of the 14 th Amendment is not adequately explained. The student does not demonstrate that they clearly understand how this amendment relates to this particular case. A discussion of the 8 th Amendment may be better connected to the actual case. |
| ...An explanation of how one additional pieces of credible information logically support the position on the issue. | No | | Testimony from Dr. Samenow does not support the general idea that people who are mentally retarded should be eligible for the death penalty – instead, it supports the more narrow point that Atkins deserves to be executed (which is not the stated point of this “Constitutional Issues” CBA); other reasons are not supported with specific evidence |
| ...An explanation of how a SECOND additional piece of credible information logically support the position on the issue. | | | |

Score: 1

CRITERION D

This response earns a 2 for Sources. The response cites the 14th Amendment of the Constitution, which counts as source. The response also cites the Declaration of Independence. While other sources may have been used to complete this response, none are used and cited in the response or in a bibliography and thus, the response cannot earn more than two points for this criterion.

| Credible Sources CRITERION: | | | | | |
|--|---------------------|--|----------------------------------|----------------------|---|
| Task | Yes/ No? | Paraphrases/ Quotes Source? | Relevant/ Supportive? | Cites Source? | Comments |
| Makes an explicit reference to a FIRST source | Yes | Yes | Yes | | Declaration of Independence |
| Makes an explicit reference to a SECOND source | Yes | Yes | Yes | | Constitution – 14 th Amendment |
| Makes an explicit reference to a THIRD source | | | | | |
| Makes an explicit reference to a FOURTH source | | | | | |
| OTHER SOURCES | | | | | |

Score: 2

Sample Student Response #3 – MS Constitutional Issues --The Patriot Act-

CBA Topic/Question: Should the government have access to your personal communication without a warrant?

Imagine that you have lived in America for 7 years, you came here from Iran. But as soon as the Patriot Act was passed the government started listening to your conversations, reading your email, and tapping your phones. How would that make you feel? Would you feel betrayed by your government, and your country?

I think certain sections in the Patriot Act should be illegal. Some of the elements of the Patriot Act include powers granted to law enforcement to gain access in secret to library and medical records and other personal data during investigations of suspected terrorist activity. The law also allows government to conduct roving wiretaps involving multiple phones and to wiretap "long wolf" terrorists who may operate on their own.

Comment [c21]: Criterion A – Position: The response clearly states a position on the issue.

Comment [c22]: Criterion B – Background: The response explains what the issue is about.

Liberty, Equality, and Pursuit of Happiness are important democratic ideals that are incredibly important in the making and survival of our country. Some of these ideal are being broken with the Patriot Act. Liberty is a person's freedom of choice, and the people have the right to chose to let the government spy on them. Equality is all people being equal no matter what religion, race, or sex. Just because some people are from Iraqi descent does not mean they are terrorists. Finally a person's pursuit of happiness would be disrupted if they had the government listening and watching everything they do. All of these ideals are in the Declaration of Independence.

Comment [c23]: Criterion B – Background: The response relates the issue to larger democratic ideals.

Comment [c24]: Criterion A – Position: The position considers individual rights.

Comment [c25]: Criterion C – Reasons and Evidence: The response provides a reason for the position but it is not supported with a specific piece of credible information.

I do agree that the Patriot Act may be saving us from countries and people who might want to do us harm. "We have more to dear from terrorism then we do from this Patriot Act." Senate Majority Leader Bill Frist warned. (www.cbsnews.com) "As the 9/11 Commission pointed out, it was clear that terrorist inside the United States were communicating with terrorist abroad before the September the 11th attacks, and the commission criticized our nation's inability to uncover links between terrorists here at home and terrorists abroad. Two of the terrorist hijackers who flew a jet into the Pentagon, Nawaf al Hamzi and Khalid al Mihdar, communicated while they were in the United States to other al Qaeda members overseas. But we didn't know they were here until it was too late." (www.qoae.net) But even if the Patriot Act is helping us, it is hurting the common good at the same time. The Patriot Act has created a class of criminal investigations that now can sidestep the Fourth Amendment of the Constitution. The Fourth Amendment states that "no warrants shall issues, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons of things to be seized." The government is not paying attention to any of this. Another Constitutional principle that this issue addresses is Rule of Law. With the Patriot Act the government is not following the laws it has made. Everybody is under the law, even the government.

Comment [c26]: Criterion D – Sources: The response does not adequately quote or paraphrase the Declaration of Independence to be credited.

Comment [c27]: Criterion D – Sources: The response cites the cbsnews.com article and provides adequate bibliographic information to receive credit for this source.

Comment [c28]: Criterion B – Background: The response addresses some of the people involved with the issue.

Comment [c29]: Criterion A – Position: The response mentions the common good but does not explain clearly how it connects with the position.

Comment [c30]: Criterion D – Sources: The response quotes the Constitution.

Comment [c31]: Criterion C – Reasons and Evidence: The response references both the 4th Amendment and the rule of law but does not adequately explain how constitutional principles supports the position.

So in summary I state my position again. Certain sections of the Patriot Act should be illegal, such as Section 215. I think a solution to the problem us to create a new Act, minusing the certain sections. I think doing this would benefit the common good.

Comment [c32]: Criterion A – Position: The response does not include a call to action. One could be added to their conclusion.

Reference Page:

Article Title: Debate on Patriot Act

www.cbsnews.com

<http://www.cbsnews.com/stories/2006/12/16/politics/main1132164.shtml>

Article Title: Bush Responds

www.qoae.net

<http://www.qoae.net/posts/1134845204.shtml>

Scoring Matrix - Middle School - Constitutional Issues - Paper: #3

CRITERION A

The response earns a 2 for the Position. The response states a position on a public issue (Sections of PATRIOT Act should be illegal) and the position considers individual rights (Liberty, Pursuit of Happiness). However, although the response references the common good (the Patriot Act is hurting the common good), the response does not clearly explain this point. In addition, the position never includes a call to action. Hence, the response can earn no more than 2 points for this criterion.

| Position – Common Good & Individual Rights & Call to Action CRITERION: | | |
|---|-------------------|--|
| | Yes or No? | Comments |
| States a position on the issue that... | Yes | Sections of PATRIOT Act should be illegal (unclear what exactly should be changed) |
| ...considers individual rights | Yes | Liberty, Pursuit of Happiness |
| ...considers the common good | No | p. 4 No explicit connection? |
| ...includes a call to action | No | While it states the need to create a new act “minusing” certain sections, it does not explain how citizens can get involved to effect that change. |

Score: 2

CRITERION B

The response earns a 4 for Background. It provides background on the issue and defines the issue by what the issue is (describes PATRIOT Act and refers to 9/11 attacks in first two paragraphs), some of the people involved in the issue (Bill Frist, 9/11 Commission), and why it is important (Patriot Act is saving us from other countries). The response also explains how this issue is important by relating it to key ideals (Liberty, Equality, and Pursuit of Happiness). As each of these is accurately explained within the context of the background on the issue, each is credited.

| Background – Defining Issue/ Relating to Rights & Common Good CRITERION: | Yes or No? | Accurate? | Comments |
|---|-------------------|------------------|--|
| Provides background on the issue by defining... | Yes | Yes | Describes PATRIOT Act, refers to 9/11 attacks |
| ...what the issue is. | Yes | | Patriot Act = 1 st and 2 nd paragraphs |

| | | | |
|---|-----|--|---|
| ... who is involved in the issue | Yes | | Paragraph 3- 4 th Amendment |
| ... why this issue is important... | Yes | | Patriot Act is saving us from other countries |
| ...by relating it to a key ideal or constitutional principle. | Yes | | Liberty, Equality, and Pursuit of Happiness |

Score: 4

CRITERION C

The response earns a 1 for Reasons and Evidence. The response meets the basic requirements for this criterion by providing reasons for the position (sidestepping the 4th Amendment). However, while it references the 4th Amendment, it does not adequately explain how a constitutional principle supports the position that the Patriot Act should be changed. The response also references the rule of law, but it does not adequately explain how the principle supports the position. In addition, the response states a reason for its position by explaining that “Liberty is a person’s freedom of choice, and the people have the right to chose to let the government spy on them” but this reason is not supported with a specific piece of credible information. Hence, the response earns a 1 for this criterion.

| Reasons/Evidence – Principles and Policies/Cases CRITERION: | Yes or No? | Accurate? | Comments |
|---|------------|-----------|--|
| Provides reason(s) for the position supported by evidence. | Yes | | Sidestepping 4 th Amendment |
| The evidence includes... ...An explanation of how a constitutional principle logically supports the position on the issue. | No | | Discussion of the 4 th Amendment – does not address a principle with any explicitness |
| ...An explanation of how one additional pieces of credible information logically support the position on the issue. | No | | |
| ...An explanation of how a SECOND additional piece of credible information logically support the position on the issue. | No | | |

Score: 1

CRITERION D

This response earns a 2 for Sources. The response cites the Constitution (4th Amendment), which counts as source. It also cites the cbsnews.com source within the paper and provides adequate information on this source in its bibliography and thus, receives credit for this source. The response references parts of the Declaration of Independence but it is not credited because the source is not adequately quoted or paraphrased. While other sources may have been used to complete this response, none are used and cited in the response or in a bibliography and thus, the response cannot earn more than two points for this criterion.

| Task | Yes/ No? | Paraphrases/ Quotes Source? | Relevant/ Supportive? | Cites Sources? | Comments |
|--|-------------|--------------------------------|--------------------------|----------------|---|
| Makes an explicit reference to a FIRST source | Yes | Yes | Yes | Yes | Constitution |
| Makes an explicit reference to a SECOND source | Yes | Yes | Yes | Yes | Bill Frist from cbsnews.com – it was in quotes and the student shows the source of this information |
| Makes an explicit reference to a THIRD source | Yes | No | | | Declaration of Independence is not credited because it is not paraphrased. |
| Makes an explicit reference to a FOURTH source | | | | | |
| OTHER SOURCES | | | | | |

Score: 2